

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
BRIAN TODD WEBB,  
Respondent.

No. 89715

**FILED**

APR 17 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an interlocutory appeal from a district court order granting respondent Brian Todd Webb's motion to suppress. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

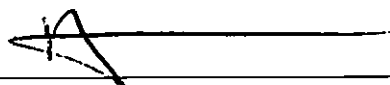
Webb was charged with two counts of the unlawful possession for sale of schedule I or II controlled substances. Police found quantities of methamphetamine and fentanyl when they searched a vehicle, in which Webb was a passenger, following a traffic stop. Webb argued that the vehicle search was unconstitutional and moved to suppress the evidence seized during the search. The district court agreed with Webb and entered an order suppressing that evidence. The State appeals.

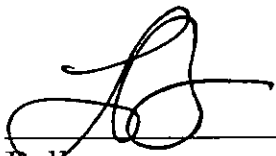
The State's right to appeal from a pretrial order granting a motion to suppress "is not absolute." *State v. Brown*, 134 Nev. 837, 838, 432 P.3d 195, 197 (2018). NRS 177.015(2) "requires the State to first show 'good cause' before this court will consider the merits of an appeal." *Id.* This entails "mak[ing] a preliminary showing of the propriety of the appeal and whether there may be a miscarriage of justice if the appeal is not entertained." NRS 177.015(2). The "propriety of the appeal" requires showing that the appeal has not been taken to cause delay, and a

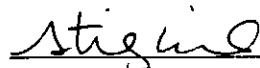
"miscarriage of justice" requires the State to explain what other evidence is available and whether that evidence would suffice to convict the defendant. *Brown*, 134 Nev. at 839-40, 432 P.3d at 198. Accordingly, this court ordered the State to file points and authorities addressing the propriety of the appeal and whether a miscarriage of justice might occur without appellate review.

The State's "good cause statement" does not address the relevant standard. Instead, the State solely argues about the merits of the suppression motion and the proceedings below. Insofar as the statement mentions the propriety of the appeal, it states that the appeal is appropriate because of purported errors by the district court. This is not what NRS 177.015(2) requires. The statement also lacks discussion of any miscarriage of justice or what other evidence exists. Given that the State has failed to make the required preliminary showings, we conclude that the State has failed to demonstrate good cause for this court to entertain the appeal. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Herndon

  
\_\_\_\_\_, J.  
Bell

  
\_\_\_\_\_, J.  
Stiglich

cc: Hon. Michael Montero, District Judge  
Attorney General/Carson City  
Humboldt County District Attorney  
Nevada State Public Defender's Office  
Miller Law, Inc.  
Humboldt County Clerk