

APPEALS TO DISTRICT COURT

Appeal by Defendant

NRS 189.010 Appeal must be taken within 10 days. Except as otherwise provided in [NRS 177.015](#), a defendant in a criminal action tried before a justice of the peace may appeal from the final judgment therein to the district court of the county where the court of the justice of the peace is held, at any time within 10 days from the time of the rendition of the judgment.

[1911 Cr. Prac. § 662; RL § 7512; NCL § 11309]—(NRS A 1995, 1536)

NRS 189.020 Notice of intention to appeal: Filing and service; stay of judgment pending appeal.

1. The party intending to appeal must file with the justice and serve upon the district attorney a notice entitled in the action, setting forth the character of the judgment, and the intention of the party to appeal therefrom to the district court.

2. Stay of judgment pending appeal is governed by [NRS 177.105](#) and [177.115](#).

[1911 Cr. Prac. § 663; RL § 7513; NCL § 11310]—(NRS A 1967, 1467)

NRS 189.030 Transmission of transcript, other papers, sound recording and copy of docket to district court.

1. The justice shall, within 10 days after the notice of appeal is filed, transmit to the clerk of the district court the transcript of the case, all other papers relating to the case and a certified copy of the docket.

2. The justice shall give notice to the appellant or the appellant's attorney that the transcript and all other papers relating to the case have been filed with the clerk of the district court.

3. If the district judge so requests, before or after receiving the record, the justice of the peace shall transmit to the district judge the sound recording of the case.

[1911 Cr. Prac. § 664; RL § 7514; NCL § 11311]—(NRS A 1973, 631; 1979, 1512)

NRS 189.035 Procedure where transcript defective.

1. Except as provided in subsection 2, if the district court finds that the transcript of a case which was recorded by sound recording equipment is materially or extensively defective, the case must be returned for retrial in the justice court from which it came.

2. If all parties to the appeal stipulate to being bound by a particular transcript of the proceedings in the justice court, or stipulate to a particular change in the transcript, an appeal based on that transcript as accepted or changed may be heard by the district court without regard to any defects in the transcript.

(Added to NRS by 1979, 1512)

NRS 189.050 Action to be judged on record. An appeal duly perfected transfers the action to the district court to be judged on the record.

[Part 1911 Cr. Prac. § 666; RL § 7516; NCL § 11313]—(NRS A 1979, 1512)

NRS 189.060 Grounds for dismissal of appeal; enforcement of judgment.

1. The appeal may be dismissed on either of the following grounds:

(a) For failure to take the same in time.

(b) For failure to appear in the district court when required.

2. If the appeal is dismissed, a copy of the order of dismissal must be remitted to the justice, who may proceed to enforce the judgment.

[Part 1911 Cr. Prac. § 666; RL § 7516; NCL § 11313]

NRS 189.065 Dismissal for failure to set or reset appeal for hearing.

1. An appeal must be dismissed by the district court unless perfected by application of the defendant, within 60 days after the appeal is filed in the justice court, by having it set for hearing.

2. If an appeal has been set for hearing and the hearing is vacated at the request of the appellant, the appeal must be dismissed unless application is made by the appellant to reset the hearing within 60 days after the date on which the hearing was vacated.

(Added to NRS by 1965, 376; A 1985, 57, 972)

NRS 189.070 Grounds for dismissal of complaint on appeal. Any complaint, upon motion of the defendant, may be dismissed upon any of the following grounds:

1. That the justice of the peace did not have jurisdiction of the offense.
2. That more than one offense is charged in any one count of the complaint.
3. That the facts stated do not constitute a public offense.

[1911 Cr. Prac. § 667; RL § 7517; NCL § 11314]—(NRS A 1979, 36)

APPEALS: WHEN ALLOWED, HOW TAKEN AND EFFECT THEREOF

NRS 177.015 Appeals to district court and Supreme Court. The party aggrieved in a criminal action may appeal only as follows:

1. Whether that party is the State or the defendant:
 - (a) To the district court of the county from a final judgment of the justice court.
 - (b) To the Supreme Court from an order of the district court granting a motion to dismiss, a motion for acquittal or a motion in arrest of judgment, or granting or refusing a new trial.
 - (c) To the Supreme Court from a determination of the district court about whether a defendant is mentally retarded that is made as a result of a hearing held pursuant to [NRS 174.098](#). If the Supreme Court entertains the appeal, it shall enter an order staying the criminal proceedings against the defendant for such time as may be required.

2. The State may, upon good cause shown, appeal to the Supreme Court from a pretrial order of the district court granting or denying a motion to suppress evidence made pursuant to [NRS 174.125](#). Notice of the appeal must be filed with the clerk of the district court within 2 judicial days and with the Clerk of the Supreme Court within 5 judicial days after the ruling by the district court. The clerk of the district court shall notify counsel for the defendant or, in the case of a defendant without counsel, the defendant within 2 judicial days after the filing of the notice of appeal. The Supreme Court may establish such procedures as it determines proper in requiring the appellant to make a preliminary showing of the propriety of the appeal and whether there may be a miscarriage of justice if the appeal is not entertained. If the Supreme Court entertains the appeal, or if it otherwise appears necessary, it may enter an order staying the trial for such time as may be required.

3. The defendant only may appeal from a final judgment or verdict in a criminal case.

4. Except as otherwise provided in subsection 3 of [NRS 174.035](#), the defendant in a criminal case shall not appeal a final judgment or verdict resulting from a plea of guilty, guilty but mentally ill or nolo contendere that the defendant entered into voluntarily and with a full understanding of the nature of the charge and the consequences of the plea, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings. The Supreme Court may establish procedures to require the defendant to make a preliminary showing of the propriety of the appeal.

(Added to NRS by 1967, 1443; A 1971, 1450; 1973, 1489; 1981, 1705; [1991, 652](#); [1995, 1535](#); [1997, 645](#); [2003, 769, 1468](#); [2007, 1422](#))

NRS 177.025 Appeal to Supreme Court taken on questions of law alone. The appeal to the Supreme Court from the district court can be taken on questions of law alone.

(Added to NRS by 1967, 1444)

NRS 177.035 Designation of parties on appeal. The party appealing shall be known as the appellant, and the adverse party as the respondent, but the title of the action is not changed by reason of the appeal.

(Added to NRS by 1967, 1444)

NRS 177.045 Intermediate order or proceeding may be reviewed on appeal. Upon the appeal, any decision of the court in an intermediate order or proceeding, forming a part of the record, may be reviewed.

(Added to NRS by 1967, 1444)

NRS 177.055 Automatic appeal in certain cases; mandatory review of death sentence by Supreme Court.

1. When upon a plea of not guilty or not guilty by reason of insanity a judgment of death is entered, an appeal is deemed automatically taken by the defendant without any action by the defendant or the defendant's counsel,

unless the defendant or the defendant's counsel affirmatively waives the appeal within 30 days after the rendition of the judgment.

2. Whether or not the defendant or the defendant's counsel affirmatively waives the appeal, the sentence must be reviewed on the record by the Supreme Court, which shall consider, in a single proceeding, if an appeal is taken:

(a) Any errors enumerated by way of appeal;

(b) If a court determined that the defendant is not mentally retarded during a hearing held pursuant to [NRS 174.098](#), whether that determination was correct;

(c) Whether the evidence supports the finding of an aggravating circumstance or circumstances;

(d) Whether the sentence of death was imposed under the influence of passion, prejudice or any arbitrary factor; and

(e) Whether the sentence of death is excessive, considering both the crime and the defendant.

3. The Supreme Court, when reviewing a death sentence, may:

(a) Affirm the sentence of death;

(b) Set the sentence aside and remand the case for a new penalty hearing before a newly impaneled jury; or

(c) Set aside the sentence of death and impose the sentence of imprisonment for life without possibility of parole.

(Added to NRS by 1967, 1444; A 1977, 1545; 1985, 1597; [1995, 2456](#); [2003, 770](#), [1468](#), [2084](#))

NRS 177.075 Appeal to Supreme Court: Notice.

1. Except where appeal is automatic, an appeal from a district court to the Supreme Court is taken by filing a notice of appeal with the clerk of the district court. Bills of exception and assignments of error in cases governed by this chapter are abolished.

2. When a court imposes sentence upon a defendant who has not pleaded guilty or guilty but mentally ill and who is without counsel, the court shall advise the defendant of the right to appeal, and if the defendant so requests, the clerk shall prepare and file forthwith a notice of appeal on the defendant's behalf.

3. A notice of appeal must be signed:

(a) By the appellant or appellant's attorney; or

(b) By the clerk if prepared by the clerk.

(Added to NRS by 1967, 1444; A 1971, 149; 1985, 62; [1995, 2457](#); [2003, 1469](#); [2007, 1423](#))

NRS 177.085 Effect of appeal by State.

1. An appeal taken by the State shall in no case stay or affect the operation of a judgment in favor of the defendant; but if the appeal by the State is from an order granting a motion to set aside an indictment or information, and upon such appeal the order is reversed, the defendant shall thereupon be liable to arrest and trial upon the indictment or information. In all such cases any statute of limitations on the offense from which the appeal is taken is tolled from the time the notice of appeal is filed by the State until such appeal is heard and a ruling made thereon.

2. If the appeal by the State is from an order allowing a motion in arrest of judgment, or granting a motion for a new trial, and upon appeal the order is reversed, the trial court shall enter judgment against the defendant.

(Added to NRS by 1967, 1444; A 1969, 106)

NRS 177.095 Stay of execution upon sentence of death. A sentence of death shall be stayed if an appeal is taken.

(Added to NRS by 1967, 1445)

NRS 177.105 Stay of execution upon sentence of imprisonment. A sentence of imprisonment shall be stayed if an appeal is taken and the defendant is admitted to bail.

(Added to NRS by 1967, 1445)

NRS 177.115 Stay of execution upon fine. A sentence to pay a fine or a fine and costs, if an appeal is taken, may be stayed by a Justice Court, district court, or by the Supreme Court upon such terms as the court deems proper. The court may require the defendant pending appeal to deposit the whole or any part of the fine and costs in the registry of the court appealed from, or to give bond for the payment thereof, or to submit to an examination of assets, and it may make any appropriate order to restrain the defendant from dissipating the defendant's assets.

(Added to NRS by 1967, 1445)

NRS 177.125 Stay of probation. An order placing the defendant on probation may be stayed if an appeal is taken.

(Added to NRS by 1967, 1445)

NRS 177.135 Admission to bail upon appeal. Admission to bail upon appeal shall be as provided in this title.

(Added to NRS by 1967, 1445)

NRS 177.145 Application for relief pending review. If application is made to a district court or to a justice of the Supreme Court for bail pending appeal or for an extension of time for filing the record on appeal or for any other relief which might have been granted by the trial court, the application shall be upon notice and shall show that:

1. Application to the court below or a judge thereof is not practicable;
2. Application has been made and denied, with the reasons given for the denial; or
3. The action on the application did not afford the relief to which the applicant considers himself or herself to be entitled.

(Added to NRS by 1967, 1445)

NRS 177.155 Supervision of appeal. The supervision and control of the proceedings on appeal shall be in the appellate court from the time the notice of appeal is filed with its clerk, except as otherwise provided in this title. The appellate court may at any time entertain a motion to dismiss the appeal, or for directions to the trial court, or to modify or vacate any order made by the trial court or by any judge or justice of the peace in relation to the prosecution of the appeal, including any order fixing or denying bail.

(Added to NRS by 1967, 1445)

NRS 177.165 Preparation of record and papers on appeal. All appeals from a district court to the Supreme Court shall be heard on the original papers and the reporter's transcript of evidence or proceedings. The form and manner of preparation of the record and of other papers filed may be prescribed by the Supreme Court, and to the extent not otherwise so prescribed shall conform to the practice in civil cases.

(Added to NRS by 1967, 1445)

DISMISSAL OR ARGUMENT OF APPEAL

NRS 177.205 Dismissal by Supreme Court. The Supreme Court may, on its own motion or on motion of the respondent, dismiss an appeal:

1. If the appeal is irregular in any substantial particular.
2. If the appellant has failed to comply with the requirements for docketing of the record on appeal or filing briefs, unless for good cause shown an extension is granted.

(Added to NRS by 1967, 1446; A 1985, 63)

NRS 177.215 Date for argument. Unless good cause is shown for an earlier hearing, the Supreme Court shall set the appeal for argument on a date not less than 30 days after the expiration of the time limited for filing briefs and as soon thereafter as the state of the calendar will permit. Preference shall be given to appeals in criminal cases over appeals in civil cases.

(Added to NRS by 1967, 1446)

JUDGMENT UPON APPEAL

NRS 177.225 Judgment may be affirmed but cannot be reversed without argument. Judgment of affirmance may be granted without argument, if the appellant fail to appear. But judgment of reversal can only be given upon argument, orally or upon written brief, though the respondent fail to appear.

(Added to NRS by 1967, 1446)

NRS 177.235 Number of counsel in argument on appeal. Upon the argument of the appeal, if the offense is punishable with death, two counsel shall be heard on each side, if they require it. In any other case the Court may, in its discretion, restrict the argument to one counsel on each side.

(Added to NRS by 1967, 1446)

NRS 177.245 Defendant need not be present. The defendant need not personally appear in the Supreme Court.

(Added to NRS by 1967, 1446)

NRS 177.255 Court to give judgment without regard to technical errors. After hearing the appeal, the Court shall give judgment without regard to technical error or defect which does not affect the substantial rights of the parties.

(Added to NRS by 1967, 1446)

NRS 177.265 Determination of appeal. The Supreme Court may reverse, affirm, or modify the judgment appealed from, and may, if necessary or proper, order a new trial.

(Added to NRS by 1967, 1447)

NRS 177.267 Time within which Supreme Court shall render opinion on appeal from judgment of death.

1. An appeal to the Supreme Court from a judgment of death or the review of such a judgment by that Court must be decided and an opinion rendered within 150 days after the Court has received the record on appeal from the clerk of the sentencing court. If an opinion is not rendered within that time, the Chief Justice of the Supreme Court shall state on the record the reasons which caused the delay and the facts supporting those reasons.

2. Any failure of the Court to comply with the requirements of this section is not a ground for setting aside the judgment of death.

(Added to NRS by 1985, 388)

NRS 177.275 Defendant to be discharged on reversal without ordering new trial. If a judgment against the defendant is reversed, without ordering a new trial, the Supreme Court shall direct, if the defendant is in custody, that the defendant be discharged therefrom, or if admitted to bail, that the defendant's bail be exonerated, or if money be deposited instead of bail, that it be refunded to the defendant.

(Added to NRS by 1967, 1447)

NRS 177.285 Judgment to be executed on affirmance. On a judgment of affirmance against the defendant, the original judgment shall be carried into execution, as the Supreme Court shall direct.

(Added to NRS by 1967, 1447)

NRS 177.305 Jurisdiction of Supreme Court to cease after certificate of judgment remitted. After the certificate of judgment has been remitted, the Supreme Court shall have no further jurisdiction of the appeal or of the proceedings thereon, and all orders which may be necessary to carry the judgment into effect shall be made by the Court to which the certificate is remitted.

(Added to NRS by 1967, 1447)

IX. CIVIL APPEALS FROM JUSTICE COURTS

RULE 72. APPEAL—HOW TAKEN

(a) Filing the Notice of Appeal. An appeal permitted by law from a justice court to the district court shall be taken by filing a notice of appeal with the clerk or justice of the justice court within the time allowed by Rule 72B. Failure of an appellant to take any step other than the timely filing of a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court deems appropriate which may include dismissal of the appeal.

(b) Joint or Consolidated Appeals. If two or more persons are entitled to appeal from a judgment or order of a justice court and their interests are such as to make joinder practicable, they may file a joint notice of appeal, or may join in appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant. Appeals may be consolidated by order of the district court upon its own motion or upon motion of a party, or by stipulation of the parties to the several appeals.

(c) Content of the Notice of Appeal. The notice of appeal shall specify the party or parties taking the appeal; shall designate the judgment, order or part thereof appealed from; and shall name the court to which the appeal is taken.

(d) Service of the Notice of Appeal. The appellant shall file and serve notice of the filing of a notice of appeal by mailing a copy thereof to counsel of record of each party other than appellant or, if a party is not represented by counsel, to the party at the party's last known address. There shall be noted on each copy served the date on which the notice of appeal was filed. Service shall be sufficient notwithstanding the death of a party or the party's counsel. There shall be noted in the proof of service the names of the parties to whom copies have been mailed with the date of mailing. The clerk or justice shall note in the register of actions the names of the parties to whom are mailed the copies, with the date of filing.

[As amended; effective July 1, 2005.]

RULE 72A. STANDING TO APPEAL; APPEALABLE DETERMINATIONS

(a) Aggrieved Party May Appeal. Any appealable judgment or order in a civil action or proceeding may be appealed from and reviewed as prescribed by these rules, and not otherwise. Any party aggrieved may appeal, with or without first moving for a new trial, and the district court may consider errors of law and the sufficiency of the evidence, and may remand for a new trial whether or not a motion for new trial has been made.

(b) Appealable Determinations. An appeal may be taken:

(1) From a final judgment in an action or proceeding commenced in the court in which the judgment is rendered.

(2) From an order granting or refusing a new trial, or dissolving or refusing to dissolve an attachment, or changing or refusing to change the place of trial, and from any special order made after final judgment except an order granting a motion to set aside a default judgment pursuant to Rule 60(b)(1).

(3) From an interlocutory judgment, order or decree made or entered in actions to redeem personal property from a mortgage thereof or lien thereon, determining such right to redeem and directing an accounting, and from an interlocutory judgment in actions for partition which determines the rights and interests of the respective parties and directs partition, sale or division to be made.

(c) Venue. If an order granting or refusing to grant a motion to change the place of trial of an action or proceeding is not directly appealed from within 30 days, there shall be no appeal therefrom on appeal from the judgment in the action or proceeding or otherwise, and on demand or motion of either party to an action or proceeding the court or justice making the order changing or refusing to change the place of trial of an action or proceeding shall make an order staying the trial of the action or proceeding until the time to appeal from such order, changing or refusing to change the place of trial, shall have lapsed; or if an appeal from such order is taken, until such appeal shall, in the appellate court, or in some other manner, be legally determined.

(d) Summary Judgment. No appeal may be taken from an order of a justice court denying a motion for summary judgment; however such an order may be reviewed by the district court in an original proceeding in mandamus when from the record it appears that it is the duty of the justice court to enter summary judgment.

[As amended; effective July 1, 2005.]

RULE 72B. APPEAL—WHEN TAKEN

(a) Appeals in Civil Cases. In a civil case in which an appeal is permitted by law from a justice court to the district court the notice of appeal required by Rule 72(a) shall be filed with the clerk or justice of the justice court within 20 days of the date of service of written notice of the entry of the judgment or order appealed from, except as otherwise provided by law. It shall also be served within the prescribed time. If an applicable statute provides that a notice of appeal must be filed within a different time period, the notice of appeal required by these rules must be filed within the time period established by the statute. If a timely notice of appeal is filed by a party, any other party

may file and serve a notice of appeal within 14 days of the date on which the first notice of appeal was served, or within the time otherwise prescribed by this subdivision, whichever period last expires.

(b) Termination of Time for Appeal. The running of the time for filing a notice of appeal is terminated as to all parties by a timely motion filed in the justice court by any party pursuant to the Justice Court Rules of Civil Procedure enumerated in this sentence, and the full time for appeal fixed by this subdivision commences to run and is to be computed from the date of service of written notice of entry of any of the following orders made upon a timely motion under such rules: (1) granting or denying a motion for judgment under Rule 50(b); (2) granting or denying a motion under Rule 52(b) to amend or make additional findings of fact, whether or not an alteration of the judgment would be required if the motion is granted; (3) granting or denying a motion under Rule 59 to alter or amend the judgment; (4) granting or denying a motion for a new trial under Rule 59. A judgment or order is entered within the meaning of this subdivision when it is signed by the justice or by the clerk, as the case may be, and filed.

[As amended; effective July 1, 2005.]

RULE 73. BOND FOR COSTS ON APPEAL

Unless an appellant is exempted by law, or has filed a supersedeas bond or other undertaking which includes security for the payment of costs on appeal, in civil cases a bond for costs on appeal or equivalent security shall be filed by the appellant in the justice court with the notice of appeal; but security shall not be required of an appellant who is not subject to costs. The bond or equivalent security shall be in the sum or value of \$250 unless the justice court fixes a different amount. A bond for costs on appeal shall have sufficient surety, and it or any equivalent security shall be conditioned to secure the payment of costs if the appeal is finally dismissed or the judgment affirmed, or of such costs as the district court may direct if the judgment is modified. If a bond or equivalent security in the sum or value of \$250 is given, no approval thereof is necessary. After a bond for costs on appeal is filed, a respondent may raise for determination by the justice court objections to the form of the bond or to the sufficiency of the surety. The provisions of Rule 73A apply to a surety bond upon a bond given pursuant to this rule.

[As amended; effective July 1, 2005.]

RULE 73A. STAY ON APPEAL—SUPERSEDEAS BOND

(a) Supersedeas Bond; When Required. Whenever an appellant entitled thereto desires a stay on appeal, the person may file a bond for supersedeas, as provided in this rule.

(1) If the appeal be from a judgment or order directing the payment of money, the bond shall be conditioned for the satisfaction of the judgment in full together with costs and interest if for any reason the appeal is dismissed or if the judgment is affirmed, and to satisfy in full such modification of the judgment and such costs and interests as the appellate court may adjudge and award, and that if the appellant does not make such payment within 30 days after the filing of affirmance of the judgment in whole or part, in the court in which the appeal is taken, judgment may be entered, on motion of the respondent, in the respondent's favor against the surety or sureties for such amount, together with the interest that may be due thereon, and the costs which may be awarded against the appellant upon the appeal. When the judgment is for the recovery of money not otherwise secured, the amount of the bond shall be fixed at such sum as will cover the whole amount of the judgment remaining unsatisfied, costs on the appeal and interest, unless the justice after notice and hearing and for good cause shown fixes a different amount or orders security other than the bond.

If the appeal be from an order dissolving or refusing to dissolve an attachment, the bond shall be in the sum of the value of the property attached and conditioned that if the order appealed from, or any part thereof, be affirmed, the appellant shall pay to the opposing party, on such appeal, all damages and costs caused by the appellant by reason of such appeal and the stay of execution thereon.

(2) If the judgment or order appealed from direct the assignment or delivery of documents, or personal property, the things required to be assigned or delivered shall be assigned and placed in the custody of such officer or receiver as the court may appoint, and the bond shall be in such amount as the court or justice may direct, to the effect that the appellant will, if the judgment or order appealed from, or any part thereof, be affirmed, pay to the opposing party on such appeal all damages and costs caused by the appellant by reason of such appeal and the stay of execution thereon. In lieu of the assignment and delivery, and of the bond herein provided for, the appellant may enter into a bond, in such amount as the court or justice thereof may direct, to the effect that if the judgment or

order, or any part thereof, be affirmed, the appellant will obey the order and pay to the opposing party on such appeal all damages and costs caused by reason of said appeal and the stay of execution thereon.

(3) If the judgment or order appealed from direct the execution of a conveyance or other instrument, the instrument shall be executed and deposited with the clerk or justice of the court with whom the judgment or order is entered to abide by the judgment of the appellate court, and the bond shall be in such amount as the court or justice thereof may direct, to the effect that the appellant will, if the judgment or order appealed from, or any party thereof, be affirmed, pay to the opposing party on such appeal all damages and costs caused by the appellant by reason of such appeal and the stay of execution thereon.

(4) In cases involving an appeal by the defendant of an order of eviction in a formal proceeding, such appeal shall not stay the execution of the judgment, unless, no later than 10 days after the filing of a notice of appeal, the person shall execute and file with the court or justice an undertaking to the plaintiff, with two or more sureties, in an amount to be fixed by the court or justice, but which shall not be less than twice the amount of the judgment and costs, to the effect that, if the judgment appealed from be affirmed or the appeal be dismissed, the appellant will pay the judgment and the cost of appeal, the value of the use and occupation of the property, and damages justly accruing to the plaintiff during the pendency of the appeal. Upon taking the appeal and filing the undertaking, all further proceedings in the case shall be stayed.

Whenever an appeal is perfected, and a bond given as provided by paragraphs (1), (2), (3) and (4) herein, it shall stay all further proceedings in the court below, upon the judgment or order appealed from or upon matters embraced therein, except as hereinafter specified. However, the court below may proceed upon any other matter included in the action or proceeding and not affected by the judgment or order appealed from; and the court below may in its discretion dispense with or limit the security required by (1), (2), (3) and (4) above, when an appellant is an executor, administrator, trustee, or other person acting in another's right.

In cases not provided for in (1), (2), (3) or (4) above, the giving of an appeal bond, under the provisions of Rule 73, shall stay proceedings in the court below upon the judgment or order appealed from, except that where it directs the same of perishable property, the court below may order the property to be sold and the proceeds thereof to be deposited to abide by the judgment of the appellate court, and except where the appellate court may otherwise direct upon such terms as it may in its discretion impose.

(b) Supersedeas Bond: Form and Effect. Any bonds required by these rules may be in one instrument or several at the option of the giver.

In every case where, under the provisions of these rules, a bond is required, such bond may be executed on the part of the appellant by at least two qualified and sufficient sureties, stating their place of residence and occupation, or by a bonding or surety company authorized and qualified to do business in the State of Nevada.

Where the bond is executed by such a bonding or surety company, no affidavit as to the sufficiency of such surety need accompany the bond. Otherwise, the bond shall be of no effect unless it be accompanied by the affidavit of personal sureties that they are each a resident and householder or freeholder within the State and that they are each worth the amount specified therein over and above their just debts and liabilities, exclusive of property exempt from execution; they may state in their affidavit that they are severally worth amounts less than that expressed in the bond, if the whole amount be equivalent to that of two qualified and sufficient sureties. Each such affidavit shall be accompanied by a financial statement in the form determined by the justice courts.

The adverse party may except to the sufficiency of the sureties within 5 days after the filing of the bond, and, unless they or other sureties justify before the justice within 10 days thereafter, upon notice to the adverse party, to the amount stated in their affidavits, the appeal shall be regarded as if no such bond had been given.

In all cases where a bond is required by these rules, a deposit in the court below of the amount of the judgment appealed from and such additional amount as may be specified by the justice of the court by which the judgment was rendered, shall be equivalent to filing the bond, and in all cases the bond or deposit may be waived by the written consent of the appellee filed in said action or proceeding.

When a proper bond to stay proceedings is filed, it shall stay further proceedings except as otherwise above provided, and if an execution or other order shall have been issued to the sheriff, coroner, or elisor, the person shall return the same, with the cause therefor, and his or her proceedings thereunder, upon receiving from the clerk or justice a notice of the stay of proceedings.

[As amended; effective July 1, 2005.]

RULE 73B. BONDS—MISCELLANEOUS PROVISIONS

(a) Failure to File or Insufficiency of Bond. If a bond on appeal or a supersedeas bond is not filed within the time specified, the appeal will be subject to such sanctions as provided in Rule 76. If the bond filed is found insufficient, and if the action is not yet docketed with the appellate court, a bond may be filed at such time before the action is so docketed, as may be fixed by the justice court. After the action is so docketed, application for leave to file a sufficient bond may be made only in the appellate court.

(b) Judgment Against Surety. By entering into an appeal or supersedeas bond given pursuant to Rule 73 or 73A, the surety submits to the jurisdiction of the court and irrevocably appoints the clerk of the justice court or the justice as the surety's agent upon whom any papers affecting the surety's liability on the bond may be served. The surety's liability may be enforced on motion without the necessity of an independent action. The motion and such notice of the motion as the court prescribes may be served on the clerk of the court, or justice, who shall forthwith mail copies to the surety if the surety's address is known.

[As amended; effective July 1, 2005.]

RULE 74. THE RECORD ON APPEAL

(a) Record on Appeal. Unless approved by the justice or stipulated by the parties, the entire certified transcript of the proceedings which have been recorded by an official court reporter or by using electronic recording equipment shall be transmitted to district court.

(b) Transcript.

(1) Within 10 days after filing the notice of appeal, the appellant shall order a transcript of the proceedings for inclusion in the record and, unless a greater amount or different procedure is ordered by the justice, shall deposit the sum of \$100 with the justice court to absorb the cost of the record, including but not necessarily limited to the transcript and copies. After determination of the exact cost, any remaining balance shall be returned to the appellant or if additional cost is involved, the appellant shall pay such amount forthwith. Upon notice of appeal, request for record on appeal and the deposit being filed with the clerk of the justice court, the clerk or justice shall immediately deliver or mail to the reporter or reporters who reported the case, or the transcriber in the case of electronic recording, a form letter including the following matters:

- (i) Caption of the case;
- (ii) Date or dates of trial or hearing;
- (iii) Portions of transcript requested;
- (iv) Number of copies required; and
- (v) Request for an estimate of the cost of transcript.

Upon receipt of the form letter from the justice court, the reporter or transcriber shall have 30 days for the preparation and filing of the transcript or recording with the justice court. The justice court, in its discretion and for good cause shown, may extend the time for preparation of transcript for an additional 30 days.

- (2) The appellant shall furnish each party appearing separately, or their counsel, a copy of such transcript.

(c) Statement of the Evidence or Proceedings When No Report Was Made or When the Transcript Is Unavailable. If no report of the evidence or proceedings at a hearing or trial was made, or if a transcript is unavailable, the appellant may prepare a statement of the evidence or proceedings from the best available means, including the appellant's recollection. The statement shall be served on the respondent, who may serve objections or propose amendments thereto within 10 days after service. Thereupon the statement and any objections or proposed

amendments shall be submitted to the justice court for settlement and approval and as settled and approved shall be included by the clerk or justice of the justice court in the record on appeal.

(d) Statement of Points. If findings of fact and conclusions are not requested and included in the record pursuant to Rule 52(a) or in the absence of an agreed statement under Rule 74(e) the appellant shall serve with the designation of the record a concise statement of the points on which the appellant intends to rely on the appeal. This statement of points shall include all the salient facts of the appeal and a general statement of why appellate relief is sought. (E.g., the court's decision is not supported by substantial evidence; the jury verdict was clearly erroneous; there was jury misconduct; the justice made comments which prejudiced the jury; etc.) (The preceding is by way of example and not of limitation.) This statement shall be presented to the district court irrespective of whether or not the appellant designates for inclusion the complete record and all proceedings and evidence in the action.

(e) Agreed Statement as the Record on Appeal. In lieu of the record on appeal as defined in subdivision (a) of this rule, the parties may prepare and sign a statement of the case showing how the issues presented by the appeal arose and were decided in the justice court and setting forth only so many of the facts averred and proved or sought to be proved as are essential to a decision of the issue presented. If the statement conforms to the truth, it, together with such additions as the court may consider necessary fully to present the issues raised by the appeal, shall be approved by the justice court and shall then be certified to the district court as the record on appeal and transmitted thereto by the clerk or justice of the justice court within the time provided by Rule 74A.

(f) Record to Be Transmitted by Clerk or Justice. Unless the record on appeal consists of an Agreed Statement pursuant to subdivision (e), the following documents shall be included in the record:

- (1) Complaint (including all amended complaints);
- (2) All answers, counterclaims, cross-claims and replies, and all amendments thereto;
- (3) Pretrial order, if any;
- (4) All stipulations;
- (5) All jury instructions given and to which exceptions are taken, and excluded when offered;
- (6) Verdict or findings of fact and conclusions of law with direction for entry of judgment thereon;
- (7) Master's report, if any, in nonjury cases;
- (8) Opinion or memorandum of decision, if any;
- (9) Judgment or order appealed from;
- (10) Notice of Appeal;
- (11) All exhibits received in evidence and duly marked by the justice or clerk;
- (12) Transcript; and
- (13) Statement of points pursuant to subsection (d), if any.

(g) Correction or Modification of the Record. If any difference arises as to whether the record truly discloses what occurred in the justice court, the difference shall be submitted to and settled by that court and the record made to conform to the truth. If anything material to either party is omitted from the record by error or accident or is misstated therein, the parties by stipulation, or the justice court, either before or after the record is transmitted to the district court, or the district court, on proper suggestion or of its own initiative, may direct that the omission or misstatement be corrected, and if necessary, that a supplemental record be certified and transmitted. All

other questions as to the form and content of the record shall be presented to the justice court before the record is transmitted or the district court after the record is transmitted.

(h) Reserved.

(i) Several Appeals. When more than one appeal is taken from the same judgment, a single record on appeal shall be prepared containing all the matter designated or agreed by the parties, without duplication.

[As amended; effective July 1, 2005.]

RULE 74A. TRANSMISSION OF THE RECORD

(a) Time for Transmission; Duty of Appellant. The record on appeal shall be transmitted to the district court within 30 days after the perfection of the appeal unless the time is shortened or extended by an order entered under subdivision (d) of this rule. After filing the notice of appeal the appellant shall comply with the provisions of Rules 73 and 74 and shall take any other action necessary to enable the clerk or justice to assemble and transmit the record including the payment of all necessary filing fees for both justice court and district court. If more than one appeal is taken, each appellant shall comply with the provisions of Rules 73 and 74 and this subdivision, and a single record shall be transmitted within 30 days after the perfection of the final appeal.

(b) Duty of Clerk to Certify and Transmit the Record. When the record is complete for purposes of the appeal, the clerk or justice of the justice court shall certify and transmit it to the clerk of the district court. The clerk or justice of the justice court shall list the documents comprising the record and shall transmit with the record a list of the documents and all evidence identified with reasonable definiteness.

Transmission of the record is effected when the clerk of the justice court mails or otherwise forwards the record to the clerk of the district court. The clerk of the justice court shall indicate, by indorsement on the face of the record or otherwise, the date upon which it is transmitted to the district court.

(c) Reserved.

(d) Extension of Time for Transmission of the Record; Reduction of Time. The justice court for good cause shown may extend the time for transmitting the record. A request for extension must be made within the time originally prescribed or within an extension previously granted, and the justice court shall not extend the time to a day more than 60 days from the date of the perfection of the first appeal. If the justice court is without authority to grant the relief sought or has denied a request therefor, the district court may on motion for good cause shown extend the time for transmitting the record or may permit the record to be transmitted and filed after the expiration of the time allowed or fixed. If a request for an extension of time for transmitting the record has been previously denied, the motion shall set forth the denial and shall state the reasons therefor, if any were given. The justice court or the district court may require the record to be transmitted and the appeal to be docketed at any time within the time otherwise fixed or allowed therefor.

(e) Record for Preliminary Determination in the District Court. If prior to the time the record is transmitted a party desires to make in the district court a motion for dismissal, for a stay pending appeal, for additional security on the bond on appeal, or on a supersedeas bond, or for any other intermediate order, the clerk of the justice court at the request of any party shall transmit to the district court such parts of the original record as any party shall designate.

[As amended; effective July 1, 2005.]

RULE 74B. DOCKETING THE APPEAL: FILING OF THE RECORD IN DISTRICT COURT

(a) Docketing the Appeal.

(1) Upon filing of the notice of appeal, the appellant shall pay to the clerk or justice of the justice court the filing fees prescribed by [NRS 4.060](#) for the justice courts and [NRS 19.013](#) for district courts, and the clerk shall, when the record is complete, forward the appeal record for docketing in district court, together with a sum sufficient

for the filing fee. If an appellant is authorized to prosecute the appeal without pre-payment of fees, the clerk shall forward the appeal record for docketing in district court when the record is complete. The district court may upon motion for cause shown enlarge the time for docketing the appeal or permit the appeal to be docketed out of time.

(2) If a notice of appeal is filed by any party other than the original appellant, in accordance with Rule 72B, the subsequent appeal shall be known as a cross-appeal and in all respects treated as an initial appeal, including the payment of the filing fees prescribed in paragraph (1) of this subdivision. Cross-appeals will be filed under the same docket number and calendared and argued with the initial appeal.

(b) Filing the Record. Upon receipt of the record or of papers authorized to be filed in lieu of the record under the provisions of Rule 74(c) and (e) by the clerk of the district court following timely transmittal and after the appeal has been timely docketed, the clerk shall file the record. The clerk shall immediately give notice to all parties of the date on which the record was filed.

[As amended; effective July 1, 2005.]

RULE 75. BRIEFS

(a) Requirement of. Unless required by a statewide District Court Rule, local District Court Rule, or district court order, there is no requirement that briefs be served and filed.

(b) Construction and Applicability. The Nevada Rules of Appellate Procedure (NRAP) governing briefs, including their preparation, filing and service, so far as applicable, and where not otherwise specifically prescribed by a statewide District Court Rule, local District Court Rule, district court order or practice or inconsistent with these rules, and consistent with the intent of these rules to secure the just, speedy and inexpensive determination of case, shall govern appeals from justice courts.

(1) Length of Briefs. Except by permission of the district court, briefs, if typewritten, shall not exceed 10 pages or, if printed, 7 pages, exclusive of pages containing the table of contents, tables of citations of legal authorities, and any addendum containing copies of the statutes, rules, regulations, etc.

(2) Time for Serving and Filing Briefs. If briefs are required either by a statewide District Court Rule, local District Court Rule, or district court order and unless otherwise prescribed, the appellant shall serve and file the opening brief with the district court within 30 days after the date on which the record is filed. The respondent shall serve and file the answering brief within 30 days after service of the brief of the appellant. After service of respondent's brief, any reply brief must be served and filed within 15 days. By written stipulation, filed prior to the due date set forth herein with the district court, the parties may extend the time for filing any brief for a total of 15 additional days unless the court otherwise orders. Applications for extensions of time beyond that to which the parties are permitted to stipulate are not favored and will be considered only on motion for good cause clearly shown, or ex parte in cases of extreme and unforeseeable emergency. The district court may shorten the periods prescribed above for serving and filing briefs, either by rule for all cases or for classes of cases, or by order for specific cases.

(3) Number of Copies to Be Filed and Served. An original and 2 copies of each brief shall be filed with the clerk of the district court unless the district court by order in a particular case shall direct a different number, and one copy shall be served on counsel for each party separately represented, or the party, if unrepresented.

[As amended; effective July 1, 2005.]

RULE 75A. ORAL ARGUMENT

Unless otherwise ordered by the district court, oral argument shall be had in each case in a manner reasonably consistent with [NRAP 34](#) governing oral argument in the supreme court, whether or not briefs are required and are on file in the action.

RULE 76. DISMISSAL FOR FAILURE OF APPELLANT TO COMPLY WITH RULES

(a) If the appellant shall fail to cause timely transmission of the record as provided in Rule 74A, or, if required, to timely file an opening brief, or to post the undertaking as required by Rule 73 or 73A, or to arrange for a transcript as required by Rule 74, and 74A, or the payment of filing fees as required by Rule 74B, unless exempt, or upon a showing that any other necessary steps have not been taken, the appeal may be dismissed by the district court upon a motion of any respondent or upon its own motion at the cost of the appellant. Prior to the granting of the dismissal, the appellant shall be given written notice of the motion to dismiss. The motion shall be supported by a certificate of the clerk or justice of the justice court, showing the date and substance of the judgment or order from which the appeal was taken, the date on which the notice of appeal was filed, the expiration date of any order extending the time for transmitting the record, and proof of service. The notice of the motion to dismiss may be mailed or delivered to the appellant or the appellant's attorney. The appellant may respond in writing within 7 days of such service, showing good cause, if any, why the motion should not be granted. The district court clerk shall docket the appeal for the limited purpose of permitting the district court to entertain the motion without requiring payment of the filing fee, but the appellant shall not be permitted to respond without payment of the fee unless the person is otherwise exempt therefrom. The district court, with or without allowing a response from the respondent, shall grant the motion to dismiss if good cause is not shown. If satisfied as to good cause for the delay, the district court shall allow the appeal to continue upon such terms as it may order.

(b) If any respondent shall fail to timely file an answering brief, such failure may be treated by the district court as a confession of error and sufficient grounds for reversal of the judgment or order appealed from.

[As amended; effective July 1, 2005.]

RULE 76A. POWERS OF DISTRICT COURT ON APPEAL

A case appealed must not be tried anew. Upon an appeal heard upon the record or a statement of the case, the district court may review all orders affecting the judgment appealed from and may set aside, or confirm, or modify, any or all of the proceedings subsequent to and dependent upon such judgment, and may, if necessary or proper, order a new trial. For a failure to prosecute an appeal or unnecessary delay in bringing it to a hearing, the district court, after notice, may order the appeal dismissed, with costs; and if it appears to such court that the appeal was made solely for delay, it may add to the costs such damages as may be just, not exceeding 25 percent of the judgment appealed from. Judgments rendered in the district court on appeal shall have the same force and effect, and may be enforced in the same manner as judgments in actions commenced in the district court. Upon the filing of a judgment in the district court on appeal, the clerk of the district court shall forthwith forward a copy of the judgment, together with the remittitur, to the justice court of original jurisdiction and to all parties.

[As amended; effective June 28, 1988.]

RULE 76B. TIMETABLE GOVERNING APPEALS FROM JUSTICE COURTS

Appeal, civil: Within 20 days of service of written notice of entry of judgment or order appealed from. Rule 72B(a).

Enlargement of time for appeals:	<p>Time for taking appeal may be enlarged by timely motion for:</p> <ol style="list-style-type: none"> (1) Judgment under Rule 50(b). (2) Additional or amended findings of fact under Rule 52(b). (3) Altering or amending judgment under Rule 59. (4) New trial under Rule 59. <p>The time for taking appeal commences anew upon entry of an order granting or denying any of the above motions. Rule 72B(b).</p>
Cross-appeal:	<p>Within 14 days of service of first notice of appeal, or within time otherwise prescribed by rule, whichever is longer. Rule 72B(a).</p>
Appeal from formal eviction:	<p>Within 10 days of service of entry of order. NRS 40.380; Rule 73A(4).</p>
Fees:	<p>Payable upon filing notice of appeal. Rule 74B(a)(1).</p>
Bond for costs:	<p>Filed with notice of appeal. Rule 73.</p>
Bond, supersedeas:	<p>At or after time of filing notice of appeal. Stay is effective when bond filed. Rule 73A.</p>
Transcript of proceedings:	<p>Appellant must order within 10 days of notice of appeal. Transcript must be prepared by reporter within 30 days after receipt of form letter from clerk, except 30-day extension may be granted. Rule 74(b)(1).</p>
Transmission and docketing of record on appeal:	<p>Within 30 days after perfection of appeal, unless shortened or extended. Where multiple appeals are taken, within 30 days after perfection of the final appeal. Rule 74A(a).</p>
Enlargement or shortening of time for transmission and docketing record on appeal:	<p>Time may be extended by the justice court not more than 60 days from filing of first notice of appeal, or by the district court for additional time, provided orders of extension are made before expiration of last previous time. The justice court or the district court may order the time for transmission and docketing to be shortened. Rule 74A(d).</p>

Record for preliminary determination:

On any of the following motions, a party may docket in the district court such parts of the original record as the person requests, prior to docketing the complete record on appeal:

(1) Motion to dismiss appeal.

(2) Motion for stay pending appeal.

(3) Motion for additional security for bond on appeal or supersedeas bond.

(4) Motion for any intermediate order. Rule 74A(e).

Briefs:

If ordered, appellant's opening brief; within 30 days after the record is filed. Respondent's answering brief; within 30 days after service of the opening brief. Appellant's reply brief, if any; within 15 days of service of respondent's answering brief. Rule 75(a), 75(b)(2).

Oral argument:

In all cases, unless otherwise ordered by the district court. Rule 75A.

[As amended; effective July 1, 2005.]