SUPREME COURT OF MISSOURI
en banc

STATE OF MISSOURI,	)	*Opinion issued November 4, 2025*
	)	
Appellant,	)	
	)	
v.	)	No. SC100967
	)	
AMANDA M. MIRE,	)	
	)	
Respondent.	)	

APPEAL FROM THE CIRCUIT COURT OF GREENE COUNTY
The Honorable John H. Bloodworth, Judge

The state of Missouri brings an interlocutory appeal challenging the circuit court's order sustaining the defendant's motion to suppress certain statements and evidence. Finding the state failed to adhere to the statutory requirement to file its notice of appeal within five days of the entry of the circuit court's suppression order, this Court dismisses the appeal. *See* section 547.200.4.[1]

Procedural Background

Facing a charge of driving while intoxicated, Amanda Mire filed a motion to suppress statements and a separate motion to suppress physical evidence. At the conclusion of the hearing on the motions to suppress, the circuit court announced its ruling.

[1] All statutory references are to RSMo 2016.

The circuit court sustained Mire's motion to suppress evidence of statements she made after emergency medical personnel involuntarily administered a drug to calm her. Addressing the arguments the parties presented, the circuit court also sustained the motion to suppress the blood test results that were obtained when Mire was unable to knowingly consent to the test. The circuit court invited Mire's counsel to provide an order consistent with the oral pronouncement, and counsel agreed.

On February 26, 2024, the day of the hearing, the circuit court made a docket entry reflecting its ruling and scheduling the next setting for the case. The docket entry, which contained no indication the circuit court was awaiting further input from the parties, provided, in relevant part: "ANY STATEMENTS MADE AFTER BEING ADMINISTERED TRANQUILLIZING DRUG (VERSED) SHALL BE SUPPRESSED THEREFORE THE MIRANDA AND CONSENT TO BLOODDRAW IS HEREBY SUPPRESSED." At the next setting, on March 11, the circuit court entered a "judgment and order" repeating the substance of the February 26 docket entry.[2] An accompanying docket entry provided, "Judgment and order of motion to suppress entered per formal."

[2] Although the dissenting opinion portrays the March 11 order as substantively different than the circuit court's prior order and implies more in-depth consideration, such an assessment is not accurate. For the purpose of clarity, the March 11 order provides, in a single paragraph:

> As Defendant was involuntarily administered Versed prior to being advised of the implied consent and her Miranda warnings, and as the evidence at the hearing was that Defendant experienced the effects of the drug prior to the giving of implied consent and her Miranda warnings, the Defendant did not knowingly and voluntarily consent to the blood draw in this case. Therefore, the results of the blood draw in this case are hereby suppressed from

The state filed its notice of appeal in the circuit court on the afternoon of March 11. The state identified the date of the order it was appealing as the one entered that day. After an opinion by the court of appeals addressing the merits of the case, this Court granted transfer. Mo. Const. art. V, sec. 10.

Appellate Jurisdiction

"This Court has an obligation to determine, acting *sua sponte* when necessary, whether it has jurisdiction to entertain an appeal." *State v. Harris*, 675 S.W.3d 202, 204 (Mo. banc 2023) (internal quotation omitted). Prior to oral argument, this Court advised the parties to be prepared to discuss the issue of appellate jurisdiction, specifically the timeliness of the state's notice of appeal. After consideration of the parties' positions, this Court finds this issue dispositive.

"A party's right to an appeal in this state is derived solely from statute." *P.D.E. v. Juv. Officer*, 669 S.W.3d 129, 131 (Mo. banc 2023). Section 547.200 enumerates circumstances in which the state may appeal in criminal cases. An interlocutory appeal may be brought by the state "from any order or judgment the substantive effect of which results in … [s]uppressing evidence." Section 547.200.1(3), .3. That appeal "shall be filed in the appropriate court within five days of the entry of the order of the trial court." Section

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> evidence. Further, any statements made by the Defendant, after she was administered Versed, are also suppressed from use in evidence.

In the context of this case, every aspect of this order is subsumed in the February 26 docket entry and evident from the transcript of the hearing. The difference is a matter of syntax, not substance.

547.200.4.[3] "The timely filing of a notice of appeal is a jurisdictional requirement[,]" and "an appellate court must dismiss an appeal if the notice of appeal is untimely." *P.D.E.*, 669 S.W.3d at 132. Appellate courts of this state have repeatedly dismissed untimely interlocutory appeals by the state. *E.g.*, *State v. Moore*, 698 S.W.3d 505, 507 (Mo. App. 2024); *State v. Allen*, 295 S.W.3d 179, 182-83 (Mo. App. 2009); *State v. Faudi*, 141 S.W.3d 83, 84-85 (Mo. App. 2004); *State v. Beaver*, 697 S.W.2d 573, 574-75 (Mo. App. 1985).[4] While statutes granting the right to an appeal are liberally construed, that liberal construction cannot save a notice of appeal that is filed untimely. *State v. Robbins*, 269 S.W.2d 27, 29 (Mo. banc 1954).

If the February 26 docket entry qualifies as an order of the circuit court with the substantive effect resulting in suppressing the evidence at issue, the state's notice of appeal, filed March 11, was late under section 547.200.4. This Court holds the docket entry qualifies as such an order. The docket entry unequivocally expressed the circuit court's ruling suppressing the evidence. *See State v. Thompson*, 467 S.W.3d 833, 835 (Mo. App.

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[3] Under this Court's rules, "no [interlocutory] appeal [by the state] shall be effective unless the notice of appeal shall be filed within the time provided by the statute authorizing the appeal." Rule 30.02(a).

[4] In its research, the only case this Court has found permitting an appeal beyond five days of an initial order ruling on a motion to suppress involved the circuit court vacating that order and entering a new order. *State v. Taylor*, 965 S.W.2d 257, 260 (Mo. App. 1998) ("[T]he court did more than reconsider the motion to suppress, it expressly vacated its previous order and entered a new order, thereby beginning anew the time within which the State had to appeal. Accordingly, we find the State's appeal to this court was timely."). Contrary to the assertion raised in the dissenting opinion, *Taylor* is inapplicable because this case does not involve the circuit court vacating its prior order. Moreover, the unique circumstances in *Taylor* concerned the circuit court's order itself containing an erroneous instruction about the timeframe for an appeal. *Id.* at 259. This Court expresses no opinion about whether *Taylor* is more broadly applicable.

2015) (requiring a docket entry not be "too vague" and, instead, "make[] a final determination of whether to suppress or not suppress the evidence"). Neither section 547.200 nor this Court's rules mandate more specific rationale for the circuit court's determination, and a lack of more specific findings does not impede appellate review. *See State v. Kampschroeder*, 985 S.W.2d 396, 398 (Mo. App. 1999) ("When the parties have not requested findings of fact or conclusions of law and none are entered, the trial court is presumed to have made findings in accordance with the decree entered. The judgment will be affirmed under any reasonable theory supported by the evidence." (citation omitted)). There is no reason to ignore the February 26 docket entry as an order having the substantive effect of suppressing the evidence challenged in the motions.

Allen, 295 S.W.3d 179, is instructive. In *Allen*, the circuit court sustained a motion to suppress statements by a docket entry merely stating the motion was sustained. *Id.* at 181. The circuit court made that docket entry on September 8, 2008. *Id.* The state then filed a motion for a more specific ruling, which the circuit court addressed the next day during an in-chambers conference. *Id.* On November 3, the state requested additional clarification of the September 8 order. *Id.* The circuit court made another docket entry on November 4 reaffirming the court's original order. *Id.* The state appealed on November 4, and the court of appeals found the filing to be late. *Id.* at 182-83. Strictly enforcing the requirements of section 547.200.4, the court of appeals found the appeal needed to be brought within five days of the order suppressing the statements that was entered on September 8. *Id.* at 181-83. The same result must occur here: the state did not bring a timely appeal within five days of the February 26 docket entry.

State v. Vandervort, 663 S.W.3d 520 (Mo. App. 2023), relying on *Allen*, further supports the conclusion that this appeal must be dismissed. In *Vandervort*, like in this case, the circuit court partially sustained a defendant's motion to suppress by oral pronouncement and docket entry. *Id.* at 523. The Monday following the circuit court's Friday decision, the state requested formal findings on the ruling. *Id.* Two days later, the state filed its notice of interlocutory appeal. *Id.* The circuit court issued the requested findings of fact and conclusions of law more than a week later, and the state filed a second notice of interlocutory appeal. *Id.* The appeals were consolidated, and the court of appeals addressed its jurisdiction. *Id.* & n.2. Because "the circuit court rendered the same decision" in each order, the court of appeals found the "appeal *of the initial suppression decision* was timely and [it had] jurisdiction to hear the appeal." *Id.* at 523 n.2 (emphasis added). Unlike in *Vandervort*, the state in this case did not choose to appeal the initial decision in the February 26 docket entry. The February 26 docket entry, however, was the definitive ruling suppressing evidence, and that order started the clock for the time limitation in section 547.200.4.

In argument before this Court, the state contended the parties were expecting written findings, suggesting the later order was the correct order from which to appeal. Mire, while maintaining the state's appeal was late, acknowledged the state could have been "surprised" to find the March 11 order was not the operative order. Although it is true the circuit court requested from Mire an order consistent with its oral pronouncement at the hearing on the motions, the circuit court then immediately entered its order. Had the circuit court intended to wait for a proposed order from Mire, it could have taken the matter under

advisement or otherwise delayed ruling on the matter. The circuit court, however, did not take that course of action. The circuit court's February 26 docket entry made clear its ruling on Mire's motions to suppress. At that instant, the state had five days to file its notice of appeal.[5]

The dissenting opinion recognizes the importance of a bright-line rule for assessing the timeliness of an appeal under section 547.200.4 but advocates for a policy of scouring the record to ferret out the possible intent of the circuit court as to whether an order satisfied section 547.200.1. While the circuit court may have initially intended to not issue a ruling until receiving a proposed order from the prevailing party, the circuit court, for reasons not apparent from the record, immediately issued a definitive ruling after the hearing. Following the plain language of section 547.200.1, that order had "the substantive effect of … [s]uppressing evidence." Holding this would not meet section 547.200.1 would eviscerate the legislature's mandate the notice of appeal be filed within five days of the order's entry. Should a circuit court not intend to rule on a motion to suppress—an action that would start the clock for the state's appeal timing—it has the straightforward option of being clear on the record that the matter has been taken under submission. This Court seriously doubts circuit courts are not already routinely taking this approach.[6] In this case,

[5] Because section 547.200.4 requires the notice of appeal to be filed within five days, Rule 20.01(a) applies and "intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation" of the time period.

[6] The dissenting opinion questions what more the state could have done. Seeing the docket entry following the hearing, a cautious prosecutor could have immediately appealed, as the state did in *Vandervort*. *See* 663 S.W.3d at 523. Despite what the circuit court previously announced, following the February 26 docket entry, it was no longer apparent the circuit court was waiting on an order from Mire.

however, the circuit court issued a definitive ruling in its February 26 docket entry, and the state did not timely appeal that order.

Conclusion

Because the state's notice of appeal was untimely, the appeal is dismissed.

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Robin Ransom, Judge

Powell, C.J., Fischer, and Wilson, JJ., concur;
Gooch, J., dissents in separate opinion filed;
Russell and Broniec, JJ., concur in opinion of Gooch, J.

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DISSENTING OPINION

I respectfully dissent. Because the state appealed within five days of the circuit court's order, the state's appeal was timely under section 547.200.4 and Rule 30.02(a).[1] This Court should reach the merits of the state's appeal.

"The right to appeal derives solely from statute." *In re Cir. Att'y, 22nd Jud. Cir. ex rel. Dunn*, 708 S.W.3d 867, 870 (Mo. banc 2025) (internal quotation omitted). "If a statute does not give a right to appeal, the appeal must be dismissed." *Id.* (internal quotation omitted). "Whether a statute gives a right to appeal is a question of statutory interpretation, which is an issue of law the Court reviews *de novo*." *Id.* "This Court has

[1] All statutory references are to RSMo 2016, and all rule references are to Missouri Court Rules (2024).

long held appeals are favored in the law and statutes granting appeals are liberally construed." *Id.* (internal quotation omitted).

Section 547.200.1(3) authorizes the state to appeal "from any order or judgment the substantive effect of which results in … [s]uppressing evidence[.]" Section 547.200.1(3) does not define when an order has the "substantive effect" of "suppressing evidence." Common sense, though, dictates an order does not have the "substantive effect" of "suppressing evidence" when the record is clear the circuit court intended to take (and did take) further action after the February 26 docket entry, making it not the circuit court's final decision on the matter. At the February 26 hearing, the circuit court instructed Mire's counsel:

THE COURT:	All right. Can you get me an order consistent with that, ma'am?
[Counsel]:	I sure will.
THE COURT:	All right.
[Counsel]:	And I'm going to write it down now. You got it.
THE COURT:	All right.

On the same date, the circuit court set a reappearance date of March 11 and made the docket entry the principal opinion claims the state should have appealed.

Consistent with the expectations of counsel and the circuit court, the circuit court held a hearing as scheduled on March 11 and signed and filed a document titled "Judgment and Order" on that date with the accompanying docket entry "[j]udgment and order of motion to suppress entered per formal." There is no dispute the state timely appealed the March 11 order by that same day filing its notice of appeal and ordering the suppression hearing transcript.

In concluding the state should have appealed the February 26 docket entry, the principal opinion disregards or ignores the record evidence of what actually occurred at the suppression hearing. The circuit court expressed its clear intent to enter a written order after receiving a proposed order from Mire's counsel and did so March 11.[2]

From a practitioner's point of view, what else was the state supposed to do? The state did what competent counsel would be expected to do and trusted the circuit court would do what it said and enter a written order on a later date, which is exactly what the circuit court did. The principal opinion concludes the state lost its right to appeal under section 547.200.1(3) by relying on the circuit court's directions. The principal opinion places the state in the untenable position of disregarding or defying a circuit court's directions or losing the right to appeal.[3] This directly contravenes the legislature's intent in section 547.200.1(3) of providing the state the right to appeal interlocutory orders with the substantive effect of suppressing evidence and further contravenes this Court's

[2] The record reflects the judge assigned to the case was a senior judge sitting specially in Greene County and from a home circuit some three hours away. The judge was not in Greene County daily, so it was logical the judge would schedule a future hearing date for a time when the judge would be in Greene County to receive the proposed judgment from counsel and then enter it on March 11.

[3] The principal opinion asserts a cautious prosecutor could have appealed, but this fails to acknowledge the state in appealing would have caused the circuit court to lose jurisdiction over all issues related to the motion to suppress and would have eliminated the circuit court's ability to enter an order after receiving a proposed draft from Mire's counsel. *Sanford v. CenturyTel of Mo., LLC*, 490 S.W.3d 717, 721 (Mo. banc 2016). The principal opinion presumably would assert this makes no difference because it says the February 26 docket entry and March 11 order are substantively identical, but a review of the plain language of each shows they are not.

precedent holding appeals are favored in the law and statutes granting the right to appeal are construed liberally. *See Dunn*, 708 S.W.3d at 870.

Even under the principal opinion's analysis, the March 11 order is materially different in substance and scope from the February 26 docket entry and is the order the state correctly appealed. The principal opinion concludes a specific rationale for the circuit court's decision is not required and appellate review is not impeded by the lack of more specific findings. Although the circuit court may not have been required to make specific findings, the circuit court did so here, and those findings (and conclusions) in the March 11 order are materially different from those in the February 26 docket entry. This does impede appellate review. The February 26 docket entry references the "tranquillizing [sic] drug (Versed)." The March 11 order says nothing about Versed being a "tranquillizing [sic] drug." This is also significant in the context of the appeal, and does impede appellate review, because there was no expert testimony or other record evidence of Versed as a "tranquilizing drug." The February 26 docket entry also states "the Miranda and consent to blooddraw [sic] is hereby suppressed." This language does not appear in the March 11 order. The March 11 order is approximately one and one-half pages long and states in part:

> As [Mire] was involuntarily administered Versed prior to being advised of implied consent and her Miranda warnings, and as the evidence at the hearing was [Mire] experienced the effects of the drug prior to the giving of implied consent and her Miranda warnings, [Mire] did not knowingly and voluntarily consent to submit to the blood draw in this case. Therefore, the results of the blood draw in this case are hereby suppressed from evidence. Further, any statements made by [Mire], after she was administered Versed, are also suppressed from use in evidence.

None of these findings and conclusions were included in the February 26 docket entry. It is particularly significant the March 11 order twice references implied consent, the crux of the state's appeal, while the February 26 docket entry never mentions implied consent. The docket entry and the later order are not substantively identical.

The correct conclusion is the March 11 order is materially different from the February 26 docket entry. The February 26 docket entry was replaced with the March 11 order, and the March 11 order is the order from which the appeal was properly taken. The state correctly and timely appealed the March 11 order as the order with the substantive effect of suppressing evidence.

Consideration of the 1995 amendment to Rule 74.01(a) of the rules of civil procedure only reinforces the principal opinion's error in disregarding the record evidence as to finality. Far from rejecting the idea that intent matters, Rule 74.01(a) after the 1995 amendment explicitly recognizes intent *does* matter by providing a mechanism for a circuit court to indicate it does not intend a docket entry to serve as a judgment: "A docket sheet entry complying with these requirements is a judgment unless the docket sheet entry indicates that the court will enter the judgment in a separate document. The separate document shall be the judgment when entered." Rule 74.01(a).[4] Yet, under the

[4] Even after the 1995 amendment to Rule 74.01(a), this Court has continued to acknowledge intent to enter a judgment or order *does* matter: "Judgments are a subset of orders generally." *Meadowfresh Sols. USA, LLC v. Maple Grove Farms, LLC*, 578 S.W.3d 758, 760 (Mo. banc 2019) (internal quotation omitted). "[B]ecause the foregoing definition of judgment *depends upon the court's purpose and intent*, a judgment must be denominated 'judgment' and signed by the judge to avoid any confusion about whether the court intended to enter a judgment." *Id.* (alteration in original) (emphasis added) (internal quotation omitted). "In this case, when examining the content and substance of

principal opinion's analysis, the requirements for an interlocutory order triggering the right to appeal under section 547.200.1(3) are more stringent than the requirements for a civil judgment under Rule 74.01(a).

Under the principal opinion's analysis, even if the circuit court had indicated in its February 26 docket entry it would enter its order in a separate document, the state's appeal of the March 11 order would still be dismissed as untimely because the February 26 docket entry resolved all issues related to the motion to suppress. The principal opinion would hold the state could have and should have known it had to appeal the February 26 docket entry despite the docket entry explicitly stating a separate document would be entered and despite the separate document ultimately filed being materially different from the docket entry. This is an absurd result leading to great confusion and creating a more onerous burden as to criminal interlocutory orders subject to appeal than as to civil judgments in Rule 74.01(a). Correctly construing the March 11 order as the order triggering the state's right to appeal favors and promotes written orders, leading to clear records on appeal. Under the principal opinion's analysis, the state will be left to appeal incomplete or inaccurate oral pronouncements or docket entries. Circuit courts will be able to utilize written orders only if they make no docket entries at all or, as the

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the [interlocutory] order, *along with the circuit court's purpose and intent*, it is clear the circuit court's order overruling the motion to revoke the receivership appointment is interlocutory and the circuit court intended to retain jurisdiction over the case to resolve additional issues." *Id.* at 761 (emphasis added). It is "this Court's long-standing precedent *to review the content, substance, and effect of the [interlocutory] order entered and the circuit court's intent and purpose when doing so*." *Id.* at 762 (emphasis added); *see also State ex rel. Henderson v. Asel*, 566 S.W.3d 596, 599 (Mo. banc 2019).

principal opinion suggests, make a docket entry containing no substantive information and indicating the matter is taken under advisement. This confusion and uncertainty could be avoided by simply determining finality in this case based on the record evidence.

None of the cases on which the principal opinion relies support its result. The March 11 order is akin to the "new order" giving rise to a timely interlocutory appeal in *State v. Taylor*, 965 S.W.2d 257 (Mo. App. 1998). In *Taylor*, the court of appeals overruled the state's motion to appeal the interlocutory order out of time. *Id.* at 259. In response, the circuit court vacated its order and issued a new order again sustaining the defendant's motion to suppress. *Id.* at 259-60. *Taylor* makes clear a new order can make the same substantive ruling as an earlier order (i.e. sustaining the defendant's motion to suppress in both orders) and still amount to a new order for purposes of appeal. *Taylor* shows why the March 11 order is the order triggering the state's right to appeal.

In this case, the circuit court did not need to vacate the February 26 docket entry to enter the March 11 order. The state correctly did not appeal the February 26 docket entry based on the circuit court's stated intent to enter an order after receiving a proposed order prepared by Mire's counsel, meaning the circuit court still had jurisdiction over all issues related to the motion to suppress and was free to file a materially different order on March 11 and did exactly that, just as it indicated it would at the initial hearing. *See* Rule 30.02(a) (providing "the state is permitted by law to appeal an order … that is not a final judgment"); *Sanford*, 490 S.W.3d at 721 ("[A] trial judge has authority at any time *before final judgment* to open, amend, reverse or vacate an interlocutory order. Of course, once

a notice of appeal is filed on the order …, the trial court's jurisdiction to modify *that order*—for the time being—is relinquished to the appellate court." (alterations, footnote, citation, and quotation omitted)).

In *State v. Allen*, 295 S.W.3d 179, 182 (Mo. App. 2009), the court of appeals dismissed the interlocutory appeal as untimely when the court of appeals found "[t]he record reflects" the state did not appeal within five days from the circuit court's docket entry, entered three days after the suppression hearing and stating: "Deft's motion to suppress statements sustained." The state moved for a more specific ruling, and the circuit court made another docket entry reaffirming its original docket entry. *Id.* In *Allen*, the court of appeals correctly reviewed the record and held the state had five days to appeal from the original docket entry because the state's motion for a more specific ruling did not extend or toll the deadline, and the circuit court's subsequent docket entry did not change its original order. *Id.* The *Allen* court also noted the circuit court had verbally clarified its order in an in-chambers explanation the day after the state filed its motion. *Id.* There is no indication the *Allen* court confronted the situation here—a record reflecting the circuit court intended to (and did) take further action by later entering a materially different order.

In *State v. Vandervort*, 663 S.W.3d 520, 523 & n.2 (Mo. App. 2023), the court of appeals cited *Allen* and rejected Vandervort's argument the state's interlocutory appeal was untimely when the state filed its first appeal within five days of the circuit court's oral pronouncement and written docket entry "in an abundance of caution because it was unclear whether the court would make any further ruling" and then filed a second appeal

after the circuit court issued a judgment and order with findings of fact and conclusions of law affirming its earlier "preliminary ruling" in the suppression motion. In *Vandervort*, it was "unclear whether the court would make any further ruling." *Id.* at 523 n.2. Further, in *Vandervort*, "the circuit court rendered the same decision in the oral pronouncement, docket entry, and the formal Judgment and Order." *Id.* Not so here. Here, the record is clear the circuit court intended to (and did) take further action by entering a materially different order on March 11. To say the state had to appeal the February 26 docket entry on this record given the materially different March 11 order goes far beyond *Vandervort*.

Both *Allen* and *Vandervort* show it is appropriate (and necessary) for an appellate court to review the entire record in determining whether the interlocutory appeal was timely. Such a review leads to the unmistakable conclusion the state's appeal of the March 11 order was timely because the circuit court expressed its intent to make a further ruling and did exactly that by its materially different order of March 11, the substantive effect of which resulted in suppressing the evidence, as required by section 547.200.1(3).[5]

[5] None of the other cases the principal opinion cites involve the issue of whether a docket entry or later written order triggered the state's right to appeal under section 547.200.1(3). *See State v. Moore*, 698 S.W.3d 505, 507 (Mo. App. 2024) (dismissing the interlocutory appeal as untimely when the state filed its notice of appeal seven days after the circuit court's order, two days late under section 547.200.4); *State v. Faudi*, 141 S.W.3d 83, 84-85 (Mo. App. 2004) (dismissing the interlocutory appeal as untimely when the state conceded the appeal was untimely and the appellate court concluded it lacked authority to permit the state's late appeal); *State v. Beaver*, 697 S.W.2d 573, 574-75 (Mo. App. 1985) (dismissing the interlocutory appeal as untimely because the notice

It is no surprise neither the parties nor the court of appeals questioned the timeliness of the appeal given the plain record in this case. This Court's decision to question *sua sponte* the timeliness of the appeal despite the clear record evidence as to finality does not honor the legislature's explicit concern as to interlocutory appeals in section 547.200.5 of "balancing the right of the state to review the correctness of pretrial decisions of a trial court against the rights of the defendant to a speedy trial[.]" The parties have engaged in time-consuming, expensive litigation for more than eighteen months about the March 11 order. The circuit court and counsel understood that order to be the pretrial decision on Mire's motion to suppress, only for this Court to disregard the record evidence and decline to reach the merits of this interlocutory appeal.

No doubt it is important to have a bright-line rule for whether a notice of appeal has been filed timely. The state filed its notice of appeal on March 11, the same date the circuit court entered its order with the substantive effect of suppressing evidence, as required by section 547.200.1(3), and well within the five-day deadline to appeal in section 547.200.4 and Rule 30.02(a). The circuit court did exactly what it said it would do by entering the March 11 order, which is materially different from the February 26 docket entry. The record is clear. The state correctly appealed the March 11 order. The state's appeal was timely. This Court should decide the merits of the appeal.

Ginger K. Gooch, Judge

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of appeal was untimely and the state's motion for reconsideration did not toll the time to appeal).