

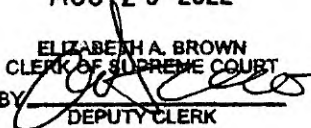
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEREMIAH DEWIGHT THORNBURG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 83864-COA

FILED

AUG 26 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Jeremiah Dewight Thornburg appeals from a judgment of conviction, entered pursuant to a guilty plea, of attempted sexual assault of a child under the age of 14 years. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Chief Judge.

Thornburg argues the district court erred by imposing \$5,184 in extradition costs and a \$250 indigent defense civil assessment fee as part of his sentence without considering whether he had the ability to pay these sums. Thornburg waived his right to a direct appeal of his conviction. Thornburg does not argue that his plea was not made knowingly and voluntarily or that his claims are outside the scope of the waiver. Therefore, Thornburg's claims are waived unless denying the right to an appeal would work a miscarriage of justice. *See Burns v. State*, 137 Nev., Adv. Op. 50, 495 P.3d 1091, 1099-100 (2021).

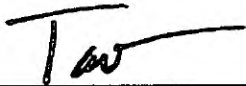
Thornburg contends the imposition of costs and fees would work a miscarriage of justice because the extradition costs violate federal and state constitutional prohibitions against excessive fines and the attorney fee infringed upon his right to counsel. Thornburg does not demonstrate that the extradition costs constitute a "fine" for the purposes of the United

States and Nevada Constitutions. See U.S. Const. amend. VIII; Nev. Const. art. 1, § 6. Moreover, the presentence investigation report indicates the extradition costs imposed match those incurred by the State, and Thornburg does not demonstrate that the costs were excessive. Thornburg also acknowledged in the guilty plea agreement that he would “be ordered to reimburse the State of Nevada for any expenses related to [his] extradition, if any.” Furthermore, Thornburg has not articulated how the fee for counsel’s services infringed upon his right to counsel. Finally, Thornburg may petition the district court at any time for relief from his reimbursement obligation. See NRS 178.3975(3).

In light of these circumstances, Thornburg has failed to demonstrate a miscarriage of justice would result if this court does not consider his claims on appeal. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jerry A. Wiese, Chief Judge
Special Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk