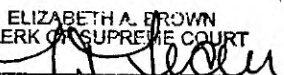


IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB WAYNE TOOMBS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85531
FILED

DEC 16 2022

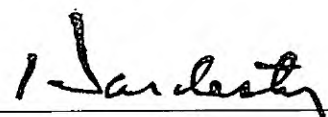
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

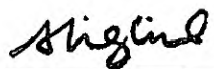
ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Fourth Judicial District Court, Elko County; Mason E. Simons, Judge.

Initial review of the notice of appeal and documents before this court revealed a potential jurisdictional defect. Specifically, it appeared that appellant's notice of appeal was untimely filed because it was filed 2 days beyond the 30-day appeal period prescribed by NRAP 4(b). Accordingly, this court directed appellant's counsel to show cause why this appeal should not be dismissed for lack of jurisdiction. Appellant's counsel has responded to the order to show cause but fails to demonstrate this court's jurisdiction. "[A]n untimely notice of appeal fails to vest jurisdiction in this court." *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423 P.3d 1084 (2018). This court lacks jurisdiction and we

ORDER this appeal DISMISSED.


Hardesty, J.


Stiglich, J.


Herndon, J.

cc: Hon. Mason E. Simons, District Judge
The Law Office of Kristina Wildeveld & Associates
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk