

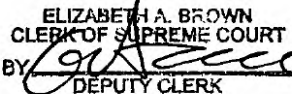
IN THE SUPREME COURT OF THE STATE OF NEVADA

VIRGINIA COUCH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85458

FILED

DEC 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

When initial review of this appeal revealed a potential jurisdictional defect, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. In particular, it appeared that the notice of appeal was untimely filed where the judgment of conviction was filed on August 29, 2022, but the notice of appeal was not filed in the district court until October 3, 2022, more than 30 days later. See NRAP 4(b). In response, appellant concedes that the notice of appeal was untimely filed. Appellant asserts she was unable to communicate with counsel during the relevant time period and asks that this court accept her notice of appeal.

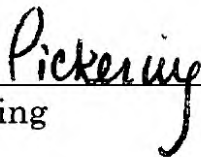
“[A]n untimely notice of appeal fails to vest jurisdiction in this court.” *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994), *overruled on other grounds by Rippo v. State*, 134 Nev. 411, 426 n.18, 423 P.3d 1084, 1100 n.18 (2018). This court is unable to consider appellant’s untimely notice of appeal or extend the time for her to file the notice of appeal. See NRAP 4(c) (governing when an untimely notice of appeal from

a judgment of conviction may be filed). Accordingly, this court lacks jurisdiction and

ORDERS this appeal DISMISSED.¹



_____, J.
Cadish



_____, J.
Pickering



_____, Sr. J.
Gibbons

cc: Hon. Connie J. Steinheimer, District Judge
Virginia Couch
Flynn Giudici, PLLC
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹The Honorable Mark Gibbons, Senior Justice, participated in this matter under a general order of assignment.