

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB MATTHEW SCHULTE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85055

FILED

AUG 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

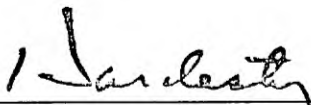
This is an appeal from an amended judgment of conviction. Eighth Judicial District Court, Clark County; Jasmin D. Lilly-Spells, Judge.

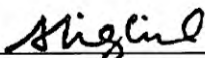
Initial review of the notice of appeal revealed a potential jurisdictional defect. The order revoking probation and amended judgment of conviction was entered on May 29, 2022. The notice of appeal was not filed in the district court until July 15, 2022, well after expiration of the 30-day appeal period prescribed by NRAP 4(b). Accordingly, this court ordered appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.


In response, appellant concedes that the notice of appeal was untimely filed. To the extent appellant suggests that a motion for reconsideration tolled the time to file the notice of appeal, this contention lacks merit. NRAP 4(b)(3) sets forth the tolling motions in criminal appeals—a motion for reconsideration is not among those motions. *See also Phelps v. State*, 111 Nev. 1021, 900 P.2d 344 (1995). This court lacks

jurisdiction over an untimely notice of appeal. *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994). Accordingly, this court

ORDERS this appeal DISMISSED.


_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Herndon

cc: Hon. Jasmin D. Lilly-Spells, District Judge
The Matian Firm, APC
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk