

IN THE SUPREME COURT OF THE STATE OF NEVADA

FOLAJI OLADIME AKINBAYODE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 85170

FILED

OCT 06 2022

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Second Judicial District Court, Washoe County; Jerome M. Polaha, Senior Judge.

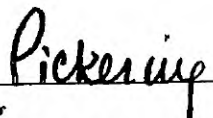
Our preliminary review of the docketing statement and the documents submitted to this court pursuant to NRAP 3(g) revealed a potential jurisdictional defect. Specifically, the notice of appeal appeared to be untimely filed under NRAP 4(b)(1) because it appeared that it was filed more than 30 days after the judgment of conviction was filed. See NRAP 4(b)(1)(A). Accordingly, we directed appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

Appellant has filed a response to this court's order to show cause wherein he concedes that the notice of appeal was filed "out of time." "[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). Accordingly, this court lacks jurisdiction and we

ORDER this appeal DISMISSED.¹


_____, J.
Cadish


_____, J.
Pickering


_____, Sr.J.
Gibbons

cc: Chief Judge, The Second Judicial District Court
Hon. Jerome M. Polaha, Senior Judge
Washoe County Public Defender
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.