State of Nebraska, appellee, v. Ashton J. Graham, appellant.

___ N.W.3d ___

Filed April 2, 2024. No. A-23-001.

1. **Jurisdiction.** Subject matter jurisdiction is a question of law.
2. **Judgments: Appeal and Error.** An appellate court independently reviews questions of law decided by a lower court.
3. **Judgments: Speedy Trial: Appeal and Error.** Generally, a trial court's determination as to whether charges should be dismissed on speedy trial grounds is a factual question which will be affirmed on appeal unless clearly erroneous.
4. **Jurisdiction: Words and Phrases.** Subject matter jurisdiction is the power of a tribunal to hear and determine a case in the general class or category to which the proceedings in question belong and to deal with the general subject matter involved.
5. **Jurisdiction.** Parties cannot confer subject matter jurisdiction upon a judicial tribunal by either acquiescence or consent, nor may subject matter jurisdiction be created by waiver, estoppel, consent, or conduct of the parties.
6. **Actions: Jurisdiction.** Lack of subject matter jurisdiction may be raised at any time by any party or by the court sua sponte.
7. ____: ____. A court action taken without subject matter jurisdiction is void.
8. **Jurisdiction: Appeal and Error.** An appellate court has an independent duty to decide jurisdictional issues on appeal, even if the parties have not raised the issue.
9. ____: ____. When a trial court lacks the power, that is, jurisdiction, to adjudicate the merits of a claim, an appellate court also lacks the power to adjudicate the merits of the claim.
10. **Jurisdiction: Fees.** The failure to pay the docket fee is jurisdictional.
11. **Courts: Appeal and Error.** In regard to a criminal case in county court, a defendant may appeal, but the State is limited to an exception proceeding.

12. **Appeal and Error.** An appellate court is not obligated to engage in an analysis that is not necessary to adjudicate the case and controversy before it.

Appeal from the District Court for Adams County, Morgan R. Farquhar, Judge, on appeal thereto from the County Court for Adams County, Michael O. Mead, Judge. Judgment of District Court reversed and vacated, and cause remanded with directions.

T. Charles James, of Langvardt, Valle & James, P.C., L.L.O., for appellant.

Michael T. Hilgers, Attorney General, and Stacy M. Foust for appellee.

Riedmann, Bishop, and Welch, Judges.

Welch, Judge.

INTRODUCTION

Ashton J. Graham appeals the decision of the Adams County District Court that reversed the county court's order dismissing his criminal case based on a violation of his statutory right to a speedy trial. For the reasons stated herein, we reverse and vacate the district court's order and remand the cause to the district court with directions to remand the cause to the county court.

BACKGROUND

On December 16, 2020, the State charged Graham in the county court for Adams County with one count of driving under the influence. Graham appeared pro se at the December 17 arraignment and requested a continuance so that he could retain counsel. The following colloquy occurred during the arraignment:

> THE COURT: . . . Are you asking for a continuance then, so that you can retain [counsel]?
>
> [Graham:] Yes.
>
> THE COURT: Any objection by the State?

> [State:] No, Your Honor.
>
> THE COURT: All right. We'll come back January 22nd at 9 a.m. for a further hearing in this matter. At that time, you'll come back with your attorney; he'll probably do an entry of plea and he'll let you know what to do. There's a bond set that will continue. Speedy trial tolls today's date through January 22nd.

The court did not make any further advisement regarding Graham's right to a speedy trial.

On January 18, 2021, Graham's counsel entered his appearance, tendered Graham's written plea of not guilty, and requested the matter be set for a jury trial. On February 11, Graham filed a motion to suppress, and the suppression hearing was held on April 28. The court denied the motion to suppress on August 3 and set the matter for a jury trial. During the October 19 pretrial hearing, Graham waived his right to a jury trial, and the court scheduled the bench trial to commence on December 28.

On December 28, 2021, Graham filed a motion for discharge on constitutional and statutory speedy trial grounds. A hearing thereon was held in February 2022. On July 22, the county court granted Graham's motion for discharge based on a violation of his statutory right to a speedy trial. Specifically, the county court found that during the arraignment, the county court did not advise Graham, who was unrepresented by counsel, of the effect of requesting a continuance. The court only stated that "[s]peedy trial tolls today's date through January 22nd." Because of the court's failure to advise Graham of the effect of waiving his right to a speedy trial pursuant to Neb. Rev. Stat. § 29-1207(4)(b) (Reissue 2016), the county court found that the time from the December 17, 2020, original arraignment date to the January 22, 2021, continued arraignment date was not excludable.

On August 1, 2022, the State filed in the county court its notice of intent to take exception to the county court's order pursuant to Neb. Rev. Stat. § 29-2317 (Reissue 2016). An

identical notice was filed in the district court on August 19. According to the State's brief on appeal, the State did not pay the docket fee or request to pay the docket fee to the county court. Instead, the State paid the docket fee in the form of a claim collectible to the district court when it filed the identical notice of appeal in the district court.

On December 1, 2022, the district court reversed the county court's order that had granted Graham's motion for discharge due to a violation of Graham's statutory right to a speedy trial and remanded the cause to the county court for further proceedings. Graham has timely appealed the district court's order.

ASSIGNMENTS OF ERROR

Graham assigns that the district court (1) did not have subject matter jurisdiction to hear the State's appeal and (2) erred when it reversed the county court's order granting his motion for discharge.

STANDARD OF REVIEW

[1,2] Subject matter jurisdiction is a question of law. *Schaeffer v. Frakes*, 313 Neb. 337, 984 N.W.2d 290 (2023). An appellate court independently reviews questions of law decided by a lower court. *Id*.

[3] Generally, a trial court's determination as to whether charges should be dismissed on speedy trial grounds is a factual question which will be affirmed on appeal unless clearly erroneous. *State v. Lovvorn*, 303 Neb. 844, 932 N.W.2d 64 (2019).

ANALYSIS

Graham's first assignment of error is that the district court lacked jurisdiction to hear the State's appeal from the county court's order granting his motion for discharge. More specifically, he argues that the district court lacked subject matter jurisdiction over the State's appeal because the State failed to

deposit a docket fee as required by Neb. Rev. Stat. § 25-2729 (Cum. Supp. 2022) in connection with pursuing an exception proceeding.

[4-7] Subject matter jurisdiction is the power of a tribunal to hear and determine a case in the general class or category to which the proceedings in question belong and to deal with the general subject matter involved. *Huff v. Otto*, 28 Neb. App. 646, 947 N.W.2d 343 (2020). Parties cannot confer subject matter jurisdiction upon a judicial tribunal by either acquiescence or consent, nor may subject matter jurisdiction be created by waiver, estoppel, consent, or conduct of the parties. *Id.* Lack of subject matter jurisdiction may be raised at any time by any party or by the court sua sponte. *Id.* A court action taken without subject matter jurisdiction is void. *Id.*

[8-10] An appellate court has an independent duty to decide jurisdictional issues on appeal, even if the parties have not raised the issue. *Davis v. State*, 297 Neb. 955, 902 N.W.2d 165, (2017). And when a trial court lacks the power, that is, jurisdiction, to adjudicate the merits of a claim, an appellate court also lacks the power to adjudicate the merits of the claim. *Id*. It has been repeatedly held that the failure to pay the docket fee is jurisdictional. *Kowalewski v. Madison Cty. Bd. of Comrs.*, 310 Neb. 812, 969 N.W.2d 392 (2022).

Here, following the county court's dismissal of the State's case against Graham, the State filed a notice of appeal pursuant to § 29-2317 in the county court. The State filed an identical notice of appeal in the district court. In its brief on appeal, the State asserts that it electronically paid the docket fee to the district court in the form of a claim collectible instead of depositing the docket fee with the clerk of the county court, as required under § 25-2729(1)(b). Accordingly, the State concedes that the district court may have lacked jurisdiction to consider the State's appeal.

[11] The issue requires that we examine the procedural rules governing the perfection of criminal appeals from the county court to the district court. In *State v. Thalken*, 299

Neb. 857, 871-72, 911 N.W.2d 562, 574 (2018), the Nebraska Supreme Court held:

> In contrast to the statutes governing district courts, the statute limiting appeals from county court in criminal cases [under § 25-2729] is explicit: "Any party in a civil case and any defendant in a criminal case may appeal from the final judgment or final order of the county court to the district court of the county where the county court is located." This statute also states in part, "In a criminal case, a prosecuting attorney may obtain review by exception proceedings pursuant to sections 29-2317 to 29-2319." Thus, it is clear that in regard to a criminal case in county court, a defendant may "appeal," but the State is limited to an "exception proceeding[]."

(Emphasis omitted.)

Following the dictates of *State v. Thalken, supra*, in order to obtain review of a county court order in a criminal case, the State was required to comply with the exception proceeding rules set forth in Neb. Rev. Stat. §§ 29-2317 to 29-2319 (Reissue 2016). We note that although § 29-2318 was amended effective September 2, 2023, that amendment was not in effect at the time of the State's appeal of the district court's order in this case. See § 29-2318 (Supp. 2023). As relevant to this appeal, the question becomes whether the rules governing exception proceedings require the State to pay a docket fee in order to perfect that review.

Section 29-2317 provides:

> (1) A prosecuting attorney may take exception to any ruling or decision of the county court made during the prosecution of a cause by presenting to the court a notice of intent to take an appeal to the district court with reference to the rulings or decisions of which complaint is made.
>
> (2) The notice shall contain a copy of the rulings or decisions complained of, the basis and reasons for objection thereto, and a statement by the prosecuting attorney

as to the part of the record he or she proposes to present to the district court. The notice shall be presented to the court within twenty days after the final order is entered in the cause. If the court finds it is in conformity with the truth, the judge shall sign it and shall indicate thereon whether, in his or her opinion, the part of the record which the prosecuting attorney proposes to present to the district court is adequate for a proper consideration of the matter.

(3) The prosecuting attorney shall then file the notice in the district court within thirty days from the date of final order and within thirty days from the date of filing the notice shall file a bill of exceptions covering the part of the record referred to in the notice. Such appeal shall be on the record.

Section 29-2318 (Reissue 2016) provides:

When a notice is filed, the trial court shall appoint a lawyer to argue the case against the prosecuting attorney, which lawyer shall receive for his or her services a fee not exceeding two hundred dollars to be fixed by the court and to be paid out of the treasury of the county. The court may appoint the defendant's attorney, but if an attorney is not appointed the defendant may be represented by an attorney of his or her choice.

Section 29-2319 provides:

(1) The judgment of the court in any action taken under the provisions of sections 29-2317 and 29-2318 shall not be reversed nor in any manner affected when the defendant in the trial court has been placed legally in jeopardy, but in such cases the decision of the district court shall determine the law to govern in any similar case which may be pending at the time the decision is rendered, or which may thereafter arise in the district.

(2) When the decision of the district court establishes that the final order of the trial court was erroneous and that the defendant had not been placed legally in

> jeopardy prior to the entry of such erroneous order, the trial court may upon application of the prosecuting attorney issue its warrant for the rearrest of the defendant and the cause against the defendant shall thereupon proceed in accordance with the law as determined by the decision of the district court.
>
> (3) The prosecuting attorney may take exception to any ruling or decision of the district court in the manner provided by sections 29-2315.01 to 29-2316.

After reviewing these statutes, it is clear that there is no mention of a docket fee in connection with perfecting this review. Nevertheless, in suggesting that a docket fee must be paid to perfect this review, Graham cites to this court's holding in *State v. McArthur*, 12 Neb. App. 657, 685 N.W.2d 733 (2004), and suggests it dictates a similar result here.

In *State v. McArthur, supra*, this court considered whether the State was required to pay a docket fee in connection with its appeal of a county court's order granting a motion to suppress pursuant to Neb. Rev. Stat. §§ 29-824 to 29-826 (Reissue 2016). In finding that the payment of a docket fee was required to perfect that appeal, we recognized that, although § 29-824 granted the State the right to appeal from an order granting a motion to suppress in the manner provided in §§ 29-824 to 29-826, and nothing in those statutes explicitly required the payment of a docket fee, "[s]ections 29-824 to 29-826 are silent, however, with regard to paying a docket fee. We find that this silence simply means that there is not a more stringent requirement placed upon the State than the standard requirement for appeals." *State v. McArthur*, 12 Neb. App. at 666, 685 N.W.2d at 740. In making this finding, we analyzed § 25-2729, which sets forth the requirement for payment of a docket fee in connection with county court appeals, and noted the explicit language contained in Neb. Rev. Stat. § 25-2728(2) (Cum. Supp. 2002):

> Section 25-2728(2) expressly states that Neb. Rev. Stat. §§ 25-2728 to 25-2738 (Reissue 1995 & Cum. Supp.

> 2002) "shall not apply to" and then lists several statutes, among which §§ 29-824 to 29-826 are not included. [The defendant] argues that because § 25-2728(2) does not exclude application of § 25-2729 to §§ 29-824 to 29-826, § 25-2729 must necessarily apply to §§ 29-824 to 29-826. We agree.

State v. McArthur, 12 Neb. App. at 662, 685 N.W.2d at 737. The current version of the statute, which was amended in 2018, likewise does not exclude application of § 25-2729 to §§ 29-824 to 29-826.

In noting that pursuant to the language of § 25-2728(2), the Legislature specifically provided that Neb. Rev. Stat. §§ 25-2728 to 25-2738 (Reissue 1995 & Cum. Supp. 2002) shall not apply to certain types of appeals, we ultimately concluded that "the Legislature's omission of §§ 29-824 to 29-826 from § 25-2728(2) indicates an intent that § 25-2729 apply to §§ 29-824 to 29-826." *State v. McArthur*, 12 Neb. App. at 664, 685 N.W.2d at 738. Graham makes a similar argument here. He notes that because §§ 29-2317 to 29-2319 are likewise omitted from § 25-2728(2) (Cum. Supp. 2022), the same reasoning should apply, and that the general docket fee requirement in § 25-2729 should apply to an exception proceeding under §§ 29-2317 to 29-2319.

As it relates to this very specific issue, we noted in dicta in *State v. McArthur*:

> Sections 29-2317 to 29-2319 contain no language specifically addressing whether a prosecuting attorney need not pay a docket fee. Furthermore, we find the Legislature's recognition in § 25-2728(1) of a prosecuting attorney's right to obtain review by exception proceedings pursuant to §§ 29-2317 to 29-2319, and then its omission of those sections from § 25-2728(2), indicative of an intent that the docket fee requirement contained in § 25-2729 *does* apply to §§ 29-2317 to 29-2319.

12 Neb. App. at 663, 685 N.W.2d at 738.

That language was dicta in *State v. McArthur, supra*, because the issue in that case was whether a docket fee was required by the State in connection with an appeal under §§ 29-824 to 29-826, not an appeal under §§ 29-2317 to 29-2319. And there is a difference between appeals under those different statutory constructs in that, in § 25-2728(1), the Legislature never makes mention of §§ 29-824 to 29-826, whereas the Legislature specifically noted in § 25-2728(1) that "[i]n a criminal case, a prosecuting attorney may obtain review by exception proceedings pursuant to sections 29-2317 to 29-2319." The question becomes whether that specific directive in § 25-2728(1) indicates that § 25-2729 should not apply to an exception proceeding pursuant to §§ 29-2317 to 29-2319.

[12] Nebraska's appellate courts have never been called upon to directly decide that issue. But in *McArthur*, we reasoned that the subsequent omission of §§ 29-2317 to 29-2319 from § 25-2728(2) was indicative of the Legislature's intent to apply § 25-2729 to this type of appeal. We further note that following our opinion in *McArthur*, § 25-2728 was amended in 2018 without any changes in relation to this specific issue. Accordingly, we will not depart from that reasoning now and specifically hold that the Legislature's recognition in § 25-2728(1) of a prosecuting attorney's right to obtain review by exception proceedings pursuant to §§ 29-2317 to 29-2319, followed by its omission of those sections from § 25-2728(2), is indicative of an intent that the docket fee requirement in § 25-2729 does apply to exception proceedings under §§ 29-2317 to 29-2319. Because the State acknowledged failing to timely pay the docket fee in accordance with that section, we find the district court lacked subject matter jurisdiction over this appeal, as do we. See *State v. Pauly*, 311 Neb. 418, 972 N.W.2d 907 (2022) (where lower court lacks subject matter jurisdiction to adjudicate merits of claim, issue, or question, appellate court also lacks power to determine merits of claim, issue, or question presented to lower court).

Accordingly, we reverse and vacate the district court's order and remand the cause to the district court with directions to remand the cause to the county court. Because of this determination, we need not consider Graham's remaining assignment of error. An appellate court is not obligated to engage in an analysis that is not necessary to adjudicate the case and controversy before it. *State v. Williams*, 313 Neb. 981, 987 N.W.2d 613 (2023).

CONCLUSION

For the reasons stated above, we reverse and vacate the district court's order that reversed the county court's order dismissing the State's complaint against Graham for a speedy trial violation and remand the cause to the district court with directions to remand the cause to the county court.

Reversed and vacated, and cause remanded with directions.

Bishop, Judge, dissenting.

The majority determines that because of dicta in *State v. McArthur*, 12 Neb. App. 657, 685 N.W.2d 733 (2004), the State's payment of the docket fee in the district court, rather than in the county court, resulted in the district court's lack of subject matter jurisdiction over the State's exception proceeding. I do not agree that the dicta in *McArthur* should control here; rather, only the requirements set forth in Neb. Rev. Stat. § 29-2317 (Reissue 2016) should govern the district court's jurisdiction. The applicable jurisdictional statute for exception proceedings filed from the county court to the district court, § 29-2317, says nothing about a docket fee, unlike the applicable jurisdictional statute for exception proceedings filed from the district court to an appellate court, Neb. Rev. Stat. § 29-2315.01 (Cum. Supp. 2022). Section 29-2315.01 refers to Neb. Rev. Stat. § 25-1912 (Cum. Supp. 2022), which does require a docket fee. Whether the Legislature intentionally or mistakenly omitted a docket fee requirement in the applicable

county court statute does not matter; it is not the province of an appellate court to read something into a statute that is not there. See *State v. Godek*, 312 Neb. 1004, 981 N.W.2d 810 (2022) (not within province of courts to read meaning into statute that is not there or to read anything direct and plain out of statute). I conclude the district court had jurisdiction over the State's exception proceeding, and therefore, I would allow Graham's appeal to proceed in this court to consider the speedy trial issue.

I begin my analysis with Neb. Rev. Stat. § 25-2728 (Cum. Supp. 2022), the current version of the statute interpreted by this court in *State v. McArthur, supra*, to require a docket fee under Neb. Rev. Stat. § 25-2729 (Cum. Supp. 2022) for exception proceedings brought by the State pursuant to Neb. Rev. Stat. §§ 29-2317 to 29-2319 (Reissue 2016), despite such proceedings not being at issue in that case. *McArthur* focused on the fact that exception proceedings were not listed in § 25-2728(2), which this court suggested made the docket fee requirement in § 25-2729 applicable. However, in my opinion, § 25-2728(2) is irrelevant to exception proceedings because § 25-2728(1) specifically directs a prosecuting attorney to §§ 29-2317 to 29-2319 to obtain review by exception proceedings, thus making §§ 25-2728(2) and 25-2729 inapplicable. Section 25-2728(1) provides:

> Any party in a civil case and any defendant in a criminal case may appeal from the final judgment or final order of the county court to the district court of the county where the county court is located. In a criminal case, a prosecuting attorney may obtain review by exception proceedings pursuant to sections 29-2317 to 29-2319.

In considering § 25-2728(1), the Nebraska Supreme Court has stated, "[I]t is clear that in regard to a criminal case in county court, a defendant may 'appeal,' but the State is limited to an 'exception proceeding[].'" *State v. Thalken*, 299 Neb. 857, 872, 911 N.W.2d 562, 574 (2018). The Supreme Court explained:

> At one time, the method of review of all criminal cases in the Supreme Court was upon writ of error. The transition away from writs of error began in 1957, continued in 1961 and 1973, and culminated in 1982. And an understanding of the writ of error procedure is essential to making sense of the exception proceedings now permitted to be taken by the State.
>
> . . . .
>
> In contrast to the statutes governing district courts, the statute limiting appeals from county court in criminal cases is explicit: "Any party in a civil case and *any defendant in a criminal case* may appeal from the final judgment or final order of the county court to the district court of the county where the county court is located." This statute also states in part, "In a criminal case, a prosecuting attorney may obtain review by exception proceedings pursuant to sections 29-2317 to 29-2319." Thus, it is clear that in regard to a criminal case in county court, a defendant may "appeal," but the State is limited to an "exception proceeding[]."

Id. at 871-72, 911 N.W.2d at 574 (emphasis in original) (quoting § 25-2728(1)).

The distinction in *Thalken* between an "appeal" filed by a criminal defendant and an "exception proceeding" filed by the State is important, particularly when reminded that "[i]n the absence of specific statutory authorization, the State, as a general rule, has no right to appeal an adverse ruling in a criminal case." *State v. Johnson*, 259 Neb. 942, 945, 613 N.W.2d 459, 462 (2000). Further, the scope of review permitted in exception proceedings filed by the State is very limited. See, § 29-2319(1) (county court judgments "shall not be reversed nor in any manner affected when the defendant in the trial court has been placed legally in jeopardy," but district court's decision "shall determine the law to govern in any similar case which may be pending at the time the decision is rendered, or which may thereafter arise in the district");

§ 29-2319(2) (if defendant is not "placed legally in jeopardy prior to the entry of such erroneous order, the trial court may upon application of the prosecuting attorney issue its warrant for the rearrest of the defendant and the cause against the defendant shall thereupon proceed in accordance with the law as determined by the decision of the district court"); § 29-2319(3) ("prosecuting attorney may take exception to any ruling or decision of the district court in the manner provided by sections 29-2315.01 to 29-2316"); Neb. Rev. Stat. § 29-2316 (Reissue 2016) (district court judgments "shall not be reversed nor in any manner affected when the defendant in the trial court has been placed legally in jeopardy," but appellate court's decision "shall determine the law to govern in any similar case which may be pending at the time the decision is rendered or which may thereafter arise in the state"; and if defendant is not "placed legally in jeopardy prior to the entry of such erroneous order, the trial court may upon application of the prosecuting attorney issue its warrant for the rearrest of the defendant and the cause against him or her shall thereupon proceed in accordance with the law as determined by the decision of the appellate court").

The Nebraska Supreme Court has further stated that § 25-2728 authorizes an appeal by a defendant in a criminal case in county court and that § 25-2729 "prescribes the procedure to be followed in taking such an appeal." *State v. Thalken*, 299 Neb. 857, 872, 911 N.W.2d 562, 574 (2018). Notably, the court then distinguished an appeal filed by a defendant in a criminal proceeding from an exception proceeding filed by the State, pointing out that "[s]eparate statutes authorize exception proceedings from the respective trial courts." *Id.* "Prior to the reorganization of county courts in the early 1970's, there was no procedure for appeals from county court judgments in criminal cases by the State." *Id.* at 873, 911 N.W.2d at 575. "In 1975, a statute, comparable to the procedures applicable to district courts, was enacted to permit a prosecuting attorney to take an 'exception' to the

district court from a county court ruling or decision." *Id*. at 874, 911 N.W.2d at 575. I view *Thalken* as confirming that a defendant in a criminal case may appeal from a county court as prescribed in § 25-2729, whereas an exception proceeding filed by the State is authorized under separate statutes. In the case of an exception proceeding filed by the State from the county court, the applicable separate statutes are §§ 29-2317 to 29-2319, thus making § 25-2729 and its docket fee requirement inapplicable to such proceedings.

The procedure for the State to file an exception proceeding from the county court to the district court is routed from § 25-2728(1) directly to §§ 29-2317 to 29-2319; therefore, only those criminal procedure statutes dictate the requirements for how the State may file an exception proceeding from the *county court* to the district court. And as the majority acknowledges, those statutes do not say anything about a required docket fee. On the other hand, the statute specific to the filing of an exception proceeding by the State from the *district court* to an appellate court, § 29-2315.01, does refer to § 25-1912, which requires payment of a docket fee in appeals filed from a district court's judgment, decree, or final order. Notably, the county court exception proceeding statutes are almost identical to the comparable district court statutes, except that the county court statutes make no reference to a docket fee. And, as the Nebraska Supreme Court has held:

> Statutory interpretation begins with the text, and the text is to be given its plain and ordinary meaning. An appellate court will not resort to interpretation of statutory language to ascertain the meaning of words which are plain, direct, and unambiguous. Similarly, it is not within the province of the courts to read meaning into a statute that is not there or to read anything direct and plain out of a statute.

State v. Godek, 312 Neb. 1004, 1011, 981 N.W.2d 810, 816 (2022).

Since § 29-2317 does not require a docket fee, this court should not read such a requirement into that statute. This is particularly important since § 29-2317 (exception proceedings from county court) and § 29-2315.01 (exception proceedings from district court) constitute the prerequisite procedures for a reviewing court to acquire jurisdiction to conduct its review. See, *State v. Johnson*, 259 Neb. 942, 945-46, 613 N.W.2d 459, 462 (2000) (State's exception dismissed for lack of jurisdiction because State's application to take exception to district court's decision failed to bear signature of trial judge or contain trial judge's opinion, as required by § 29-2315.01; appellate court's "preliminary inquiry is whether the mandatory requirements of § 29-2315.01 have been met, thereby conferring jurisdiction" upon the appellate court to "decide the merits of the issues raised in the State's exception"; and State's right to seek appellate review of adverse criminal rulings must be in compliance with "'special requirements of § 29-2315.01'"); *State v. Steinbach*, 11 Neb. App. 468, 472, 652 N.W.2d 632, 635 (2002) (because State's right "to appeal from a county court's final order in a criminal case is limited by the express provisions of § 29-2317, the State's failure to comply with § 29-2317 . . . prevented the district court from having jurisdiction to consider the merits of the State's exception").

Where the language of a statute is plain and unambiguous, no interpretation is needed, and a court is without authority to change such language. *State v. Johnson, supra*. In my opinion, the language of § 29-2317 is straightforward as to what is required of the State to take exception to any ruling or decision of the county court and seek review in the district court. Because § 29-2317 is jurisdictional and nothing in that statute requires the State to pay a docket fee, I conclude that this court has jurisdiction over the present appeal filed by Graham.