

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMUEL MARCUS NEGRI, II,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 79320-COA

**FILED**

APR 28 2021

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY: *Elizabeth A. Brown*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

Samuel Marcus Negri, II, appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on July 14, 2016, and an order “declining stipulation to amend judgment of conviction.” Eleventh Judicial District Court, Mineral County; Jim C. Shirley, Judge.

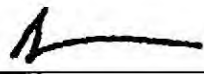
Our review of this appeal reveals jurisdictional defects. First, the district court filed its notice of entry of order denying the postconviction petition on June 10, 2019. The notice of appeal was due on or before July 15, 2019. *See* NRAP (4)(b)(1)(A) (providing 30 days to file an appeal); NRAP 26(c) (providing an additional three days); NRAP 26(a)(1)(C) (providing that, if the last day of a period falls on a Saturday, the period continues to run until the end of the next court day). Negri’s notice of appeal was not filed until July 17, 2019. Thus, his notice of appeal was not timely filed. “[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, 423 P.3d 1084, 1100 (2018).

Second, because no statute or court rule permits an appeal from an order declining a stipulation to amend a judgment of conviction, we lack jurisdiction. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990).

Because we lack jurisdiction to consider Negri's appeal, we ORDER this appeal DISMISSED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Jim C. Shirley, District Judge  
Miller Law, Inc.  
Attorney General/Carson City  
Mineral County District Attorney  
Clerk of the Court/Court Administrator