

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 35815

WILLIAM ELDRIDGE CALDWELL A/K/A  
WILLIAM PHILLIP LANDERS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**FILED**

APR 12 2000

ANTHONY N. BLOOM  
CLERK OF SUPREME COURT  
BY: *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person "Request Motion to Appeal State Conviction Under Attack According to All Applicable State and Federal Laws for Post-Conviction Relief Via Writ of Habeas Corpus." Appellant was convicted, pursuant to a guilty plea, of one count of attempted sexual assault with a minor under sixteen years of age. The judgment of conviction was entered on March 12, 1999.

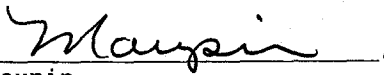
To the extent that appellant is attempting to appeal from his judgment of conviction, we conclude that the notice of appeal was untimely filed. The instant document was filed on March 16, 2000, after the thirty-day appeal period prescribed by NRAP 4(b). An untimely notice of appeal fails to vest jurisdiction in this court. See *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994).

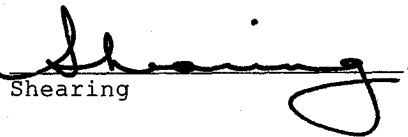
To the extent that appellant is attempting to file a post-conviction petition for a writ of habeas corpus, we conclude that this court lacks jurisdiction to entertain this petition. Generally, a petition for a writ of habeas corpus, whether it is the first or a successive petition, must be filed in the first instance in the district court. NRAP 22;

NRS 34.738. An appeal will lie from the district court's order granting or denying the petition. NRS 34.575.

Accordingly, we conclude that we lack jurisdiction to consider this appeal, and we

ORDER this appeal dismissed.

  
Maupin J.

  
Shearing J.

  
Becker J.

cc: Hon. Lee A. Gates, District Judge  
Attorney General  
Clark County District Attorney  
William Eldridge Caldwell  
Clark County Clerk