

IN THE SUPREME COURT OF THE STATE OF NEVADA

LOUIS M. SPARKS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 36228

**FILED**

JUL 14 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

ORDER

This is a "proper person motion for consideration of direct appeal or in the alternative, release from custody." The district court entered the judgment of conviction on July 29, 1993. Appellant requests this court to entertain a direct appeal or order appellant's immediate release from custody. This court lacks jurisdiction to entertain an untimely appeal. *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994); see also NRAP 4(b). A claim that appellant was inadequately advised of the right to appeal should be asserted in the district court in the first instance in a post-conviction petition for a writ of habeas corpus. Accordingly, we deny appellant's motion.

It is so ORDERED.

*Young* \_\_\_\_\_ J.  
Young  
*Agosti* \_\_\_\_\_ J.  
Agosti  
*Leavitt* \_\_\_\_\_ J.  
Leavitt

cc: Attorney General  
Clark County District Attorney  
Louis M. Sparks  
Clark County Clerk