

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. SAKAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 36988

**FILED**

JAN 23 2001

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a judgment of conviction. The district court entered the judgment of conviction on March 21, 2000. Appellant did not file the notice of appeal, however, until November 7, 2000, well after the expiration of the thirty-day jurisdictional appeal period prescribed by NRAP 4(b). Nonetheless, appellant requests this court to entertain the appeal. This court lacks jurisdiction to entertain an untimely appeal. *Lozada v. State*, 110 Nev. 349, 871 P.2d 944 (1994). A claim that appellant was inadequately advised of the right to appeal or otherwise deprived of the right to a direct appeal should be asserted in the district court in the first instance in a post-conviction petition for a writ of habeas corpus. *Id.* Accordingly, we dismiss this appeal.

It is so ORDERED.

*Shearing*  
\_\_\_\_\_  
Shearing J.

*Agosti*  
\_\_\_\_\_  
Agosti J.

*Leavitt*  
\_\_\_\_\_  
Leavitt J.

cc: Hon. Mark W. Gibbons, District Judge  
Attorney General  
Clark County District Attorney  
Michael A. Sakay  
Clark County Clerk

01-01472