IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL A. SAKAY,

Appellant,

vs.

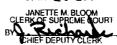
THE STATE OF NEVADA.

Respondent.

No. 36988

FILED

JAN 23 2001



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 J.
Agostî J.

Leavitt

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