

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL HENDRIX,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42974

**FILED**

SEP 09 2004

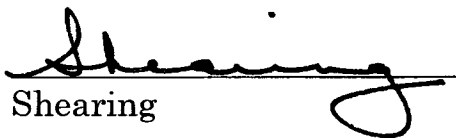
ORDER DISMISSING APPEAL

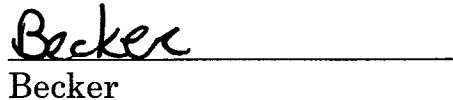
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is an appeal from an order of the district court denying appellant's post-conviction petition for a writ of habeas corpus.

On August 20, 2004, counsel for appellant filed a motion to withdraw this appeal voluntarily. In the motion, counsel advises that he has informed appellant of the legal effects and consequences of voluntarily withdrawing this appeal, including that appellant cannot hereafter seek to reinstate this appeal, and that any issues that were or could have been brought in this appeal are forever waived. Having been so informed, appellant consents to a voluntary dismissal of this appeal.

Cause appearing, the motion is granted and we  
ORDER this appeal DISMISSED.<sup>1</sup>

 \_\_\_\_\_, C.J.  
Shearing

 \_\_\_\_\_, J.  
Becker

 \_\_\_\_\_, J.  
Agosti

<sup>1</sup>Because no remittitur will issue in this matter, see NRAP 42(b), the one-year period for filing a post-conviction habeas corpus petition under NRS 34.726(1) shall commence to run from the date of this order.

cc: Eighth Judicial District Court Dept. 11, District Judge  
James Dean Leavitt  
Norman J. Reed  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk