

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRADLEY KAEWE REPOLIO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43134

FILED

DEC 13 2004

ORDER DISMISSING APPEAL

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

This is a proper person appeal from an order of the district court dismissing a post-conviction petition for a writ of habeas corpus.¹ Eighth Judicial District Court, Clark County; Jackie Glass, Judge.


Our review of this appeal reveals a jurisdictional defect. Appellant sought and was granted permission to withdraw his petition from consideration in the district court. Because the district court granted appellant the relief he requested, he is not an aggrieved party.²


¹We note that the district court at the conclusion of the hearing stated that the petition was dismissed with prejudice, however, the written order prepared by the State and signed by the district court dismissed the petition without prejudice. Because appellant is not an aggrieved party for the purposes of this appeal as discussed below, this court need not reach the issue of whether the petition was dismissed with or without prejudice.


²See generally NRS 177.015 (setting forth the orders from which a "party aggrieved in a criminal action may appeal").

Accordingly, we

ORDER this appeal DISMISSED.³


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Jackie Glass, District Judge
Bradley Kaewe Repolio
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk

³We have received appellant's proper person opening brief. Because appellant is not an aggrieved party in this appeal, we decline to consider any of the issues raised in the opening brief.