

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE CHICAS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 43435

FILED

SEP 29 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 motion to modify his sentence. On September 16, 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.¹

Rose, J.
Rose

Maupin, J.
Maupin

Douglas, J.
Douglas

¹Because 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: Hon. Michelle Leavitt, District Judge
James Dean Leavitt
Attorney General Brian Sandoval/Carson City
Clark County District Attorney David J. Roger
Clark County Clerk