## IN THE SUPREME COURT OF THE STATE OF NEVADA

FIDEL MIRAMONTES-SANCHEZ, Appellant,

VS.

THE STATE OF NEVADA.

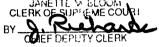
Respondent.

No. 43589

FILEO

AUG 2 R 2004

## ORDER DISMISSING APPEAL



This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of trafficking in Schedule I controlled substance.

On July 22, 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>

> > J.

J.

Maupin

Douglas

J.

<sup>&</sup>lt;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: Hon. Andrew J. Puccinelli, District Judge Lockie & Macfarlan, Ltd. Attorney General Brian Sandoval/Carson City Elko County District Attorney Elko County Clerk