

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRIS JOHN ROOD A/K/A CHRIS J.  
ROOD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43749

FILED

NOV 15 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 15, 2004, counsel for appellant filed a notice of withdrawal of this appeal.

On September 21, 2004, this court ordered counsel to supplement the notice with an affidavit that she had informed appellant of the legal effects and consequences of voluntarily withdrawing this appeal. Counsel filed the affidavit on September 29, 2004. Counsel further informs this court that having been informed of the legal effects and consequences, appellant consents to a voluntary dismissal of this appeal.

Cause appearing, the motion is granted and we

ORDER this appeal DISMISSED.<sup>1</sup>

*Rose*  
\_\_\_\_\_, J.  
Rose

*Maupin*  
\_\_\_\_\_, J.  
Maupin

*Douglas*  
\_\_\_\_\_, J.  
Douglas

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<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. Jennifer Togliatti, District Judge  
Hon. Kathy A. Hardcastle, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk