

IN THE SUPREME COURT OF THE STATE OF NEVADA

VERN LEE SCHULDHEISZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44509

**FILED**

JUL 06 2005

ORDER DISMISSING APPEAL

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

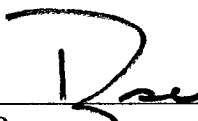
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of possession of a stolen vehicle. Eighth Judicial District Court, Clark County; John S. McGroarty, Judge. The district court sentenced appellant Vern Lee Schuldheisz to serve a prison term of 12 to 30 months.


On April 28, 2005, this court received a proper person letter from Schuldheisz requesting that this appeal be dismissed. This court elected to treat the proper person letter as a motion to dismiss the appeal and, on May 16, 2005, ordered counsel for Schuldheisz to supplement the proper person motion with an affidavit confirming that counsel had explained to Schuldheisz the legal effects and consequences of a dismissal of the appeal and that Schuldheisz knowingly and voluntarily consents to a dismissal of the appeal.

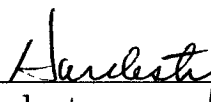
On June 8, 2005, counsel for appellant filed a response to this court's order. Attached to the response is an affidavit from counsel for Schuldheisz advising this court that he has informed Schuldheisz of the legal effects and consequences of voluntarily withdrawing this appeal.

Having been so informed, Schuldheisz consents to a voluntary dismissal of this appeal.

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

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

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. John S. McGroarty, 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

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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.