

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAMUEL LEE CLAY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 46366

**FILED**

APR 24 2006

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 revoking appellant's probation. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

This court's preliminary review of this appeal revealed a jurisdictional defect. The order revoking probation was entered by the district court on October 20, 2005. The notice of appeal was filed on November 30, 2005, after the thirty-day appeal period prescribed by NRAP 4(b). Accordingly, this court ordered appellant's counsel to show cause why this appeal should not be dismissed. On March 24, 2006, and April 10, 2006, counsel for appellant filed responses to this court's previous orders to show cause. In the motion, counsel provided sufficient information for this court to determine that the notice of appeal was delivered to prison officials within the 30-day appeal period and was therefore timely filed.<sup>1</sup>

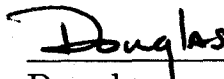
Counsel further explains that appellant wishes to withdraw this appeal. Counsel advises that he has informed appellant of the legal


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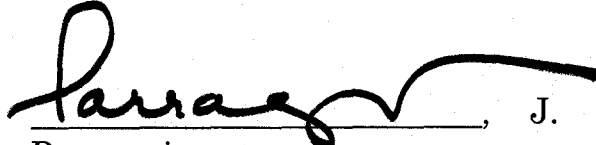
<sup>1</sup>See Kellogg v. Journal Communications, 108 Nev. 474, 835 P.2d 12 (1992).

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>2</sup>

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

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Parraguirre

cc: Honorable Jackie Glass, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General George Chanos/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk

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<sup>2</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.