

IN THE SUPREME COURT OF THE STATE OF NEVADA

MEGHAN RAE GALLAGHER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 48307

**FILED**

**JAN 11 2007**

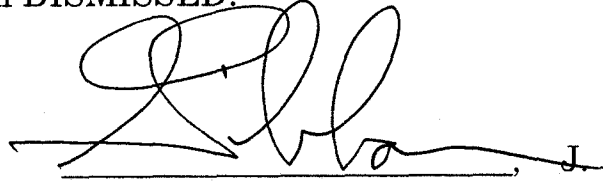
ORDER DISMISSING APPEAL

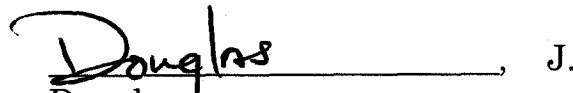
JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

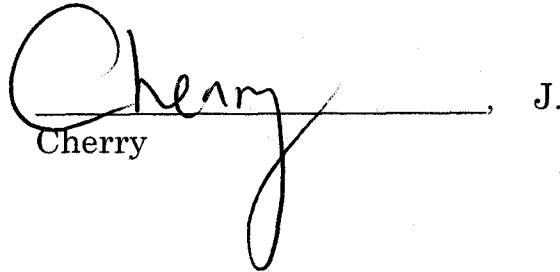
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of gross misdemeanor attempted theft. Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge. The district court sentenced appellant to a jail term of 12 months, suspended the sentence and placed appellant on probation for a period not to exceed 3 years.

On December 8, 2006, counsel for appellant filed a motion to withdraw this appeal voluntarily. In the motion, counsel advises that there was only one issue to be raised in this appeal, i.e., that the district court abused its discretion by imposing the jail sentence as "flat time." The judgment of conviction however, does not contain the "flat time" provision, and therefore the issue does not exist. Moreover, counsel informs this court that 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.  
Gibbons

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Jennifer Togliatti, District Judge  
Clark County Public Defender Philip J. Kohn  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk  
Meghan Rae Gallagher

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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.