

IN THE SUPREME COURT OF THE STATE OF NEVADA

TYLER AARON GIBBENS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50131

FILED

FEB 16 2010

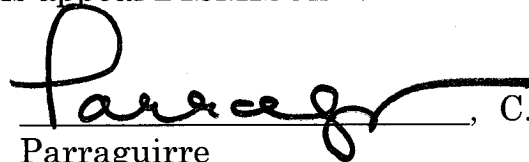
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CLERK OF SUPREME COURT
BY S. Young
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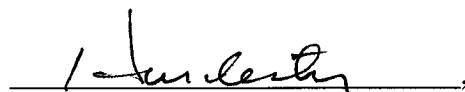
ORDER VACATING DECISION AND DISMISSING APPEAL

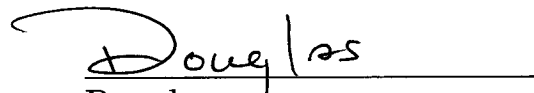
This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree murder with the use of a deadly weapon. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge. A panel of this court previously issued a decision in this matter affirming the judgment of conviction and denied a subsequent petition for rehearing. A petition for en banc reconsideration is pending. The parties have reached an agreement in this matter, and as a result, appellant has moved to voluntarily dismiss this appeal. Cause appearing, we vacate the Order of

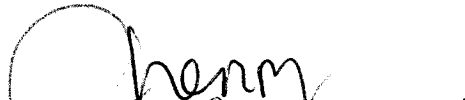
Affirmance entered on April 30, 2009, grant the motion, and

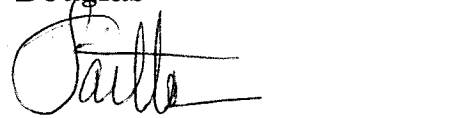
ORDER this appeal DISMISSED.¹



Parraguirre, C.J.

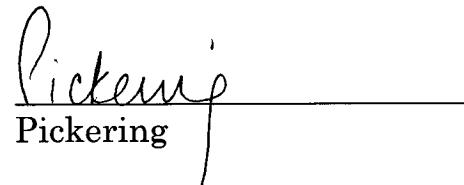

Hardesty, J.


Douglas, J.


Cherry, J.


Saitta, J.


Gibbons, J.


Pickering, J.

cc: Hon. Robert W. Lane, District Judge
Gibson & Kuehn
Attorney General/Carson City
Nye County District Attorney/Pahrump
Nye County Clerk
Tyler Aaron Gibbens

¹The petition for en banc reconsideration is denied as moot. 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.