

IN THE SUPREME COURT OF THE STATE OF NEVADA

KANE XAVIER PATTERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50694

FILED

JUL 15 2008

TRACIE D. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an order of the district court dismissing appellant Kane Patterson's post-conviction petition for a writ of habeas corpus pursuant to Patterson's motion for voluntary dismissal. Third Judicial District Court, Churchill County; David A. Huff, Judge.

Our review of the record on appeal revealed a potential jurisdictional defect. Specifically, it appeared that Patterson is not an aggrieved party because he voluntarily dismissed his petition. Only an aggrieved party may appeal.¹ Accordingly, on May 14, 2008, this court ordered counsel for appellant to show cause why this appeal should not be dismissed for lack of jurisdiction.

In response, counsel asserts that "*de facto* jurisdiction was earlier conferred by virtue of prior filings in this matter." Counsel further states that "absent recognition of prior *de facto* jurisdiction, appellant's fast track appeal appears to be vulnerable to dismissal for jurisdictional defect(s)."

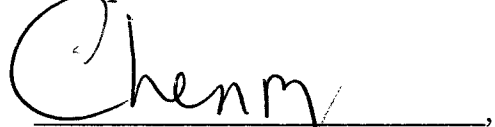
¹NRS 177.015.

We conclude that the parties' prior filings in this appeal did not confer on this court *de facto* jurisdiction over this appeal. We further conclude that because appellant voluntarily dismissed his petition below, he was not an aggrieved party. Therefore, we lack jurisdiction to consider this appeal, and we

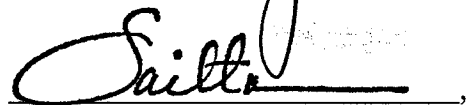
ORDER this appeal DISMISSED.

 J.

Maupin

 J.

Cherry

 J.

Saitta

cc: Hon. David A. Huff, District Judge
Law Offices of Robert Witek
Attorney General Catherine Cortez Masto/Carson City
Churchill County District Attorney
Churchill County Clerk
Kane Patterson