


IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN DEAN COMSTOCK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 50699

FILED

JAN 23 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL


This is purportedly an appeal from a district court order denying appellant's supplemental petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

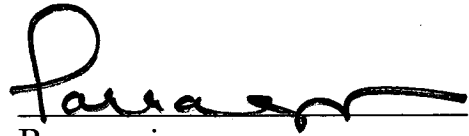
On December 28, 2007, counsel for appellant filed a motion to withdraw this appeal voluntarily. In the motion, counsel advises that he has informed appellant of the legal effects and consequences of voluntarily withdrawing this appeal, including that appellant cannot hereafter seek to reinstate this appeal, and that any issues that could have been brought in this appeal are forever waived.¹ Having been so informed, appellant consents to a voluntary dismissal of this appeal.²

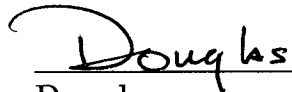
¹We note that appellant's notice of appeal is premature. It appears from the limited record before this court that the district court has not yet entered an order disposing of all of the claims raised in appellant's original post-conviction petition. See Franklin v. State, 85 Nev. 401, 455 P.2d 919 (1969) (this court is reluctant to engage in piecemeal review of criminal proceedings because of the disruptive effect on the orderly processing of the case).

²On January 3, 2008, appellant submitted a proper person letter explaining that his notice of appeal is premature. We note that appellant
continued on next page . . .

Cause appearing, the motion is granted and we
ORDER this appeal DISMISSED.³


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Brent T. Adams, District Judge
Scott W. Edwards
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk
Stephen Dean Comstock

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is represented by counsel in this matter, and we decline to grant him permission to file documents in proper person in this court. See NRAP 46(b). Appellant shall hereafter proceed by and through counsel and shall refer all concerns regarding this appeal to counsel. Any further proper person documents submitted by appellant will not be considered by this court.

³Because 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.