

IN THE SUPREME COURT OF THE STATE OF NEVADA

SABIN G. BARENDT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 50749

**FILED**

JUN 17 2008

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

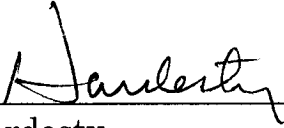
ORDER DISMISSING APPEAL

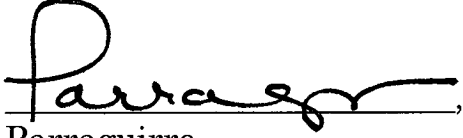
This is an appeal from a district court order denying a post-conviction petition for a writ of habeas corpus. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.


Appellant has filed a motion to voluntarily dismiss this appeal. Because the voluntary dismissal of a criminal appeal involves a waiver of important constitutional rights and appellant's motion was not accompanied by the affidavit of appellant or appellant's counsel indicating that counsel had explained to appellant the legal effects and consequences of a dismissal of the appeal and that appellant knowingly and voluntarily consented to a dismissal of the appeal, we deferred ruling on the motion and directed counsel to supplement the motion with an appropriate affidavit. In response, counsel filed a declaration stating that he has explained to appellant the legal effects and consequences of a dismissal of this appeal, that appellant understands that "this is a permanent and unconditional waiver," and that after consulting with counsel, appellant

“expressly indicated that he wanted the appeal dismissed.” Based on counsel’s declaration, we grant the motion and

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Hardesty

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

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

cc: Hon. Valorie Vega, District Judge  
Kirk T. Kennedy  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk