

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUANE RICHARD BACKOUS, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52265

FILED

JAN 08 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING APPEAL

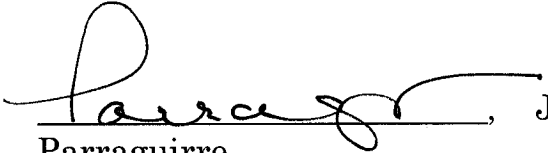
This is an appeal from a judgment of conviction, pursuant to a plea of guilty but mentally ill, of lewdness with a child under the age of 14 years. Eighth Judicial District Court, Clark County; Stewart L. Bell, Judge.

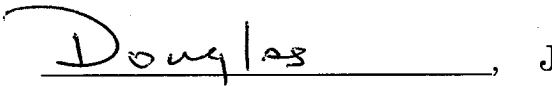
Counsel for appellant has filed a motion to withdraw this appeal voluntarily. In the motion, counsel advises that he has informed appellant of the "pros and cons of maintaining his appeal" and that appellant has consented to withdraw his appeal. The motion is accompanied by an affidavit signed by appellant and witnessed by a mental health professional, indicating the potential detrimental consequences if appellant were to prosecute this appeal successfully and

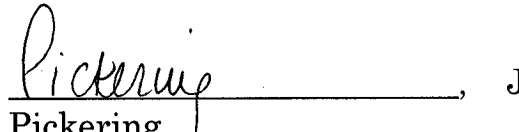
appellant's authorization for counsel to withdraw this appeal.

Cause appearing, the motion is granted and we

ORDER this appeal DISMISSED.¹

 J.
Parraguirre

 J.
Douglas

 J.
Pickering

cc: Hon. Stewart L. Bell, District Judge
Michael H. Schwarz
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk
Duane Richard Backous, Jr.

¹Because 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.