

IN THE SUPREME COURT OF THE STATE OF NEVADA

KYLE WARNER TURPIN A/K/A KYLE  
W. TURPIN, SR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 53214

**FILED**

MAY 15 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an amended judgment of conviction. Eighth Judicial District Court, Clark County; David Wall, Judge.

On April 21, 2006, we entered an order in appellant's appeal from the original judgment of conviction that (1) affirmed appellant's convictions for battery with the use of a deadly weapon and grand larceny auto, (2) vacated the district court's judgment of acquittal for appellant's convictions for first-degree kidnapping with the use of a deadly weapon, and (3) remanded the matter to the district court for sentencing on the two counts of first-degree kidnapping with the use of a deadly weapon. See State v. Turpin, Docket No. 44630, Turpin v. State, Docket No. 44892 (Order Affirming in Part, Vacating in Part, and Remanding, April 21, 2006). While appellant was awaiting sentencing on the convictions for first-degree kidnapping, he filed a post-conviction petition for a writ of habeas corpus in the district court. The district court denied the petition,


and appellant appealed the denial of his petition with this court. On appeal, we concluded that the district court erred by denying appellant's claims that his trial and appellate counsel were ineffective for failing to raise a double jeopardy claim, and we reversed and remanded the district court's denial of these claims with instructions to vacate appellant's convictions for first-degree kidnapping. See Turpin v. State, Docket No. 48509 (Order Affirming in Part, Reversing in Part, and Remanding, March 17, 2009).


While appellant's appeal from the denial of his post-conviction petition was pending in this court, the district court sentenced appellant on the convictions for first-degree kidnapping with the use of a deadly weapon and entered an amended judgment of conviction. This appeal followed.

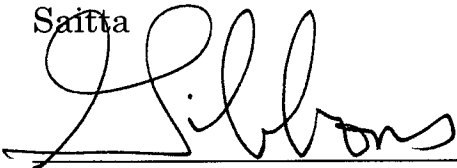
Because the amended judgment of conviction added appellant's convictions for first-degree kidnapping with the use of a deadly weapon and did not otherwise alter the original judgment of conviction, it appeared that our order directing the district court to vacate appellant's convictions for first-degree kidnapping rendered this appeal moot. Therefore, we ordered appellant's counsel to show cause why this appeal should not be dismissed as moot. In response, appellant's counsel informs this court that based on the order vacating appellant's convictions for first-

degree kidnapping “the present appeal is moot and therefore should be dismissed.” Accordingly, we

ORDER this appeal DISMISSED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. David Wall, District Judge  
Anthony M. Goldstein  
Kyle Warner Turpin  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we grant counsel’s motion to withdraw as counsel for appellant. No action will be taken on the proper person documents submitted in this appeal.