

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY NEWPHER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54203

FILED

JAN 07 2010

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Third Judicial District Court, Lyon County; William Rogers, Judge. Appellant has filed a motion to withdraw this appeal voluntarily. 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 were or could have been brought in this appeal are forever waived. Having been so informed, appellant consents to a voluntary dismissal of this appeal. Cause appearing, the motion is granted and we

ORDER this appeal DISMISSED.¹

[Signature], J.
Hardesty

[Signature], J.
Douglas

[Signature], J.
Pickering

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.

cc: Hon. William Rogers, District Judge
Lyon County Public Defender
Attorney General/Carson City
Lyon County District Attorney
Lyon County Clerk
Barry Newpher