

IN THE SUPREME COURT OF THE STATE OF NEVADA

LLOYD MCMUNN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35036

**FILED**

APR 17 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Rose*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On October 22, 1999, appellant filed a proper person notice of appeal from an order of the district court denying his motion to correct sentence. On January 20, 2000, attorney Scott W. Edwards filed an entry of appearance in this court pursuant to an order of the district court appointing him as counsel. On February 24, 2000, attorney Edwards filed a notice of withdrawal of appeal in which appellant Lloyd McMunn seeks a voluntary dismissal of his appeal. Edwards states that he "explained and informed LLOYD McMUNN of the legal effects and consequences of this voluntary withdrawal of this appeal, including that LLOYD McMUNN cannot hereafter seek to reinstate this appeal and that any issues that were or could have been brought in the appeal are forever waived. Having been so informed, LLOYD McMUNN hereby consents to a voluntary dismissal of the above-mentioned appeal." We construe appellant's notice as a motion for a voluntary dismissal of this appeal pursuant to NRAP 42(b). Cause appearing, we grant appellant's motion and dismiss this appeal. Further, we vacate that portion of our order entered November 16, 1999 directing the clerk of the district court to transmit the record on appeal in this matter within one hundred and twenty (120) days.

It is so ORDERED.

*Rose*  
\_\_\_\_\_, C.J.  
Rose

*Young*  
\_\_\_\_\_, J.  
Young

*Leavitt*  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Jerome M. Polaha, District Judge  
Attorney General  
Washoe County District Attorney  
Scott W. Edwards  
Lloyd McMunn  
Washoe County Clerk