

IN THE SUPREME COURT OF THE STATE OF NEVADA

MERLIN HOWELL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55497

FILED

JUL 19 2010

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 jury verdict, of driving under the influence of alcohol with a prior felony conviction. Third Judicial District Court, Lyon County; David A. Huff, Judge. Appellant's counsel has filed a notice of withdrawal of appeal. Counsel advises this court 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, we

ORDER this appeal DISMISSED.¹

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, 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. David A. Huff, District Judge
Steve E. Evenson
Merlin Howell
Attorney General/Carson City
Lyon County District Attorney
Lyon County Clerk