

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES A. CROSSAN,

Appellant,

vs.

RACHEL MCMANUS,

Respondent.

No. 35522

FILED

NOV 15 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT

BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

On September 13, 2000, Kathleen M. O'Leary, appellant's counsel of record, filed a "Notice of Withdrawal of Appeal." Attached to the notice is an affidavit signed by attorney O'Leary stating the basis for the notice. The affidavit states that attorney O'Leary has been unable to contact appellant by telephone or by mail and therefore believes that appellant has abandoned the issues and does not wish to prosecute this appeal. The affidavit further states that attorney O'Leary concludes that "the questions that would be presented to this court would have no legal effect or benefit to my client and are thus moot." Finally, attorney O'Leary states in the affidavit that "I have mailed a letter to my client's last known address . . . explaining and informing James A. Crossan of the legal effects and consequences of this voluntary withdrawal of his appeal, including that James A. Crossan cannot hereafter seek to reinstate this appeal and that any issues that were or could have been brought in this appeal are forever waived."

We elect to treat counsel's notice of withdrawal as a motion for dismissal of this appeal as abandoned. Cause

00-19995

appearing, we grant appellant's motion and hereby order this appeal dismissed.

It is so ORDERED.

Shawing, J.

Agost, J.

Leauth, J.

cc: Hon. Deborah Schumacher, District Judge
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk