## IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD HOWARD MITCHELL, Appellant, vs. THE STATE OF NEVADA, Respondent. No. 75936

FILED

NOV 0 2 2018 ELIZABETH A BROWN CLERK OF SUPREME COURT BY S.YOUMA DEPUTY CLERK

18-43159

## ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Appellant's counsel has filed a motion to withdraw the notice of appeal. We construe the motion as a motion to voluntarily dismiss this appeal. Counsel advises this court that she 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.<sup>1</sup>

ickering\_\_, J. Pickering Gibbon Hardesty

<sup>1</sup>Because 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.

SUPREME COURT OF NEVADA

(O) 1947A

cc: Hon. Michelle Leavitt, District Judge Clark County Public Defender Attorney General/Carson City Clark County District Attorney Eighth District Court Clerk Richard Howard Mitchell

SUPREME COURT OF NEVADA

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