

IN THE SUPREME COURT OF THE STATE OF NEVADA

MALAIKA ONYEAGOLU,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72159

FILED

MAR 13 2017

ELIZABETH BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying an appeal from a conviction entered in the justice court. Second Judicial District Court, Washoe County; Jerome M. Polaha, Judge.

We previously entered an order directing appellant to show cause why this appeal should not be dismissed for lack of jurisdiction. We explained that appellant's case arose in the justice court and the district court has final appellate jurisdiction over cases arising in the justice court. In response to our order, appellant has filed a notice of withdrawal of appeal based on "procedural grounds" and the fact that the district court granted a motion to reconsider the order challenged on appeal. Appellant does not dispute that this court lacks jurisdiction.


We decline to dismiss this appeal based on the notice of withdrawal of appeal because it does not comply with NRAP 3C(1) and is not accompanied by an affidavit of appellant or appellant's counsel indicating that counsel has explained to appellant the legal effects and consequences of a dismissal of the appeal and that appellant consents to a voluntary dismissal. See NRAP form 8. Nevertheless, we conclude that we lack jurisdiction over this appeal from a district court order denying an appeal from a conviction entered in the justice court. Nev. Const. art 6, §

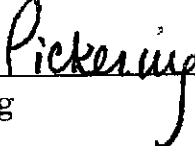
6 (the district courts have final appellate jurisdiction in cases arising in justice courts); *Waugh v. Casazza*, 85 Nev. 520, 458 P.2d 359 (1969).

Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Jerome M. Polaha, District Judge
Thierman Buck LLP
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk
Malaika Onyeagolu