

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW JUSTIN CLARK,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 72037
FILED

JUN 26 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER GRANTING MOTION TO WITHDRAW AS COUNSEL OF
RECORD AND DISMISSING APPEAL*

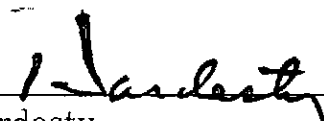
This is an appeal from a judgment of conviction. Tenth Judicial District Court, Churchill County; Robert E. Estes, Judge.

Counsel for appellant, Charles B. Woodman, has filed a motion to withdraw as counsel of record for appellant. In support of the motion, Mr. Woodman states that appellant has been released from prison, and although he has attempted to contact appellant on multiple occasions, he has not been successful. Mr. Woodman asserts that he is unable to prosecute this appeal absent appellant's assistance.


The decision as to what claims to raise on appeal resides within counsel's professional judgment. *Jones v. Barnes*, 463 U.S. 745, 751-54 (1983). And this court's review is limited to the record made in and considered by the district court. *Carson Ready Mix v. First Nat'l Bank*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981). Thus, appellant's participation is not absolutely necessary for the prosecution of this appeal. Nevertheless, the circumstances presented indicate that appellant may not be interested in pursuing this appeal. Accordingly, we grant the motion to withdraw

and dismiss this appeal.¹ NRAP 46(d)(3). The clerk of this court shall remove Mr. Woodman and The Law Offices of Charles B. Woodman as counsel of record for appellant in this appeal. The dismissal is without prejudice to appellant's ability to reopen this appeal if appellant files in this court, within 30 days of the date of this order, a document indicating that he is interested in proceeding with the appeal. If, after 30 days, appellant has failed to file such a document, the remittitur shall issue forthwith.


It is so ORDERED.



Hardesty J.



Parraguirre J.



Stiglich J.

cc: Chief Judge, The Tenth Judicial District
Hon. Robert E. Estes, Senior Judge
Charles B. Woodman
Attorney General/Carson City
Churchill County District Attorney/Fallon
Churchill County Clerk
Matthew Justin Clark

¹We take no action on counsel's motion for an extension of time to file the opening brief and appendix.