

IN THE SUPREME COURT OF THE STATE OF NEVADA

DERRICK DEWAYNE SMITH,

No. 37497

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

MAY 03 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from an order of the district court denying appellant's motion to correct an illegal sentence. On April 5, 2001, this court received a notice of withdrawal of appeal signed by appellant. Appellant informs this court that he "is fully aware of the legal effects and consequences of this voluntary withdrawal of Appeal, including that Appellant cannot hereafter seek to reinstate this appeal, and that any issues that were, or could have been presented in this appeal, are forever waived hereby." Appellant states that he consents to the voluntary dismissal of this appeal. We elect to construe this notice as a motion to voluntarily withdraw the appeal pursuant to NRAP 42(b). Cause appearing, the motion is granted, and we

ORDER this appeal DISMISSED.

Young _____, J.
Young
Leavitt _____, J.
Leavitt
Becker _____, J.
Becker

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Derrick Dewayne Smith
Washoe County Clerk