

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY RICHARD JOHNSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 39069

FILED

APR 30 2002

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

ORDER DISMISSING APPEAL

Appellant Anthony Richard Johnson has filed a notice of withdrawal of this appeal. Appellant's notice contains a signed statement indicating that his counsel of record has explained the legal effects and consequences of voluntary dismissal, that counsel has also advised appellant that he cannot hereafter seek to reinstate this appeal, and that appellant understands that any issues that were or could have been brought in this appeal are forever waived. We elect to treat the notice of withdrawal as a motion to voluntarily dismiss this appeal. Cause appearing, we grant the motion, and we hereby

ORDER this appeal DISMISSED.¹

Young J.
Young

Agosti J.
Agosti

Leavitt J.
Leavitt

¹We conclude that the complaints set forth in the proper person document submitted to this court on February 19, 2002, are more appropriately addressed in the district court in the first instance. In addition, because no remittitur will issue in this matter, see NRAP 42(b), the one-year period for filing a post-conviction petition for a writ of habeas corpus under NRS 34.726(1) shall commence to run from the date of this order. Finally, we note that in light of this dismissal, the court reporter may disregard the request for transcript filed in this court March 29, 2002.

cc: Hon. Michael A. Cherry, District Judge
Schofield Chelini
Attorney General/Carson City
Clark County District Attorney
Janie Olsen, Court Reporter
Clark County Clerk