

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH THEALL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 40559

JAN 10 2003


JAN 9 8 2003

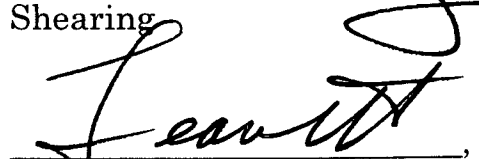
ORDER DISMISSING APPEAL

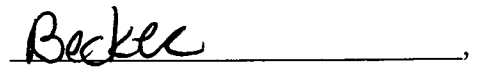
J. Richard
Clerk of the Court

This is an appeal from a judgment of conviction. On January 10, 2003, counsel for appellant filed a motion to withdraw this appeal voluntarily. In the affidavit in support of the motion, counsel advises that he discussed with appellant all issues associated with this appeal. Counsel further informs this court that after discussion with counsel, appellant has directed counsel to seek dismissal of this appeal.

Cause appearing, the motion is granted and we
ORDER this appeal DISMISSED.¹

 J.
Shearing

 J.
Leavitt

 J.
Becker

¹Because 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.

cc: Hon. Archie E. Blake, District Judge
Rusty D. Jardine
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk