

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY LEE GJERS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 40814

**FILED**

JUL 17 2003

ORDER DISMISSING APPEAL

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

Counsel for appellant has filed a motion to dismiss this appeal voluntarily. The motion contains the affidavit of the appellant indicating that appellant has fully discussed the matter with his counsel and believes that dismissal of the appeal is in his best interests. Appellant thus consents to a voluntary dismissal of this appeal. Accordingly, cause appearing, we grant the motion, and we hereby

ORDER this appeal DISMISSED.<sup>1</sup>

*Agosti*  
\_\_\_\_\_, C.J.  
Agosti

*Rose*  
\_\_\_\_\_, J.  
Rose

*Maupin*  
\_\_\_\_\_, J.  
Maupin

<sup>1</sup>Because 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. Michael P. Gibbons, District Judge  
Derrick M. Lopez  
Attorney General Brian Sandoval/Carson City  
Douglas County District Attorney/Minden  
Douglas County Clerk