

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARENCE GENE CROSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 42763

FILED

MAR 23 2004

ORDER DISMISSING APPEAL

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

This is an appeal from an order of the district court revoking appellant's probation. On March 8, 2004, counsel for appellant filed a motion to withdraw this appeal voluntarily. In the affidavit attached to the motion, appellant states that he did not mean to file a notice of appeal in this case, that he does not want to pursue an appeal in this case, and that he waives his right to appeal in this case.

Cause appearing, the motion is granted and we  
ORDER this appeal DISMISSED.<sup>1</sup>

*Shearing*, C.J.  
Shearing

*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. Michelle Leavitt, District Judge  
Clark County Public Defender  
Attorney General Brian Sandoval/Carson City  
Clark County District Attorney David J. Roger  
Clark County Clerk