

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID EDWARD CORTNER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 55299

**FILED**

MAR 11 2010

TRACEE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction. Second Judicial District Court, Washoe County; Jerome Polaha, Judge. Appellant has filed a motion to withdraw this appeal voluntarily, advising this court that counsel has informed appellant of the legal effects and consequences of voluntarily withdrawing this appeal, including that appellant cannot hereafter seek to reinstate this appeal, and that any issues that were or could have been brought in this appeal are forever waived. Having been so informed, appellant consents to a voluntary dismissal of this appeal. Cause appearing, the motion is granted and we

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

*[Signature]*, J.  
Hardesty

*[Signature]*, J.  
Douglas

*[Signature]*, J.  
Pickering

<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. Jerome Polaha, District Judge  
O'Mara Law Firm, P.C.  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk  
David Edward Cortner