

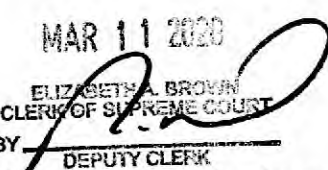
IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD JOSEPH HONABACH,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 78694

**FILED**

MAR 11 2020

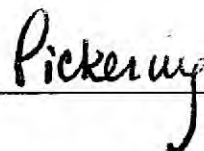
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

**ORDER**

This is a direct appeal from a judgment of conviction. On August 23, 2019, this court dismissed this appeal pursuant to a motion for voluntary dismissal filed by Travis Akin, counsel for appellant. On January 13, 2020, appellant filed, in pro se, a letter to this court asserting that he had not had contact with his appointed counsel, was unaware that his appeal had been dismissed, and that he did not consent to the dismissal of his appeal. This court directed Mr. Akin to respond to appellant's allegations. Mr. Akin has filed a copy of a letter he sent to appellant in which he indicates that he and appellant had confirmed the dismissal of the appeal and Mr. Akin's intent to file a postconviction petition for a writ of habeas corpus on behalf of appellant.

Whether appellant was advised of the consequences and agreed to the withdrawal of his appeal involves claims of ineffective assistance of counsel that must be raised in the district court in the first instance and requires factual determinations that need to be resolved through an evidentiary hearing. See NRS 34.720-.810. This appeal shall remain dismissed.

It is so ORDERED.

 , C.J.

20-09654

cc: The Law Office of Travis Akin  
Attorney General/Carson City  
Clark County District Attorney  
Edward Joseph Honabach