

IN THE SUPREME COURT OF THE STATE OF NEVADA

DARREN ROY MACK,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
DOUGLAS HERNDON, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in
Interest.

No. 51028

FILED

FEB 06 2008

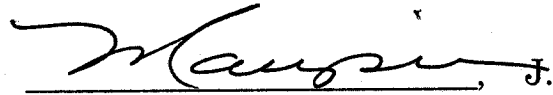
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION AND DENYING MOTION FOR STAY

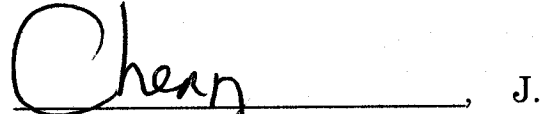
This original petition for a writ of mandamus and/or prohibition challenges a district court order denying petitioner's presentence motion to withdraw his guilty pleas. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. See NRAP 21(b). In particular, we conclude that our intervention is not warranted because petitioner has a plain, speedy and adequate remedy at law by way of a direct appeal from his judgment of conviction, in which he also may challenge the district court's denial of his presentence motion to withdraw his guilty pleas. Hargrove v. State, 100 Nev. 498, 502 n.3, 686 P.2d 222, 225 n.3 (1984) ("If a defendant challenges a guilty plea before entry of the judgment, an order denying withdrawal would be reviewable on direct appeal from the judgment as an intermediate order in the proceedings.");

see also NRS 34.170 and NRS 34.330. Accordingly, extraordinary relief is not warranted, and we deny the petition.¹

It is so ORDERED.



Maupin



Cherry



Saitta

cc: Hon. Douglas Herndon, District Judge
Laub & Laub
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

¹Petitioner has also moved for a stay of the district court proceedings pending this court's resolution of the writ petition. In light of the instant order, we deny the motion for stay as moot.