

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL MARCUS A/K/A DANIEL
MARQUEZ,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 57701

FILED

MAR 17 2011

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

ORDER DENYING PETITION

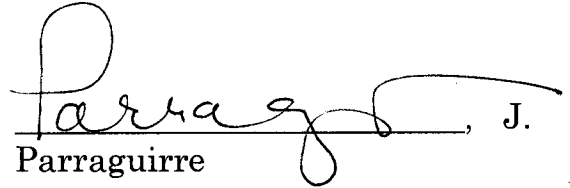
This original petition for a writ of mandamus challenges the district court's denial of petitioner's motion to withdraw his guilty plea on the ground that he was not advised of possible immigration consequences before entering his plea. We have considered the petition and supporting documents, and we are not satisfied that this court's intervention by way of extraordinary writ is warranted. Petitioner has an adequate remedy at law by way of an appeal from the judgment of conviction. NRS 34.170. In that context, he may challenge the district court's denial of his presentence motion to withdraw his guilty plea. See Bryant v. State, 102

Nev. 268, 272, 721 P.2d 364, 368 (1986). Accordingly, we deny the petition. See NRAP 21(b).

It is so ORDERED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Michelle Leavitt, District Judge
Robert M. Draskovich, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We note that the district court has authority to stay execution of the sentence should petitioner appeal the judgment of conviction and is admitted to bail. See NRS 177.105.