

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD KENNETH COLUCCI,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELISSA F. CADISH, DISTRICT JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 63388

FILED

JUN 17 2013


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER DENYING PETITION AND MOTION FOR STAY

This original petition for a writ of prohibition or mandamus challenges a district court decision denying a presentence motion to withdraw a guilty plea. Petitioner Edward Kenneth Colucci has also filed a motion to stay sentencing in the district court pending our resolution of this original proceeding. Having reviewed the petition, we are not convinced that our intervention is warranted because Colucci has a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. In particular, the district court's decision may be reviewed on appeal from the judgment of conviction. See NRS 177.015(3); NRS 177.045; *Lee v. State*, 115 Nev. 207, 210, 985 P.2d 164, 166 (1999) (“[A] district court's ruling on a pre-judgment motion to withdraw a guilty plea is reviewable on direct appeal from the judgment as an intermediate order in the

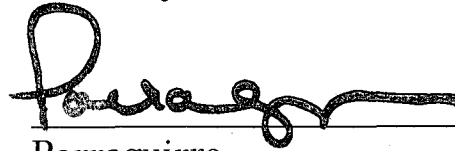
proceeding.”). Accordingly, we deny the petition and the motion for a stay.

It is so ORDERED.



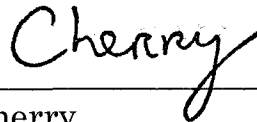
Hardesty

J.



Parraguirre

J.



Cherry

J.

cc: Hon. Elissa F. Cadish, District Judge
Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk