

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE MICHAEL BARKSDALE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 65550

**FILED**

**OCT 15 2014**

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

*ORDER OF REVERSAL AND REMAND*

This is a proper person appeal from an order of the district court denying a motion to withdraw a guilty plea.<sup>1</sup> Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In his motion filed on March 4, 2014, appellant claimed that his guilty plea was invalid because his counsel failed to correctly inform him of the penalty that he would receive at sentencing. The district court considered his claim on the merits without any discussion of his three-year delay in filing the motion.

We conclude that appellant improperly sought relief in a post-conviction motion to withdraw a guilty plea. This court has recently held that a post-conviction petition for a writ of habeas corpus is the exclusive remedy to challenge the validity of a guilty plea after sentencing. *See Harris v. State*, 130 Nev. \_\_\_, \_\_\_, 329 P.3d 619, 628 (2014). The district court should construe the motion as a post-conviction petition for a writ of


---

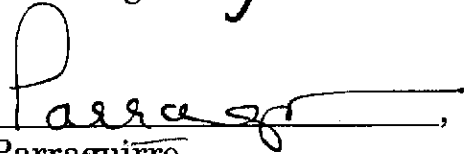
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

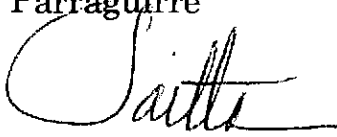
habeas corpus and provide appellant a reasonable opportunity to cure any pleading defects. *Id.*

Accordingly, we reverse the decision of the district court and remand for the district court to construe the motion as a post-conviction petition for a writ of habeas corpus and to provide appellant an opportunity to cure any defects within a reasonable time period as set by the district court.<sup>2</sup> Therefore, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Michelle Leavitt, District Judge  
Terrance Michael Barksdale  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

---

<sup>2</sup>It appears that the motion may be procedurally barred pursuant to NRS 34.726.