

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS MICHAEL BOLICH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

THOMAS MICHAEL BOLICH,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 66468 ✓
FILED

JAN 21 2015

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

No. 66469

ORDER OF REVERSAL AND REMAND

These are appeals from orders of the district court denying post-conviction motions to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge (Docket No. 66468). Eighth Judicial District Court, Clark County; David B. Barker,

¹These appeals have been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the records are sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Judge (Docket No. 66469). We elect to consolidate these appeals for disposition. *See* NRAP 3(b)(2).

In both motions,² appellant asserted that his guilty plea was invalid because he did not receive the sentence he bargained for, he did not understand the possible range of punishments, his blood samples may not have been tested properly, and his prior convictions should not have been used to enhance his punishment.

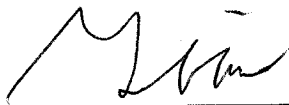
The Nevada Supreme Court has recently held that a post-conviction petition for a writ of habeas corpus is the exclusive remedy to challenge the validity of a guilty plea after sentencing and that a post-conviction motion to withdraw a guilty plea should be construed as a post-conviction petition for a writ of habeas corpus. *See Harris v. State*, 130 Nev. ___, ___, 329 P.3d 619, 628 (2014). Here, the district courts' orders did not discuss whether the district courts construed the motions as post-conviction petitions for a writ of habeas corpus. As discussed in *Harris*, the district court should have construed appellant's motion as a post-conviction petition for a writ of habeas corpus and then permitted appellant a reasonable time period to cure any defects with respect to the procedural requirements of NRS chapter 34. *See id.*


We therefore reverse the decisions of the district courts and remand for the district courts to construe the motions as post-conviction

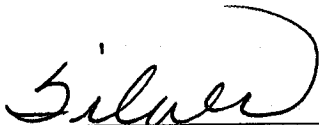
²In both cases, appellant filed his motion on July 11, 2014. The motions were nearly identical, but were filed in separate district court cases.

petitions 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 courts. Accordingly, we

ORDER the judgments of the district courts REVERSED AND REMAND these matters to the district courts for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Hon. David B. Barker, District Judge
Thomas Michael Bolich
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk