

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FREDERICK VONSEYDEWITZ,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 75125

FILED

MAY 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus seeks an order directing the district court to “enforce the ‘escape clause’ of the guilty plea.” Frederick Vonseydewitz asserts, because he received his parole eligibility hearing three years late, the State did not abide by the plea negotiations and he is entitled to invoke his right to withdraw his guilty plea and proceed to trial.

We have considered the petition, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction in this matter. See NRS 34.160; NRAP 21(b)(1); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). “[A] post-conviction petition for a writ of habeas corpus [filed in the district court] provides the exclusive remedy for a challenge to the validity of the guilty plea made after sentencing for persons in custody on the conviction


being challenged.” *Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014). Accordingly, we

ORDER the petition DENIED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Frederick Vonseydewitz
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk