

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAX SIMEUS,
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. 77737

FILED

JAN 17 2003

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

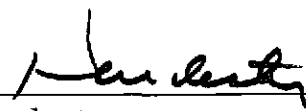
ORDER DENYING PETITION


This pro se petition for a writ of certiorari or review asks this court to release petitioner from custody and dismiss the criminal charges pending against him based on assertions that the State presented false information to or withheld evidence from the grand jury and that appointed defense counsel should be removed. We decline to exercise our discretion to entertain the petition for two reasons. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that the issuance of an extraordinary writ is discretionary). First, the issues raised in the petition fall outside the scope of a writ of certiorari, which is limited to instances where the lower court has exceeded its jurisdiction or the district court has addressed the constitutionality of a statute or ordinance on appeal from a final judgment in justice or municipal court. NRS 34.020(2), (3). Second, petitioner has a speedy and adequate remedy at law that precludes writ relief—he can raise the issues asserted in the petition on appeal from a judgment of conviction if he is convicted, NRS 177.015(3). *See NRS 34.020(2); Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224,


19-02789

88 P.3d 840, 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”). Accordingly, we

ORDER the petition DENIED.

, J.
Hardesty

, J.
Stiglich

, J.
Silver

cc: Max Simeus
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk