

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATTHEW JOHNSON,
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. 78214-COA

FILED

MAR 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER DENYING PETITION

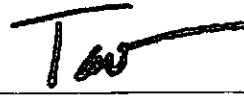
In this original petition for a writ of review, Matthew Johnson challenges the district court's alleged failure to resolve a pro se motion to dismiss counsel. Johnson also alleges his counsel is ineffective.


We decline to exercise our discretion to entertain the petition for two reasons. See NRS 34.010 (providing a writ of certiorari may be denominated the writ of review); *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987) (recognizing that the issuance of a writ of certiorari 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 a justice or municipal court. NRS 34.020(2), (3). Second, Johnson has a plain, speedy, and adequate remedy at law that precludes writ relief—in the event he is convicted, Johnson can challenge

the district court's actions regarding his motion to dismiss counsel on direct appeal and he can challenge the effectiveness of his counsel in a postconviction petition for a writ of habeas corpus that is filed in the district court in the first instance. *See* NRS 34.020(2); NRS 34.724(1), (2)(b); NRS 34.738(1); NRS 177.015(3); NRS 177.045. Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Matthew Johnson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We deny Johnson's motion for the appointment of counsel.