

SUPREME COURT OF THE STATE OF NEVADA

OSCAR GOMEZ, JR.,

)

Electronically Filed
Nov 15 2018 04:03 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

)

Supreme Court No: 76487

Appellant,

)

D.C. case no.: C-16-316959-1

)

Dept.: XXI

v.

)

STATE OF NEVADA,

)

E-filed

)

Respondent.

)

)

MOTION TO STAY APPELLATE PROCEEDINGS AND REMAND TO

DISTRICT COURT FOR MOTION TO WITHDRAW GUILTY PLEA

Comes now the Defendant, Oscar Gomez, Jr., and moves this Honorable Court to Stay Appeal pending in case number 76487 and remand his case to District Court so he can file a Motion to Withdraw Plea of Guilty.

As grounds for this Motion, Defendant submits Oscar Gomez, Jr., has advised him in a letter post-marked November 7, 2018, that his plea of guilty was involuntary and unintelligent. Counsel believes there are sufficient allegations in the Defendant's

letter (Exhibit A) that if true his plea should be withdrawn.

Wherefore, Defendant respectfully requests his case be remanded forthwith to the District Court. Counsel will file an appropriate Motion seeking withdrawal of plea within thirty days. Defendant further requests the briefing schedule in case number 76487 be stayed pending resolution of any Motion to Withdraw in case number C-16-316959-1.

CERTIFICATE OF SERVICE

I certify that on the 15th day of November, 2018, I served a copy of this Motion to Stay Appellate Proceeding and Remand to District Court for Withdrawal of Guilty Plea upon all counsel of record:

[X] Via Electronic Service (eFlex) to the Nevada Supreme Court;

[X] and by United States first class mail with postage affixed to the Nevada Attorney General and to the Defendant as follows:

STEVEN B. WOLFSON
Clark County District Attorney
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STEVEN S. OWENS
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Nevada Attorney General
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By: /s/ Ila C. Wills
Assistant to T. M. Jackson, Esq.

SUPREME COURT OF THE STATE OF NEVADA

Supreme Court No: **76487**

EXHIBIT 'A'

Hi this is Oscar Gomez. Just letting you know I have been transfered to Arizona.

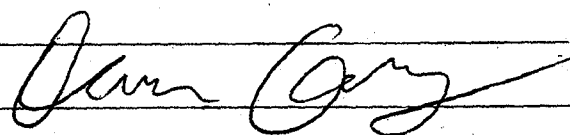
I have been thinking long and hard, and came to the decision to withdraw my plea agreement deal. I feel like I could have recieved a manslaughter charge.

In court when I signed the deal I had only less than 5 minutes to go through the plea agreement. I felt ~~pressured~~ presured to sign the deal. That day only two people in court, me and somebody else. My attorney was telling me to ~~make~~ hurry and make my decision because we were going to be called next. she said "Hurry this is your last chance" "your life is on the line". I didnt know what to do she scared me saying that. So i signed which now I regret.

So can you please file a motion for me to withdraw plea.

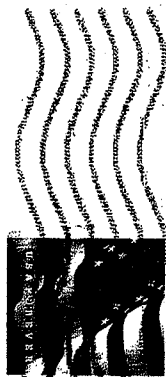
Thank you.

Oscar Gomez
#1200302



Oscar Gomez #1200302
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