

IN THE SUPREME COURT OF THE STATE OF NEVADA

OSCAR GOMEZ, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 76487

**FILED**

NOV 26 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING MOTION*

This is an appeal from a judgment of conviction. Appellant has filed a motion to “stay” this appeal and remand his case to the district court so that he may file a motion to withdraw his guilty plea.

“The statutory remedy of a post-sentence motion to withdraw a guilty plea . . . was eliminated.” *Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014). After sentence has been imposed, the postconviction petition for a writ of habeas corpus is the exclusive means to challenge the validity of a guilty plea for a person in custody on the conviction challenged. *Id.* Accordingly, appellant’s motion to remand this appeal so that he may file a postconviction motion to withdraw his guilty plea is denied. Appellant’s request to “stay” briefing of this appeal is also denied. We remind appellant that the opening brief and appendix are due to be filed by November 26, 2018.

It is so ORDERED.

Dwyer, C.J.

cc: Terrence M. Jackson  
Attorney General/Carson City  
Clark County District Attorney