

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF PAUL B., A
MINOR.

No. 54794

PAUL B., A MINOR,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
WILLIAM O. VOY, DISTRICT JUDGE,
FAMILY COURT DIVISION,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

FILED

FEB 03 2010


TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

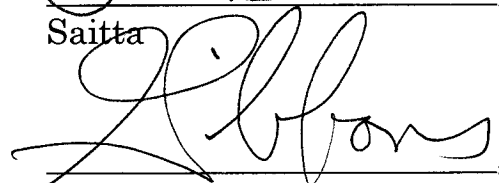
This original petition for a writ of mandamus challenges a district court order denying petitioner's objection to a hearing master's denial of petitioner's motion to withdraw his guilty plea in a juvenile case. We have considered the petition on file herein and conclude that petitioner has "a plain, speedy and adequate remedy in the ordinary course of law." See NRS 34.170. Although petitioner pleaded guilty to violations of a criminal statute, adjudications in juvenile proceedings are civil in nature. See NRS 62D.010 (providing that juvenile proceeding "[i]s not criminal in nature"); NRS 62E.010 (providing that a child adjudicated in juvenile court "is not a criminal and any adjudication is not a conviction"). In the criminal context, we have deemed a post-conviction motion to withdraw a guilty plea as the functional equivalent of a motion for new trial, Hargrove

v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984), which is appealable pursuant to NRS 177.015. As in the criminal context, NRAP 3A(b)(2) authorizes appellate review of district court orders “granting or refusing a new trial.” Recently, in affirming that NRAP 3A contemplates only orders resolving post-judgment motions for a new trial, we noted that identical language in NRS 177.015(1)(a)—“granting or refusing a new trial”—should be construed in a manner consistent with NRAP 3A. State v. Lewis, 124 Nev. ___, ___, 178 P.3d 146, 148 (2008). Here, petitioner challenges the denial of his post-conviction motion to withdraw his guilty plea. Because we conclude that his motion is functionally equivalent to a motion for new trial, petitioner has an adequate remedy at law by way of an appeal. Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. William O. Voy, District Judge, Family Court Division
Anderson Legal Associates
Clark County District Attorney/Juvenile Division
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk