

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY J. WINKLER,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DONALD M. MOSLEY, DISTRICT
JUDGE,

Respondents,

and

THE STATE OF NEVADA,
Real Party in Interest.

No. 51750

FILED

JUN 17 2008

THACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

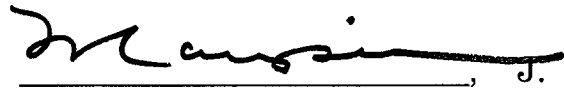
ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus and/or writ of prohibition. Petitioner claims that the district court erred in denying his request for re-cross examination and that he has new evidence to impeach witnesses, and petitioner seeks an order compelling the district court to postpone sentencing for 90 days for exigent and compelling circumstances. We have considered the documents submitted in this matter, and we conclude that no relief is warranted.¹ A motion for a new

¹NRS 34.160; NRS 34.170; NRS 34.320; NRS 34.330.

trial based on newly discovered evidence should be filed in the district court in the first instance.² Accordingly, we

ORDER the petition DENIED.



Maupin



Cherry



Saitta

cc: Hon. Donald M. Mosley, District Judge
Gary J. Winkler
Attorney General Catherine Cortez Masto/Carson City
Clark County District Attorney David J. Roger
Eighth District Court Clerk

²NRS 176.515.