

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARY WAYNE WALTERS,  
Petitioner,  
vs.  
THE STATE OF NEVADA; AND  
WARDEN BRIAN WILLIAMS,  
Respondents.

No. 58738

**FILED**

**AUG 30 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Ingerson*  
DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner seeks an order compelling the district court to provide him with certain "material witness testimonies." We have reviewed the documents submitted in this matter, and without deciding upon the merits of any claims raised therein, we decline to exercise original jurisdiction in this matter. See NRS 34.160; NRS 34.170. We note that petitioner may raise his allegations regarding new evidence demonstrating his actual innocence in a post-conviction petition for a writ of habeas corpus filed in the district court in the first instance.<sup>1</sup> Accordingly, we

ORDER the petition DENIED.

*Cherry*, J.  
Cherry,

*Gibbons*, J.  
Gibbons

*Pickering*, J.  
Pickering

<sup>1</sup>We express no opinion as to whether petitioner could meet the procedural requirements of NRS chapter 34.

cc: Gary Wayne Walters  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk