

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEONARD ARTHUR WINFREY,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 74570

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

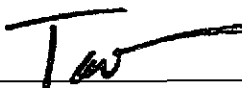
ORDER DENYING PETITION

This is an original petition for a writ of habeas corpus. Leonard Arthur Winfrey challenges the jury instructions that were given at his trial and asserts his convictions for first-degree murder should be set aside. We have reviewed the documents filed in this matter, and without deciding upon the merits of any claims raised, we decline to exercise our original jurisdiction. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (“Petitioner[] carr[ies] the burden of demonstrating that extraordinary relief is warranted.”). A challenge to the validity of the judgment of conviction must be raised in a postconviction petition for a writ

of habeas corpus filed in the district court in the first instance.¹ NRS 34.724(2)(b); NRS 34.738(1). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Leonard Arthur Winfrey
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹We express no opinion as to whether Winfrey could meet the procedural requirements of NRS chapter 34.