

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY JOSEPH MCGRATH, SR.,
Petitioner,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52016

FILED

AUG 05 2008

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


ORDER DENYING PETITION

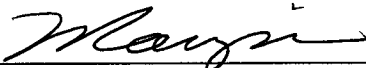
This is a proper person petition for a writ of mandamus. Petitioner asserts that he filed a motion to rescind his guilty plea in district court case numbers CR05-1816 and CR05-1829 on December 9, 2006. Petitioner complains that the district court has not yet resolved this motion. Petitioner further requests that copies of all transcripts and documents be transferred to him. We have considered the documents submitted in this matter, and we conclude that this court's intervention in this matter is not warranted.¹ Petitioner did not submit a file-stamped copy of his motion to rescind guilty plea, and thus, it is not clear that such a motion is pending in the district court. Petitioner should seek copies of

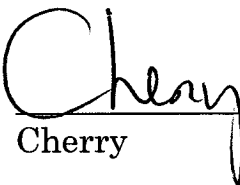
¹NRS 34.160; NRS 34.170.

documents at state expense in a motion filed in the district court in the first instance. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Maupin


_____, J.
Cherry

cc: Hon. Robert H. Perry, District Judge
Jay Joseph McGrath Sr.
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk