

**FILED**

**MAR 11 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Ingosola  
DEPUTY CLERK

District Court CASE NO. CR-06-2580

Dept No. 6

In the Supreme Court of the State of Nevada

No. 53403

FRANK M PECK  
Petitioner

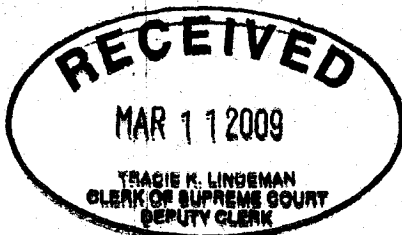
PETITION FOR  
WRIT OF  
MANDAMUS

-vs-

State of Nevada  
Plaintiff

Comes Now, the Defendant, Frank Milford Peck, prose with his Petition for Writ of Mandamus and hereby requests that this Honorable Court issue an order directing the Lower Court Judge Brent Adams to recuse himself from All proceedings pertaining to the petitioner.

Judge Adams has shown an implied bias and hostility toward Mr Peck accusing him of manipulation to appoint conflict Attorneys, and when Judge Adams did appoint counsel, he knew, or should have known, that counsel Robert Bruce Lindsay could not protect his client's right to due process, due to his being banned from practice in the Nevada Supreme Court.



09-06274

Petitioner, Frank Peck feels that it is improper AND unfair that he is scheduled to stand trial in front of Judge Brent Adams, the SAME Judge that presided OVER FRANK PECK'S Brother's capital murder of a Police Officer, CASE IN 2002.

Judge Adams AT A hearing ON 5-28-08 to appoint counsel MADE comments ON Mr Peck's then pending Federal Petition IN front of Federal District Court Judge Roger Hunt, stating, "Why has this Petition BEEN pending for so long, AND that Judge hunt is NOT AN idiot AND would NEVER grant relief ON my issue". My issue valid or NOT created a conflict, this upset Judge Adams, AND it is MR PECK'S belief AND contention, that Judge Adams MADE Exparte communication with Judge Hunt, BECAUSE NOT 45 DAYS Later, Mr Peck's Federal Petition, AND COA WAS DENIED.

IT WAS CLEAR error to Appoint Counsel that CANNOT protect his clients rights, the reluctance to Appeal by Mr Lindsay is shown by the Notice he wrote 13 DAYS after Mr Peck's right to Appeal had expired.

MANDAMUS is proper means for Court of Appeals to review District Court's refusal to recuse from case.  
IN RE ANTA, 71 F3d 97 (3rd Cir 1995)

Remedy of MANDAMUS is a drastic one, to be invoked only in extraordinary situations.

ALLIED CHEMICAL, CORP V. DAIFLON, INC., 449 US 33, 66 LEd2d 193, 101 Sct 188 (1980)

Defendant Has right to UN-BIASED Judge  
LILJERBERG V. HEALTH SERVICE CORP. 486 US 847. 100 LEd2d 855, 108 Sct 2194 (1988)

The Appointment of AN UN-qualified Attorney is palpably improper AND clear error De GEORGE V. US DIST. COURT FOR C.D. of CAL., 219 F3d 930 (9th Cir 2000).

For these reasons, Petitioner Peck, Respectfully requests that this Court Grant the instant Writ of MANDAMUS, to insure that Petitioner receives A Fair Trial in front of AN UN-biased Judge.

Dated this 9th day of March 2009.

Frank Peck

Frank M. Peck Prose

Code:2280  
ROBERT BRUCE LINDSAY, ESQ.  
Nevada State Bar # 2237  
596 California Avenue  
Reno, Nevada 89509  
775-378-9031

**IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE**

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FRANK PECK,

Petitioner,

Case No. CR

vs.

Dept. No.

WASHOE COUNTY DISTRICT ATTORNEY

and THE STATE OF NEVADA,

Respondent,  
\_\_\_\_\_ /

**NOTICE OF APPEAL**

COMES NOW, Petitioner, FRANK PECK, by and through his undersigned counsel  
ROBERT BRUCE LINDSAY, ESQ. and GIVES Notice to the above entitled Court, the  
Honorable Judge STEVE ELLIOT, of Appeal to the Nevada Supreme Court of the Order  
Denying REMOVAL OF JUDGE ADAMS FOR ACTUAL PREJUDICE, filed by said Court  
on December 12<sup>th</sup>, 2008;

DATED this 9<sup>th</sup> Day of January, 2009

Respectfully Submitted

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ROBERT BRUCE LINDSAY  
Attorney For Frank Peck

Certificate of Service AND Affirmation pursuant to  
NRS 239 B, 030 The Attached Petition for Writ of  
MANDAMUS does NOT contain Any Social Security  
Number of Any person AND has BEEN mailed  
TO:

Clerk of the Court  
2nd Jud Dist  
75 Court Street  
RENO, NV. 89501

District Attorney  
75 Court Street  
RENO, NV. 89501

DATED this 9th Day of MARCH 2009.

Frank Peck  
FRANK PECK PRO SE

**SUPREME COURT OF THE STATE OF NEVADA  
OFFICE OF THE CLERK**

FRANK MILFORD PECK,  
Petitioner,  
vs.  
THE STATE OF NEVADA,  
Respondent.

**Supreme Court No. 53403**  
District Court Case No. CR062580

**RECEIPT FOR DOCUMENTS**

TO: Brent T. Adams , District Judge  
Frank Milford Peck #57106  
Attorney General Catherine Cortez Masto/Carson City and Catherine  
Cortez Masto, Attorney General  
Washoe County District Attorney Richard A. Gammick and Gary H.  
Hatlestad, Deputy District Attorney

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

03/11/09 Filing Fee Waived: Criminal.  
03/11/09 Filed Proper Person Petition for Writ.  
Petition for Writ of Mandamus.

DATE: March 11, 2009

Tracie Lindeman, Clerk of Court