

NO. 62678

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

FEB 25 2013

FRANK M. PECK, Dist Ct CASE NO. CR-06-2580

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

Petitioner,

vs.

PETITION FOR ALTERNATIVE

2nd Jud Dist Ct.

WRIT OF MANDAMUS

Brent T. Adams,

"First Amendment Petition"

State of Nevada.

NRS 34.150 et seq.

Respondents

Comes Now, the Petitioner, Frank M. Peck prose
hereinafter Mr. Peck with his Petition for Alternative
Writ of Mandamus, "First Amendment Petition".

This Petition is made and based upon all papers
and pleadings on file in this case as well as the
attached points and authorities and Affidavit
of Mr. Peck.

Dated this 19th day of February 2013.

[Signature]

FRANK M. PECK 57106
HDSP Box 650
Indian Springs, NV. 89070
Petitioner, prose.

RECEIVED
FEB 25 2013
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

12-AC919

Points And Authorities

Mr. Peck having his First Amendment rights to the US. Constitution and Article 1 sec 9 of the NEVADA Constitution violated by the lower court to wit:

Mr. Peck was held in the Washoe County Jail to stand trial for 1 count sexual assault. From April 29, 2009 until May 12th, 2009.

Mr. Peck having to invoke his Faretta rights proceeded in prose to Trial.

Mr. Peck was denied any and all access to any research materials or access to any communications whatsoever, see the attached WCSO. IN-TRANSIT booking information form marked as (Exhibit 1) specifically showing that Mr. Peck was denied telephone usage.

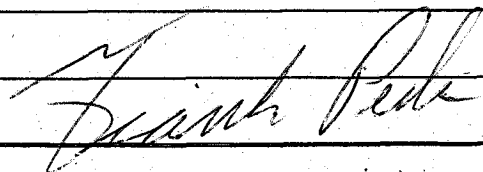
Mr. Peck alleges that had he had access to a telephone he could have learned what he now knows.

The only evidence used against Mr. Peck was totally fabricated by the use of the PCR-STR DNA protocols. See (inescapable facts ex 2).

It is therefore requested that this
Honorable Court ORDER the lower court
to immediately upon receipt of the writ
dismiss the Charge against Mr. Peck.

Dated this 19th day of February 2013.

Respectfully submitted



FRANK M. PECK 57106

HDSP Box 650

Indian Springs, NV. 89070

Petitioner, pro se.

State of Nevada

ss

County of Washoe

AFFIDAVIT OF FRANK M. PECK

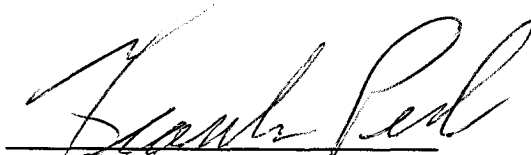
I Frank M. Peck do hereby swear under penalty of perjury that:

1. I am the Petitioner in case no. CR-06-P-2580.
2. All assertions in the attached Mandamus are true based on personal knowledge and i am competent to testify to all matters contained therein.
3. I bring the attached Mandamus in good faith and for no improper reason.

FURTHER AFFIANT SAYETH NAUGHT

Dated this 19th day of Feb 2013.

Signed under penalty of perjury NRS 208.165 and 28 USC sec 1746.



Frank M. Peck # 57106
HDSP Box 650
Indian Springs, Nv. 89070

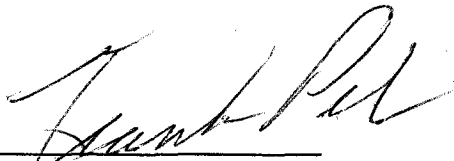
Certificate of Service and Affirmation

Pursuant to NRS 239 B 030 the attached Mandamus
does not contain social security numbers of any person and a true and correct
copy was mailed this date to:

District Attorney _____
75 Court Street
Reno NV 89501

Signed under penalty of perjury NRS 208.165 and 28 U.S.C. sec 1746.

Dated this 19th day of Feb 2013.



**Frank M. Peck # 57106
HDSP Box 650
Indian Springs, Nv 89070**

Exhibit number 1 Pages 1

Exhibit description WCSO IN-TRANSIT Booking
information sheet

Exhibit number 2 Pages 1

Exhibit description RFLP v PCR-STR
INESCAPABLE FACTS

Exhibit number _____ Pages _____

Exhibit description _____

Exhibit number _____ Pages _____

Exhibit description _____

Exhibit number _____ Pages _____

Exhibit description _____

Exhibit number _____ Pages _____

Exhibit description _____

Exhibit number _____ Pages _____

Exhibit description _____

Exhibit number _____ Pages _____

Exhibit description _____

EXHIBIT 1

EXHIBIT 1

W.C.S.O. IN-TRANSIT BOOKING INFORMATION FORM

P-10528
09-8678

Name: Pech Frank Booking # 09-8678
Last First Middle
 Date of Birth: 3-2-62 SSN: _____ WCSO Case#: _____
 Race: W Sex: M Hair: brown Eyes: _____ Height: _____ Weight: _____
 Arrival Date: 4-29-09 Time: 9:12 AM Pickup Date: 5-1-09 Time: _____

TRANSPORTING AGENCY

NSP Transcor TriCounty Extradition INS Other: _____
 Officer Name/ID#: _____
 Contact Name and Phone Number LT Hays 887-3254

Medical/Mental Health Conditions: _____

- Does Prisoner have a violent criminal history or violent tendencies? Yes No
- Is Prisoner allowed to have access to telephone usage? Yes No
- Should Prisoner be segregated from other inmates? Yes No
- Is Prisoner to be considered an "Escape Risk"? Yes No
- Is Prisoner to be considered an "Officer Safety Risk"? Yes No

Explain any 'Yes' answers: NSP Inmate

TO BE COMPLETED BY WCSO

Deputy Narrative: _____

Searched by/ID#: _____ Sergeant/ID#: _____

EXHIBIT 2

EXHIBIT 2

INESCAPABLE FACTS

Whereas the RFLP protocol is a direct analysis of the physical DNA evidence, **"PCR-STR is not"**.

Facts:

1. Complementary DNA ("cDNA") is man made synthetic DNA.
2. Complementary DNA ("cDNA") is synthesized from Messenger RNA ("mRNA").
3. **The product of the PCR protocol and subsequent STR analysis is of 100% synthetic man made materials completely devoid of Human DNA.**

The synthetic DNA molecule is complementary DNA ("cDNA"). cDNA is synthesized from mRNA using complementary base pairing in a manner analogous to RNA transcription. The process results in a double-stranded DNA molecule with a sequence corresponding to the sequence of an mRNA produced by the body. **Because it is synthesized from mRNA, cDNA contains only the exon sequences, and thus "none of the Intron sequences" from a native gene sequence.**

("cDNA's) are" chemically manipulated and are markedly different from that which exists in the body" and are even, "patent-eligible".

For all the same reasons that cDNA's are patent-eligible cDNA's cannot be considered as direct evidence in a criminal trial, because the product of the PCR protocol and the subsequent analysis is of **"synthetic man-made materials devoid of Human DNA"** brought into the process from an outside source, literally, off the shelf, manipulated, then referred to as "direct evidence".

See:

THE ASSOCIATION FOR MOLECULAR PATHOLOGY, THE AMERICAN COLLEGE OF MEDICAL GENETICS, THE AMERICAN SOCIETY FOR CLINICAL PATHOLOGY, THE COLLEGE OF AMERICAN PATHOLOGISTS, HAIG KAZAZIAN, MD, ARUPA GANGULY, PHD, WENDY CHUNG, MD, PHD, HARRY OSTRER, MD, DAVID LEDBETTER, PHD, STEPHEN WARREN, PHD, ELLEN MATLOFF, M.S., ELSA REICH, M.S., BREAST CANCER ACTION, BOSTON WOMEN'S HEALTH BOOK COLLECTIVE, LISBETH CERIANI, RUNI LIMARY, GENAE GIRARD, PATRICE FORTUNE, VICKY THOMASON, AND KATHLEEN RAKER, Plaintiffs-Appellees, v. UNITED STATES PATENT AND TRADEMARK OFFICE, Defendant, and MYRIAD GENETICS, INC., Defendant-Appellant, and LORRIS BETZ, ROGER BOYER, JACK BRITAIN, ARNOLD B. COMBE, RAYMOND GESTELAND, JAMES U. JENSEN, JOHN KENDALL MORRIS, THOMAS PARKS, DAVID W. PERSHING, AND MICHAEL K. YOUNG, IN THEIR OFFICIAL CAPACITY AS DIRECTORS OF THE UNIVERSITY OF UTAH RESEARCH FOUNDATION, Defendants-Appellants.

**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
653 F3d 1329653 F.3d 1329; 2011 US App LEXIS 156492011 U.S. App. LEXIS 15649; 99 USPQ2D (BNA) 139899 U.S.P.Q.2D (BNA) 1398
2010-1406 - July 29, 2011. Decided**

Dated this 3rd day of January 2013.

Frank M. Peck # 57106
H.D.S.P. Box 650
Indian Springs, Nv. 89070