

Frank M. Peck 57106
HDSD Box 650
Indian Springs, NV. 89070
Petitioner, pro se.

FILED

OCT 29 2013

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank M. Peck, District Court No. CR06-P-2580
Petitioner, Dept No. 6

vs.

Warden Nevin,
State of Nevada,
Respondents,

PETITION FOR WRIT OF MANDAMUS

Comes Now, the Petitioner, Frank M. Peck pro se
hereinafter Mr. Peck with his Petition for writ of
Mandamus.

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 10-20-13

RECEIVED
OCT 28 2013
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

[Signature]
Frank M. Peck Pet, pro se.

Points and Authorities

FACTS

Counsel Mary Lou Wilson was Ordered to file a supplemental Petition for writ of habeas corpus (post conviction) for Mr. Peck by the District Court on 7-21-10.

Counsel Mary Lou Wilson in her first order of business Motioned the District Court for an Order granting a teleconference with her client @ Ely State Prison. In that Motion she "misrepresented her call capabilities" as her business telephone was actually blocked from receiving calls from NDOC. This Attorney has no respect for this Courts ADK T-411 Order nor does she respect the rights of her clients.

Mary Lou Wilson completely ignored Mr. Peck's repeated requests to be included in any conferences with his DNA expert. This request was totally ignored by counsel even though counsel was aware Mr. Peck demanded that counsel raise his challenge to the "theory of the Polymerase Chain Reaction".

Mr. Peck then demanded that Mary Lou Wilson remove herself as Mr. Peck's counsel, counsel refused. so Mr. Peck filed suit against Mary Lou Wilson. Three (3) days after being served a summons Mary Lou Wilson (out of spite) on 9-18-12 filed a notice of no supplemental petition.

Mr. Peck has since then filed (7) supplements to his own petition for writ of habeas corpus (post-conviction) relief.

"Mr. Peck has raised numerous issues that if proven will entitle Mr. Peck to relief."

The Lower Court Judge Brent T. Adams has a documented history of allowing petitions for writ of habeas corpus (post-conviction) relief to languish in his Court for years and years. For example, Larry Peck v. State, languished for more than (7) years.

Mr. Peck requests that this court consider sanctions against Mary Lou Wilson for her malicious actions against her client Mr. Peck.

Mr. Peck has raised a challenge to the Theory of the (PCR) Polymerase Chain Reaction method of DNA sample preparation. The presentation of this challenge demands a specialized understanding and the specific study of the DNA methods from its beginning to present technology. Mr. Peck is the only person willing and able to effectively present this issue at evidentiary hearing and requests permission to do so.

As the doctrine of laches approaches Mr. Peck would be remiss if he did not try to further this case.

Where Mary Lou Wilson refused Mr. Peck was able to obtain a final Report from Mr. Peck's DNA expert proving that the ~~the~~ Prosecutions witness testified falsely when asked if they had material to contaminate the DNA test.

The lower Court has also refused to pay Mr. Peck's DNA expert Mehul B. Anjaria for his final report \$645.00 and has put Mr. Peck at odds with his own expert. The Court has given no reason to Mr. Peck and has not served Mr. Peck with the sealed order.

NRS 34.170 Writ to issue when no plain, speedy and adequate remedy in law.

Mandamus is a proper remedy to compel performance of a judicial act when there is no plain, speedy, and adequate remedy at law in order to compel the performance of an act which the law requires as a duty resulting from office Smith v Eighth Judicial Dist. Court ex rel. County of Clark, 107 Nev 674, 818 P.2d 849, (1991).

Whereas here, Mr. Peck has no other plain, speedy and adequate remedy in the ordinary course of law.

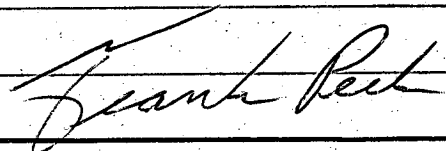
Mr Peck's issues "WHEN PROVEN" will entitle Mr Peck to relief. As such, "Mr Peck is therefore entitled to AN EVIDENTIARY HEARING".

Conclusion

Therefore, Mr Peck respectfully requests that this Honorable Court Grant Mr. Peck's Petition for Writ of Mandamus and Order the lower Court to Pay Mr. Peck's DNA expert \$645.00 for services rendered, Order the State to ANSWER Mr. Peck's Petition and Order AN EVIDENTIARY HEARING AND Grant Mr. Peck permission to present his case at the hearing.

Dated this 18th day of October 2013.

Respectfully submitted



Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV. 89070

Petitioner, pro se.

(6)

Affidavit, certificate of electronic service, Affirmation,
I Frank M. Peck do hereby swear under penalty of perjury:

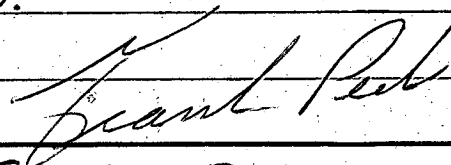
1. I Am the Petitioner in WDC case NO CRO6-P-2580.
2. All Assertions in the Attached Petition for writ of Mandamus are true based on personal knowledge and I am competent to testify to all matters contained therein.
3. I bring this Petition in good faith and for no improper reason.
4. A true and correct copy was mailed this date to the Clerk of the Nevada Supreme Court 201 S. Carson St. Carson City, NV. 89701 for electronic service on DDA Terrance McCarthy, Hon. Brent T. Adams District Judge pursuant to NEFR rule 9(e).

further affiant sayeth naught

Dated this 20th day of October 2013.

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

Contains no social security numbers of any
person NRS 239 B.030.



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