

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

FILED

DEC 10 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK M. PECK,
Petitioner,
vs.

Docket No. _____
DIST CT NO. CRO62580

The Second Judicial District
Court of the State of Nevada

IN AND FOR THE COUNTY OF
WASHOE AND JACQUELINE
BRYANT, CLERK OF THE COURT
AND K. JONES, DEPUTY CLERK

Respondents,
and

THE STATE OF NEVADA.

Real Party in Interest.

PETITION FOR WRIT OF MANDAMUS

Comes Now, the Petitioner, Frank M. Peck pro se with
PETITION FOR WRIT OF MANDAMUS.

RECEIVED
DEC 07 2015
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

This Petition is made and based on all papers and pleadings on file in this case as well as the attached points and authorities NRS 34.150 et seq and the attached exhibits and affidavit of Mr. Peck.

Dated 11-23-15

Frank Peck
Frank M. Peck Pet, prose.

Points and Authorities

This Honorable Court filed its ORDER of REVERSAL and Remand on NOV 13 2014. Petitioner filed his limited AMENDED PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) limited to "35 pages in total length" on JUNE 24 2015. After the MOTION PRACTICE authorized by the court in its 9-15-15 ORDER the court set a hearing SEE ORDER 2 10, and APPLICATION FOR SETTING filed herein on 9-24-15. NRS 34.770 3.

Petitioner then mailed to the court:

1. EX PARTE MOTION FOR AUTHORIZATION OF DEFENSE SERVICES AT PUBLIC EXPENSE AND REQUEST TO SEAL (MAILED 10-10-15)
2. REQUEST FOR SUBMISSION of respondents motion TO DISMISS (MAILED 10-10-15)

3. MOTION FOR CLARIFICATION RE: APPLICATION FOR SETTING
mailed 10-11-15

4. EX PARTE MOTION FOR TELEPHONIC HEARING IN SUPPORT OF
EX PARTE MOTION FOR DEFENSE SERVICES AT PUBLIC EXPENSE.
MAILED 10-19-15

5. REPLY TO IN OPPOSITION TO RESPONDENTS RESPONSE
TO PETITIONERS MOTION FOR EARLY CASE CONFERENCE.
MAILED 10-23-15

6. REQUEST FOR SUBMISSION OF MOTIONS
MAILED 10-25-15

All the above documents mailed to the clerk of
the court from 10-10-15 to 10-25-15 WERE ALL
filed ON NOVEMBER 4th 2015. (See Exhibit 1-6).

To justify the issuance of a writ of mandamus to
enforce the performance of an act, by a public
officer, two things must concur: (1) The act must
be one the performance of which the law especially
enjoins as a duty resulting from an office, and (2)
there must be an actual omission on the part of
the respondent to perform it. State ex rel. Piper
v. GRACEY, 11 NEV. 223, 1876 NEV. LEXIS 27 (NEV 1876);
State ex rel. LAWTON v. Public Serv. Comm'n, 44 NEV. 107,
190 P. 284, 1920 NEV. LEXIS 14 (NEV 1920).

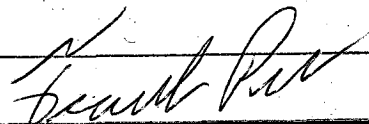
Mandamus is a remedy which may be invoked to cause an administrative officer to perform a ministerial act when the duty to perform such act is clear. Gill v. State, 75 Nev. 448, 345 P.2d 421, 1959 Nev. Lexis 172 (Nev. 1959)

Conclusion

Therefore, a WRIT OF MANDATE is requested that even though Petitioner is PROSE and files documents in the traditional manner, he is "entitled to timely filed and returned documents."

Dated 11-23-15

Respectfully submitted



Frank M. Peck 57106

HDSP Box 650

Indian Springs, Nev. 89070

Petitioner, pro se.

*

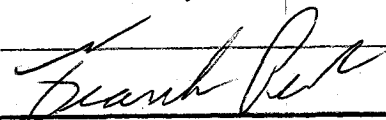
Affidavit, certificate of service and affirmation

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

1. I AM the Petitioner in WDC CASE NO CR 06 2580.
2. ALL ASSERTIONS in the attached Petition for writ of MAN-DAMUS ARE TRUE BASED ON PERSONAL KNOWLEDGE, I AM OVER THE AGE OF 18 AND 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 FOR FILING AND ELECTRONIC SERVICE ON RESPONDENTS ATTORNEY DDA TERRANCE Mc CARTHY ESQ @ 75 COURT STREET RENO, NV, 89501 PURSUANT TO NRCP RULE 5 (b)(2) (D) AND NEFCR RULE 9 (b)(c).
5. A TRUE AND CORRECT COPY WAS MAILED THIS DATE TO THE WASHOE COUNTY SHERIFF'S OFFICE FOR SERVICE ON THE CLERK OF THE COURT @ 75 COURT ST RENO, NV. 89501 PURSUANT TO NRS 34.280.
6. DATED DONE AND MAILED THIS 25th DAY OF NOV 2015. SIGNED UNDER PENALTY OF PERJURY NRS 208.165 AND 28 USC 1746.

Dated 11-25-15

* Affirmation: contains NO SOCIAL SECURITY NUMBERS OF ANY PERSON NRS 239 B.030.



Frank M. Peck Pet prose

INDEX OF EXHIBITS

Exhibit number 1

Pages 1

Exhibit description EX PARTE MOTION FOR AUTHORIZATION

OF DEFENSE SERVICES MAILED 9-10-15 Filed Nov 4th 2015

Exhibit number 2

Pages 1

Exhibit description REQUEST FOR SUBMISSION

MAILED 10-10-15 Filed 11-4-15

Exhibit number 3

Pages 1

Exhibit description MOTION FOR CLARIFICATION

MAILED 10-11-15 Filed 11-4-15

Exhibit number 4

Pages 1

Exhibit description EX PARTE MOTION

MAILED 10-19-15 Filed 11-4-15

Exhibit number 5

Pages 1

Exhibit description Reply in opposition ECC

MAILED 10-23-15 Filed 11-4-15

Exhibit number 6

Pages 1

Exhibit description Request for submission

MAILED 10-23-15 Filed 11-4-15

Exhibit number _____

Pages _____

Exhibit description _____

Exhibit number _____

Pages _____

Exhibit description _____

Return file stamp copy

Code 1670

Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV, 89070

Petitioner, pro se.

FILED

NOV 04 2015

JACQUELINE BRYANT, CLERK

By: K. Jones
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

FRANK M. PECK,

CASE NO. CR 06 7580

Petitioner,

DEPT NO. 10

vs.

STATE OF NEVADA,

Respondent.

EX PARTE MOTION FOR AUTHORIZATION OF DEFENSE SERVICES AT PUBLIC EXPENSE AND REQUEST TO SEAL

Comes Now, the Petitioner, Frank M. Peck pro se herein - after Mr. Peck hereby moves this Honorable Court for its Order pre-approving payment of defense services and transcripts at public expense.

This motion is made and based on all papers and pleadings on file in this case as well as NRS 7.035 et seq for expenses; employment of investigative, expert and other services. The attached points and authorities and affidavit of Mr. Peck, NRS 175.271, 50.275, 50.285.

1 of 8

(EX-1)

mailed Oct 10th 2015

Code 3860

Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV. 89070

Petitioner, pro se.

FILED

2015 NOV -4 PM 1:18

JACQUELINE BRYANT
CLERK OF THE COURT

BY K. Jones NEVADA

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

Frank M. Peck,

CASE NO. CZ 06 2580

Petitioner,

DEPT NO. 10

vs.

State of Nevada,

Respondent.

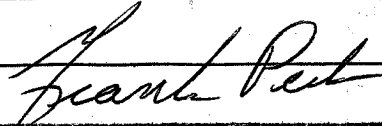
REQUEST FOR SUBMISSION

Petitioner hereby requests submission of the Respondent's MOTION TO DISMISS AMENDED PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION filed herein on or about Sep 4 2015 OPPOSITION filed on Sep 23 2015 "NO REPLY having been filed" be submitted for this court's decision, mailed this date.

Dated 10-10-15.

* ELECTRONIC SERVICE on Respondent DDA Terrance Mc. Carthy Esq
75 Court St Reno NV 89501 per NRCP 5 (b)(2)(D), NEFCR rule 9(c)(b).

* Affirmation: NO social security numbers NRS 239 B.030.



Frank M Peck Pet, pro se.

Return file stamp copy
Code 2040
Frank M. Peck 57106

HOSP Box 650
Indian Springs NV 89070
Petitioner, pro se.

FILED

2015 NOV -4 PM 1:19

JACQUELINE BRYANT
CLERK OF THE COURT
BY K. Jones

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

Frank M. Peck,
Petitioner,

CASE NO. CR 06 2580
DEPT NO. 10

vs.

State of Nevada,
Respondent.

MOTION FOR
CLARIFICATION

Comes Now, the Petitioner, Frank M. Peck pro se seeking clarification of this Courts APPLICATION FOR SETTING filed herein on 9-24-15. Petitioner seeks specifically what type of hearing has been set for Feb 2 2016.

Dated Done and mailed this 11th day of Oct 2015 to the Clerk, Washoe District Court 75 Court St Reno NV 89501 for filing and Electronic Service on Respondent DDA Terrance McCarthy ESQ 75 Court St Reno, NV 89501 per NRCP 5 (b)(2) NEFCR rule 9 (b)(c).

* Affirmation contains no social security numbers NRS 239 B.030.

Dated 10-11-15

Frank M. Peck Pet, pro se.

PLEASE RETURN FILE STAMP COPY

Code 1670
Frank M. Peck 57106

HDSP Box 650
Indian Springs, Nv, 89070
Petitioner, pro se.

FILED

2015 NOV -4 PM 1:19

JACQUELINE BRYANT
CLERK OF THE COURT
BY K. Jones
DEPUTY

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

Frank M. Peck, CASE NO. CK062580
Petitioner, DEPS NO. 10

vs.

THE State of Nevada,
Respondent.

EX PARTE MOTION FOR TELEPHONIC HEARING IN
SUPPORT OF EX PARTE MOTION FOR DEFENSE
SERVICES AT PUBLIC EXPENSE

Comes now, the Petitioner, Frank M. Peck pro se
with the above titled MOTION,

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

Dated 10-19-15

Frank Peck

Frank M. Peck Pet, pro se.

1.64

(EX 4)

Request for submissions Mailed 11/12/15

Return file stamp copy

Code 3790

Frank M. Peck 57106

HD SP Box 650

Indian Springs, NV 89070

Petitioner, pro se.

FILED

2015 NOV -4 AM 11:11

JACQUELINE BRYANT
CLERK OF THE COURT

BY K. Jones
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Frank M. Peck,

CASE NO. CR 06 2580

Petitioner v,

DEPT NO. 10

vs

The State of Nevada,

Respondent.

REPLY TO IN OPPOSITION TO RESPONDENTS RESPONSE
TO PETITIONERS MOTION FOR EARLY CASE CONFERENCE

Comes now, the Petitioner, Frank M. Peck pro se herein-
after, Mr. Peck with his above titled Reply to in opposi-
tion to Respondent's Response to Petitioner's motion
for early case conference.

This Reply 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 10-23-15

Frank M. Peck

Frank M. Peck Pet, pro se,

Return file stamp copy

Code 3860

Frank M. Peck 57106

HDSP Box 650

Indian Springs, NV. 89070

Petitioner, prose

FILED

2015 NOV -4 AM 11:11

JACQUELINE BRYANT
CLERK OF THE COURT

BY K. Jones
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Frank M. Peck,

CASE NO. CR 06 2580

Petitioner,

DEPT NO. 10

vs.

The State of Nevada,

Respondent.

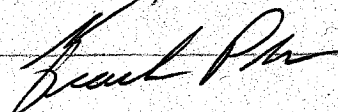
REQUEST FOR SUBMISSION OF MOTIONS

Comes Now, the Petitioner, Frank M. Peck prose hereby requests that his MOTIONS: (1) MOTION FOR CLARIFICATION filed herein on Oct 6 2015 and (2) MOTION FOR EARLY CASE CONFERENCE NRCP Rule 16.1 filed herein on Oct 14 2015 be submitted to the Court for decision.

Dated done and mailed 10-25-15.

ELECTRONIC SERVICE/NOTICE via Clerk requested per NRCP 5 (b)(2) (D) AND NEFCR rule 9 (b)(c) ON DDA Terrance McCarthy 75 Court St Reno, NV. 89301 (Respondents Atty).

* Affirmation contains no social security numbers of any person.



Frank M. Peck Pet prose

REV 6