

Frank M. Peck 57106
H.D.S.P. Box 650
Indian Springs, NV. 89070
Petitioner, prose, LFP.

FILED
MAR 29 2017
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

Frank Milford Peck, Supreme Court No. _____
Petitioner, District Court No. CR-96-2687
vs.

The Second Judicial District
Court of the State of Nevada,
In and for the County of
Washoe; and the Honorable
Lynn K. Simon, District Judge,
Respondents,
and
The State of Nevada,
Real Party in Interest.

PETITION FOR WRIT OF MANDAMUS NRAP RULE 24(a)(3)

Comes Now, the Petitioner Frank M. Peck prose
IN FOKMA PAUPERIS hereinafter Mr Peck with his
PETITION FOR WRIT OF MANDAMUS NRAP RULE 24(a)(3).

RECEIVED
MAR 24 2017
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

This Petition is made and based upon all papers and pleadings on file in the lower court, NRS 34.150 et seq, NRS 34.740, NRS 34.745 and Affidavit/Declaration of Mr. Peck.

Dated March 19th 2017.

Frank Peck

Frank M. Peck

Petitioner, prose, IFP.

Points and authorities

Petitioner filed a Petition for Writ of Habeas Corpus POST-CONVICTION in the lower court on October 4th 2016 challenging the courts jurisdiction and a MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION RELIEF ACTUAL INNOCENCE on October 25th 2016 and a REQUEST FOR SUBMISSION ON February 13 2017.

NRS 34.170 Writ to issue when no plain, speedy and adequate remedy in law and to compel performance of a judicial 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, P2d 849, 1991 Nev. LEXIS 159 (1991).

Although NRS 34.745 4. does not articulate a expeditious judicial examination of second or successive petitions, the Petitioner has submitted newly discovered evidence to excuse the delay establishing cause and prejudice, as well as a jurisdictional challenge that may be brought at anytime.
And;

Although NRS 34.810 contains mandatory language (SHALL) the statute is silent as to any time frames.

Petitioner is "factually innocent" of count one digital penetration, but for the bias of the Trial Court Judge made in dying declaration of Mr. Dennis Eugene Widdis Esq, before dying of liver cancer. The claim is "NOT BELIEVED BY THE RECORD," entitles Petitioner to relief, if true, and deserves discovery.

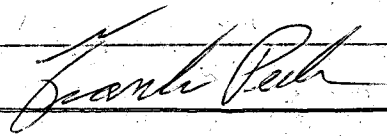
Petitioner feels justified in seeking mandamus from this court after waiting a reasonable 6 months for screening under NRS 34.745 4. (Re: Actual innocence and jurisdictional claims).

If this Petition is not sought, the lower courts (from personal experience) neglect Habeas Petitions that end up languishing for years and years, until they are improperly dismissed for want of prosecution, despite the next action required, is by the court.

Conclusion

Therefore, per NRS 34.190 2. Respondents are hereby commanded to immediately after receipt of the WRIT ORDER AN ANSWER AND RETURN pursuant to NRS 34.745 or show cause why the parties have not done so.

Dated 3-20-17



Frank M. Peck, Pet pro se, IFP

Declaration of Frank M. Peck sworn under the penalty of perjury as true and correct:

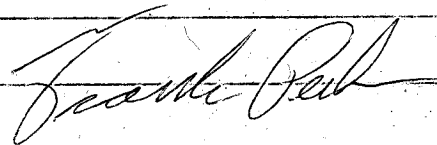
1. I am the Petitioner in WDC case NO. CR-96-2687.
2. All assertions herein are true based on personal knowledge I am over 18 and competent to testify to all matters contained herein.
3. I bring this petition in good faith and for no improper or dilatory reason.
4. NRS 34.200 NOTICE of application via clerks notice of filing of converted document per NRCIP Rule 5(B)(2)(D) and NEFCR Rules 9 b c as effective NOTICE.
5. Dated done mailed to clerk NV Sup Ct 201 S. Carson St Carson City, NV 89701 MARCH 20th 2017.

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

Further affirmant crystal night

Dated this 20th day of March 2017.

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



Frank M. Peck # 5710 b

HDSP BOX 650

Indian Springs, NV, 89070

Petitioner, prose, 1 FD.

NRS 208.165, 28 USC 1746