

FILED

MAY 24 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

Franks M. Peck
Appellant,

vs.

THE STATE OF NEVADA
Respondent.

Supreme Court No. 82130

District Court No. CR-96-2687

APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

HOW TO FILL OUT THIS FORM: This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

WHERE TO FILE THE BRIEF: You may submit your brief for filing in person or by mail.

To file your brief in person: Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

Carson City: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

Las Vegas: Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

RECEIVED
MAY 24 2021
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

To file your brief by mail: Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

CAUTION: Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

Judgment or Order You Are Appealing. List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
11-09-2020	ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (9th Successive Petition)

Notice of Appeal. Give the date you filed your notice of appeal in the district court: November 19, 2020

Related Cases. List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

SCN #
60103
32031
65521

Case No.	Case Title	Name of Court
72849		
71021		
72680		

Pro Bono Counsel. Would you be interested in having pro bono counsel assigned to represent you in this appeal?

Yes No

NOTE: If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

Statement of Facts. Explain the facts of your case. (Your answer must be provided in the space allowed.)

Newly discovered facts and evidence demonstrate beyond any doubt that the evidence used to convict Mr. Peck "DNA" is in fact "man-made" and the "product of a massive fraud perpetrated by the Justice system." Further, the statutes used to deny relief (PROCEDURAL BARS) are in fact VOID-AB INITIO as they were enacted VIA A

"Joint Concurrent Resolution" and NOT BY "Bill!!",
See: NHP v State, 107 Nev 547 (July 26 1991) ("AN
ASSEMBLY CONCURRENT RESOLUTION DID NOT
HAVE THE EFFECT OF LAW BECAUSE IT WAS A BILL")

Further, Mr. Peck was duped by the District
Court into "in-person jurisdiction," unknowingly,
and without notice, violating Brady v. Maryland U.S., 397 US 742
one must knowingly waive rights. Mr. Peck had
the right NOT TO CONSENT to in-person jurisdiction.

The district court committed fraud when it used a
"INVOLUNTARY CONSTRUCTIVE TRUST" to gain jurisdiction
deceptively over Mr. Peck without sufficient awareness.

1. The lower court obtained in-person jurisdiction thru
fraud/deception.
2. The lower court had no subject matter jurisdic-
tion as the evidence (DNA) was patently
false/FAKE.
3. The lower court had no subject matter jurisdic-
tion since the statutes are void ab initio.

Statement of District Court Error. Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

The lower court is totally devoid of any Jurisdiction whatsoever. Here NHP v. STATE ^{INFRA} ~~SCPTA~~ ^{FN 1} IS ^{CONTROLLING} ~~OF~~ OF THE CASE because EXHIBIT - 6-D of Appellants Petition for Writ of Habeas Corpus filed 6-10-20 pursuant to NHP v State "VOIDS ALL STATUTES IN THIS STATE". No time limitations exist on claims of Fraud! "Fraud is an impediment external to the Defense" in addition to being denied any access to public records or an adequate law library for Decades.

FN 1. NHP v STATE 107 NEV 547 (1991) (~~VOIDS ALL STATUTES~~) (CONTROLLING)

Lack of enacting clause on the "Joint Concurrent Resolution" is a "FATAL DEFECT" SEE (AGO OPINION 85 July 25, 1951) (EX 6-F Pet) All Argument set forth in Mr Peck's Petition supported by EX-5 is realleged here as though fully set forth in his Petition. "Jurisdiction may be challenged AT ANY TIME"! Any and all statutory time limitations or procedural defaults are VOID AB INITIO for lack of being properly codified NO ENACTMENT CLAUSE in the (enacting vehicle) "Joint Concurrent Resolution". NOT BY BILL.

Governor, Brian Sandoval signed SB-57 (2014) to prevent prisoners from obtaining public documents in response to Greg Walters' discovery. Then Senator, Aaron Ford, Now Atty Gen of this state (a pg 14) testified to the Bills "UN-CONSTITUTIONALITY".

"Even if the Governor signed SB-2 in 1957, the Bill is STILL Null and void due to the Fact that the Bill was in fact enacted via a Joint-Concurrent-Resolution "NOT-BY-BILL"!!! See: ~~Wright v. West~~ NHP v. STATE SUPRA - An unconstitutional law deprives a court of subject matter jurisdiction rendering judgements VOID Wright v. West, 505 U.S. 277, 285 (1992).

Jurisdiction may be brought at any time, especially if it was the product of fraud & deceit — The lower court is totally lacking jurisdiction due to the following facts: IN PERSONAM jurisdiction was obtained through a fraudulent momentary involuntary constructive TRUST. (Mr. Peck's appearance was NOT voluntary as he was brought through the Box in chains) / further, he was not advised of his rights in violation of Brady v. ^{U.S. INFERA} ~~Massachusetts~~. The "DNA" used a TRIAL was "FAKE — MAN MADE, See: DNA Technology In Forensic Science pg 70. Further, All Statutes in Nevada Are VOID AB INITIO for unlawful codification / enacted via Joint - Concurrent-Resolution - NOT BY BILL. Said Resolution Does Not contain an enactment clause voiding the Bill. Regardless if the then Governor signed the Bill or Not. The enactment Clause MUST HAVE BEEN IN THE Vehicle / Resolution enacting that Bill. See Ago 8/5 1951 FATAL DEFECT. Mr. Peck was NOT "Voluntarily Ignorant" he was deprived of meaningful access to a law library making the claims herein external to the defense. Presently, and for well over a year, Mr. Peck does not have access to a law library and proceeds with this Appeal without same due to the threat of sanctions by this Court since Mr. Peck cannot demonstrate "EXTREME NEED," if a "Global Pandemic"

and ZERO access to "A law library isn't EXTREME NEED
ENOUGH for this Court. A court cannot confer jurisdiction where
none existed and cannot make a void proceeding valid. It is clear
and well established law that a void order can be challenged in any
court;" Old Wayne Mut. L. Assoc. v. Mc Donough, 205 U.S. 8 27 S. Ct
236 (1907); Norton v. Shelby County 118 U.S. 425 (1886) Mr Peck was
deceived into in person jurisdiction See Brady v. U.S. 397 U.S. 742,
748 (1970) ("Waivers of Constitutional Rights, Not only must they be
Voluntary, they must be knowingly intelligent acts done WITH
SUFFICIENT AWARENESS" - NPS Chapter 34 is void Ab-
initio. Therefore, all Bars, limitations and statutory
defaults are NOT applicable and Void-Ab initio.

Mr Peck's conviction and sentences must be REVERSED.

DATED this 12th day of May, 2021.


Signature of Appellant

Frank Peck
Print Name of Appellant

CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- By personally serving it upon him/her; or
- By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

District Atty
One South Sierra
Reno, NV.
89501

DATED this 12th day of May, 2021.

Frank Peck
Signature of Appellant

Frank Peck
Print Name of Appellant

HOSP Box 650
Address

Indian Springs NV 89070
City/State/Zip

Telephone