

FILED

JUN 25 2013

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

Barron Hamm

Petitioner/~~Plaintiff~~,

v.

The Eight Judicial District  
Court of the State Of Nevada, In and  
For the County of Clark

Respondent/Defendant.

Case No. c 256 384

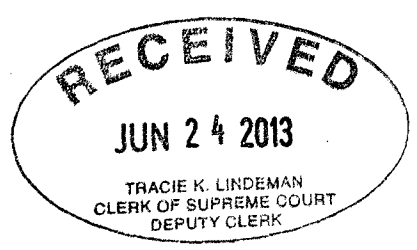
Dept. No. X 1 9

Docket No. \_\_\_\_\_

PETITION FOR WRIT OF MANDAMUS

COMES NOW, Petitioner/~~Plaintiff~~, Barron Hamm, pro per,  
and respectfully moves this Honorable Court to issue a Petition for Writ of Mandamus, being filed  
contemporaneously herewith, directing Judge Jennifer P. Togliatti, to reverse and vacate  
his order, and/or actions in denying Petitioner/~~Plaintiff~~ Petition For writ of Habeas  
corpus (post conviction) in district court (c256384).

This motion is made and based pursuant to the supporting Points and Authorities attached hereto,  
N.R.S. 34.150 through N.R.S. 34. 310, N.R.A.P., Rule 21, as well as all papers, pleadings, and  
documents on file herein.



12-18680

POINTS AND AUTHORITIES

Statement of Facts

~~6/2/2010~~

ON July 22, 2009, Barron Hamm (hereinafter "Defendant") was charged by way of Indictment with count 1-Burglary while in possession of a Firearm (Felony-NRS 205.060); count 2-Assault with a deadly weapon (Felony-NRS 200.471); count 3-Murder with use of a deadly weapon (Felony-NRS 200.010, 200.030, 193.165); and count 4-carrying concealed Firearm or other deadly weapon (Felony-NRS 202.350(1)(d)(3)).

on March 12, 2010, Pursuant to negotiations, Defendant pleaded guilty to count 1- Second Degree Murder with use of a deadly weapon and count 2-Assault with a Deadly weapon. An amended Indictment and guilty plea agreement ("GPA") were Filed in open court the same day. on May 14, 2010, Defendant was sentenced, Pursuant to the GPA, as follows: count 1- to Life with a minimum parole eligibility of ten (10) years Plus a consecutive term of Two Hundred Forty (240) months with a minimum parole eligibility of ninety-six (96) months for the use of a deadly weapon; and count 2- to a maximum of seventy-two (72) months with a minimum parole eligibility Twenty-Four (24) months; count 2 to run consecutive to count 1 with three Hundred seventy Five (375) Days credit for time served. The Judgment of conviction was Filed on May 20, 2010. Defendant Filed an untimely Notice of appeal on August 5, 2010, which the Nevada Supreme court dismissed on September 10, 2010. Remittitur issued on October 6, 2010. Defendant Filed a motion to withdraw his guilty plea on February

1 13, 2012. THE state opposed Defendant motion on  
2 February 22, 2012, and the court denied defendant's  
3 motion on February 24, 2012. Defendant Filed a petition for  
4 writ of Habeas corpus (Post-conviction) and motion  
5 for appointment of counsel on October 31, 2012. THE state Filed  
6 it's response and motion to Dismiss Defendant Petition and motion  
7 for counsel on November 14, 2012. on January 10, 2013 the court  
8 denied Defendant's post-conviction ~~petition~~ <sup>petition</sup> as time barred  
9 with no good cause showing and denied Defendant's motion to  
10 appoint counsel. Finding of Fact, conclusion of law, and order  
11 issued on January 29, 2013 and the Notice of entry was  
12 Filed on February 4, 2013. on February 22, 2013, Defendant  
13 Filed a notice of appeal to the ~~the~~ Nevada Supreme court.  
14 Defendant Filed the instant motion For reconsideration  
15 and appointment of counsel on February 25, 2013.  
16 THE state response as Follow;

LEGAL ARGUMENT

Petitioner Barron Hamm, is ~~seeking~~ seeking to have this court order The District court the honorable Jennifer P. Togliatti, reverse and vacate her January 10, 2013 order denying Petitioner ~~petition~~ Petition For writ of Habeas corpus (Post conviction) relief Pursuant to NRS. -34. ~~830~~ 830 to issue a written opinion consisting of the court's Finding of Facts and conclusion of Law; in regard's to merit of petitioner's (petition For writ of Habeas corpus).

~~Petition~~ Petition For extraordinary writ's are addressed to the sound discretion of the supreme court of Nevada and may issue when there is no plain, speedy, and adequate remedy at law see state v. second Judicial Dist. court ex. rel. county of Washoe, 11 P.3d 1209, Nev. (2000).

The Petitioner Barron Hamm is seeking to have this court order the District court the Honorable Jennifer P. Togliatti, to compel Detective Martin ~~et al~~ wildemann a metro officer to come & testify saying, He did commit perjury/obstruction of Justice doing a grand jury testimony on about July 23, 2009. (see court reporter Danette L. Antonacci (cc: R. 227) who recorded the testimony of Detective Martin wildemann also see Page 86 line (1 through 25) of Detective martin wildemann. It shows clearly & demonstrates that Detective martin wildemann the metro officer got on the stand & Perjured himself to the grand jury He informed the grand jury He read the Defendant his miranda rights and then he reframed his testimony by saying he couldn't remember whether or not He

1. did so, therefore metro officer martin wide mann
2. Perjured his testimony and committed obstruction of
3. Justice by using ~~his~~ discredited fact's warranting in
4. investigation ~~immediately~~ <sup>immediately</sup>

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**CONCLUSION**

WHEREFORE, all of the above stated reasons, Petitioner/~~Plaintiff~~ respectfully requests this Honorable Court to Order Judge Jennife P. Tagliatti to honor this petition for writ of mandamus within a reasonable amount of time as required by N.R.S. 34.830.

DATED this 18 day of June, 2013.

Respectfully submitted,

Babylon Hamm

Petitioner/~~Plaintiff~~

**CERTIFICATE OF SERVICE**

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/~~Plaintiff~~ in the foregoing Petition for Writ of Mandamus, and that on this 18 day of June, 2013, I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the Ely State Prison to deposit in the U.S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

supreme court of Nevada  
201 S. Carson Street, Suite  
201 Carson City Nevada 89701

200 Lewis Ave  
Las Vegas Nevada  
89153

DATED this 18 day of June, 2013.

Babylon Hamm  
Petitioner/~~Plaintiff~~

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding \_\_\_\_\_

Petition For Writ OF MANDAMUS

(Title of Document)

filed in District Court Case No. C-256 384

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-OR-

B. For the administration of a public program or  
for an application for a federal or state grant.

Barton Hamner  
(Signature)

06-18-2013  
(Date)

IN THE SUPREME COURT OF THE STATE OF NEVADA

Barron Hamm

Petitioner/~~Plaintiff~~

v.

The Eight Judicial District  
Court of the State Of Nevada, In and  
For the County of Clark

Case No. C256384

Dept. No. 19

Docket No. \_\_\_\_\_

Respondent/Defendant.

NOTICE OF MOTION

MOTION TO WAIVE FILING FEES FOR PETITION FOR WRIT OF MANDAMUS

COMES NOW, Petitioner/~~Plaintiff~~, Barron Hamm, pro per,  
and respectfully moves this Honorable Court to waive the filing fees necessary to file a Petition for Writ of  
Mandamus, being filed contemporaneously herewith.

This motion is made and based pursuant to the supporting Points and Authorities attached hereto,  
N.R.S. 34.150 through N.R.S. 34.310, N.R.A.P., Rule 21(e) and Rule 24, as well as all papers,  
pleadings, and documents on file herein.

POINTS AND AUTHORITIES

I. STATEMENT OF THE FACTS

On the 31 day of October, 2018, in the above entitled case,  
Petitioner/~~Plaintiff~~ Barron Hamm, was granted leave to proceed in forma pauperis in the  
District Court. See Exhibit #1, attached (Criminal Court Minutes)



N.R.A.P., Rule 21(e) requires that a filing fee be paid prior to this Court entertaining a Petition for Writ of Mandamus.

N.R.A.P., Rule 24, allows an indigent who has been granted leave to proceed In Forma Pauperis in the District Court to so proceed in this Court.

Petitioner would offer that due to his poverty, his circumstances remaining the same, he is unable to pay the required filing fee for the Petition for Writ of Mandamus that he is filing herewith, and requests that said filing fees be waived in the interest of justice.

Dated this 18 day of June, 20 13

### CONCLUSION

WHEREFORE, all of the above stated reasons, Petitioner/~~Plaintiff~~ respectfully requests this Honorable Court to waive the required filing fees.

DATED this 18 day of June, 20 13

Respectfully submitted,

Bawlon Hamm

Petitioner/~~Plaintiff~~

### CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/~~Plaintiff~~ in the foregoing Notice of Motion and Motion to Waive Filing Fees for Petition for Writ of Mandamus, and that on this 18 day of June, 20 13 I did serve a true and correct copy of the above mentioned document, by giving it to a prison official at the Ely State Prison to deposit in the U.S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

Supreme court of Nevada  
office of the clerk  
201 S. Carson ~~city~~ Street  
Suite 201 Carson city  
Nevada 89701

200 Lewis Ave  
Las Vegas Nevada 89155

DATED this 18 day of June, 20 13

Bawlon Hamm  
Petitioner/~~Plaintiff~~

**AFFIRMATION**  
**Pursuant to NRS 239B.030**

The undersigned does hereby affirm that the preceding Motion to

waive Filing Fees For Petition For writ of mandamus  
(Title of Document)

filed in District Court Case No. C256384

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific law)

-OR-

B. For the administration of a public program or  
for an application for a federal or state grant.

Balbonkamm  
(Signature)

06-18-2013  
(Date)