

In The Supreme Court of The State
of Nevada

FILED

MAY 25 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Shacame*
DEPUTY CLERK

Renard T. Polk
Appellant

vs.

No. 69136

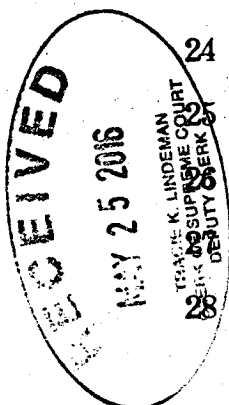
The State of Nevada ex rel.,
Robert Legrande et al.,
Renee Baker et al.,
Respondent(s)

Petition for Rehearing.

Comes, Now, the petitioner, Renard T. Polk,
requesting this panel reconsider (and/or)
rehear the issues presented pursuant to
Nevada Rules Appellate Procedure 40(a).

This petition is prepared in good-faith
contesting this court overlooked, mis-
applied, misapprehended and misconstrued
a controlling dispositive issue of fact,
law, precedent and constitutional
holding as follows:

In that, despite the trial court's
designation of the petition for writ of
prohibition and mandamus as
being "denied" it was in effect



1 never heard under the appropriate form, he
2 "dismissed" the petition based upon jurisdictional
3 concerns.

4 Essentially finding the forum inconvenient.
5 Now in appealing the decision this court
6 is permitted to address the dismissed
7 petition under "clearly erroneous" standard
8 and not the "abuse of discretion."

9 To specify that the court below was
10 afforded some type of discretion is ir-
11 responsible to say the least.

12 Pursuant to Nevada Revised Statute
13 34.360 under the mandamus provisions
14 the relief being sought was **peremptory**.

15 The petitioner was seeking enforcement
16 and execution.

17 In accordance with the cited statute
18 where discretion is not afforded it can-
19 not be abused.

20 In utilizing the incorrect standard of
21 review rehearing is warranted. Gaspirini
22 v. Center of Humanities 518 U.S. 415

23 Apart from the apparent prejudice to
24 the petitioner's substantive rights, the
25 court below improperly limited its
26 jurisdiction to decide the matters
27 contained in the mandamus and
28

1 prohibition petition.

2 Jurisdictional relinquishments are
3 forbidden, see Angel v. Burlington
4 67 S. Ct. (1947), especially when
5 rights have vested.

6 The petitioner was attempting to
7 enforce an order that came from the
8 case wherein the same judge and
9 action originated.

10 For the judge below to pronounce that
11 the criminal case for which the petitioner
12 is incarcerated cannot be used to
13 demonstrate the legality of Petitioner's
14 confinement, inter alia, the way in
15 which it is being accomplished from
16 the disobedience of said judge's order
17 gravely puts judicial integrity, fairness
18 and public reputation, not only on cata-
19 strophic display, but also denotes disa-
20 strous implications.

21 Inferred from the judge's action below
22 the obviation of a court to protect its own
23 order is defeated and unfeasible, when as
24 here, compulsion is part and parcel to
25 judicial economy.

26 To the degree the petitioner was haled
27 into court to answer for a crime he is
28

1 being detained contrary to court order on
2 seems lopsided and structurally biased.

3 The impetus to dispatch a bench
4 warrant to arrest a suspect is lost
5 on the prisoner to obtain relief?

6 This is a betrayal of public trust in the
7 highest sense.

8 The court below is in effect saying the
9 state and any political subdivision can
10 spit on his authority with impunity, but
11 the citizen (prisoner) must never even
12 attempt to enforce the courts
13 conscious without falling victim to the
14 same maltreatment.

15 The actions of the court below are
16 almost impeachable.

17 However, the petitioner only makes out
18 that the court herein affirmed a non-
19 existent decision.

20 Whether in complete willful blindness to
21 the petitioner's standing or as a result
22 of inadvertence this court should have
23 review the court below decision under
24 an error analysis.

25 Exercising appellate jurisdiction not
26 original. Star v. Lockhart 23 F.2d
27 1280 (8th. Cir. 1994)
28

1 Accordingly, this court should rehear (and/or)
2 reconsider the decision made by the
3 court below under an error analysis
4 as that court exceeded and limited its
5 jurisdiction resulting in a loss thereof.

6 Further, to the degree error was
7 committed reverse the decision the trial
8 court remanding for further proceedings

9 Dated this 22nd day of May 20 16.

10
11 Verification

12 1st. RPD

13 RENARD T. POLK #72439

14
15 CERTIFICATE OF MAILING

16
17 I do hereby certify a true and correct copy
18 of the foregoing petition for rehearing was
19 deposited with an employee at the Ely
20 State Prison for the purpose of being
21 conveyed by mail this 22nd day of May
22 2016 to the following addresses:

23 Nev. Atty. Gen. Off
24 100 North Carson St
25 Carson City, NV 89701

Nevada Supreme Court
201 S. Carson St #300
Carson City, NV 89701

26 Verification

27 1st. RPD