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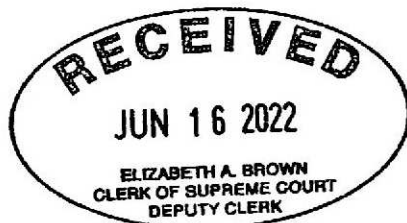
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CLERK OF SUPREME COURT
BY *[Signature]*
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NEVADA SUPREME COURT

STATE of NEVADA

)	Appeals Ct: 81978, 82245
Ali Shahrokhi)	District Ct: D-18-581208-P
)	
<i>Appellant</i>)	
)	PETITION for REHEARING
vs.)	[Nev. R. App. P. 40]
)	
Kizzy Burrow)	
)	
<i>Respondent</i>)	



1 **I. POINTS OF LAW OVERLOOKED—**

2 Contents of Petition: Shahrokhi acknowledges NRAP 40(a)(2)—which
3 requires the petition shall state the points of law he believes the court overlooked.
4 Shahrokhi acknowledges that overlooked issues shall be supported by a reference
5 to the page of the brief where he raised the issue, [Nev. R. App. P. 40(a)(2)].

6 Overlooked Issue of First Impression: This Court overlooked my argument
7 under Nevada Constitution, Article 1, Section 8. In my appeal, I clearly raised the
8 following issue under Nevada Constitution—

9 “No person shall be tried for a capital or other infamous crime [...] except on
10 presentment or indictment of the grand jury, or upon information duly filed
11 by a district attorney, or Attorney General of the State [..].

12 [Shahrokhi’s *Appeal*, (p. 16); citing *Nevada Constitution*, Art. 1, Sec. 8]

13 **II. CONVICTED WITH NO DUE PROCESS—**

14 Convicted with No Due Process: The district judge concluded that
15 Shahrokhi violated criminal statute—NRS 200.575, (“stalking”), and NRS
16 200.571, (“harassment”). Shahrokhi was thus *convicted* of these two crimes.
17 Some may quibble with this term, “convicted,” but the fact remains, the district
18 judge made a legal conclusion that Shahrokhi committed a crime. But Shahrokhi
19 was never given due process “notice”—*i.e.*, that he allegedly violated NRS
20 200.571 & NRS 200.575. Shahrokhi was never given “notice” of the facts against
21 him, nor of the possible consequences for violating NRS 200.571 & NRS 200.575,
22 (*e.g.*, termination of custody).

23 Due Process Violation: In this case, the first mention of criminal statutes,
24 NRS 200.571 & NRS 200.575, can be found in the custody ruling, (Oct. 12, 2020),
25 which came “*after*” the evidentiary hearing. However, due process requires notice
26 of the alleged facts “*before*” the evidentiary hearing, (aka “trial”). Due process
27 further requires notice of the charges “*before*” being tried for the crime. Notably,
28 this indictment requirement is found at *Nevada Constitution*, Art. 1, Sec. 8.

III. NEVADA CONSTITUTION—ARTICLE 1, SECTION 8

Nevada Constitution, Article 1, Section 8: Shahrokhi was unlawfully “tried” for crimes constituting domestic violence—but with no underlying indictment, in violation of *Nevada Constitution*—which states, “*No person shall be tried*” ... “*for an infamous crime*” ... “*except on indictment*,” [Nev. Const., Art. 1, Sec. 8]. And, yes, domestic violence is an *infamous* crime; (it’s morally turpitudinous).

Indictment Confers Jurisdiction: The criminal indictment confers subject-matter jurisdiction—which allows district courts to make criminal findings. District judges have no jurisdiction to make criminal findings—*unless* there’s an indictment. Old as the *Magna Carta*, the indictment requirement is axiomatic.

Nevada Constitution—in Conflict with NRS: Article 1, Section 8, stands in direct conflict with the “best interest” statutes, [NRS 125C]. But note, Nevada Constitution is paramount to NRS 125C. The *Supreme Law of Nevada* trumps the “best interests” of the children. This Court purports to act in “best interest” of the children—all the while ignoring the constitutional rights of the children.

Supreme Law of the State: “Nevada Constitution is the ‘supreme law of the state,’ which ‘control[s] over any conflicting statutory provisions.’” [*Clean Water Coal. v. The M Resort*, 127 Nev. 301, 309, 255 P.3d 247, 253 (2011); (*Goldman v. Bryan*, 106 Nev. 30, 787 P.2d 372, (1990)]. *Nevada Constitution*, Art. 1, Sec. 8, supersedes the “best interest” statute, [NRS 125C], which is subordinate to the supreme law of Nevada. As a result, NRS 125C is thus unconstitutional, [see *Shahrokhi’s Appeal*, (July 19, 2021); (pp. 9, 10, 1)]

IV. TRYING PARENTS ABSENT INDICTMENT—

Tried without Indictment: Shahrokhi challenges the family court’s dubious practice of trying parents absent indictment. District courts lack subject-matter jurisdiction to “try” parents for crimes constituting domestic violence, “except on indictment,” [Nev. Const., Art. 1, Sec. 8].

1 Shahrokhi Never Indicted: Shahrokhi was never INDICTED for crimes
2 constituting domestic violence. Nevertheless, the district court would “try” him—
3 for various crimes constituting domestic violence—in violation of *Nevada*
4 *Constitution*, Art. 1, Sec. 8—which requires indictment preliminary to district
5 judges taking evidence that a parent committed a crime.

6 No Subject-Matter Jurisdiction: Shahrokhi was never indicted for a crime;
7 *therefore*, the district court lacked subject-matter jurisdiction to “try” him for
8 crimes constituting domestic violence. With no predicate indictment, the court
9 lacked subject-matter jurisdiction to conclude that Shahrokhi violated a criminal
10 statutes, *i.e.*, NRS 200.571 & NRS 200.575, (“stalking” and “harassment”).

11 Clear Absence of All Jurisdiction: Family courts may not adjudicate probate
12 matters, bankruptcy, worker’s comp, *etc.* But the court “tried” Shahrokhi with no
13 underlying indictment, which means the district court acted in the clear absence
14 of any subject-matter jurisdiction—which renders the custody order “void.”

15 Void for Lack of Subject-Matter Jurisdiction: In determining that Shahrokhi
16 committed domestic violence, the district judge concluded that he violated criminal
17 statutes—and this facts renders the custody order “void” for lack of subject-matter
18 jurisdiction—because there is no underlying indictment. ***“There can be no dispute***
19 ***that lack of subject matter jurisdiction renders a judgment void.”*** [*State Indus.*
20 *Ins. Sys. v. Sleeper*, 100 Nev. 267, at 269, 679 P.2d 1273, 1274 (1984), citing
21 *Lauer v. Dist. Ct.*, 62 Nev. 78, 140 P.2d 953 (1943)]. As a result, the custody order,
22 (Oct. 12, 2020), is rendered “void” for lack of subject-matter jurisdiction.

23 Lawless Violence: “No judicial process, whatever form it may assume,
24 can have any lawful authority outside of the limits of the jurisdiction of the court
25 or judge by whom it is issued, and an attempt to enforce it beyond these boundaries
26 is nothing less than ***lawless violence***,” [*Ableman v. Booth*, 62 U.S. 506, 524 (1859);
27 (emphasis added)]. Here, by making criminal findings, with no subject-matter
28 jurisdiction, Harter engaged in lawless violence.

1 No Private Right of Action for D.V.: Shahrokhi contends that Burrow has
2 no private right of action to allege domestic violence, (“D.V.”), in these
3 proceedings. In family court, parents have no right to bring criminal charges
4 against each other. *No American precedent allows one litigant—in a civil*
5 *lawsuit—to bring a criminal cause-of-action against the other.* Nowadays,
6 family court judges routinely “criminalize” parents without due process safeguards
7 and procedures.

8
9 **V. CONVICTED OF A CRIME—**

10 Findings of Fact: In this custody dispute, the district court made criminal
11 “findings of fact.” Acting under *colorable* jurisdiction, the judge found that
12 Shahrokhi did perpetrate enumerated acts as defined by a “criminal” statutes,
13 [NRS 200.571 & NRS 200.575; (“stalking” & “harassment”)].

14 Conclusions of Law: The district court also made criminal “conclusions
15 of law.” Again, under *colorable* jurisdiction, the judge found that Shahrokhi
16 violated “criminal” statutes, [NRS 200.571& NRS 200.575; (“stalking” &
17 “harassment”)].

18 Due Process Violations: Shahrokhi was never given notice of (i) the
19 criminal facts against him, (ii) the criminal statutes that he supposedly violated,
20 or, (iii) the fact that he might forever lose his child based on criminal charges.

21 Convicted Absent Due Process: Shahrokhi was never given notice that he
22 allegedly violated NRS 200.571 & NRS 200.575. So too, Shahrokhi was never
23 given notice of the possible consequences for violating NRS 200.571 & NRS
24 200.575, (*e.g.*, termination of his right to custody or incarceration).

25 No Notice of NRS 200.571 & NRS 200.575: The district judge made a legal
26 conclusion, *i.e.*, that Shahrokhi committed crimes; *therefore*, it’s accurate to say
27 that Shahrokhi was “convicted”—despite the fact that there was no traditional
28 “conviction” in a criminal courthouse.

1 Shahrokhi Was ‘Convicted’: What is it called?—when a judicial officer
2 concludes that one has committed a crime? It’s called a “conviction.” Shahrokhi
3 believes he was “convicted” (and wrongfully so). However, regardless of whether
4 we call it a “*conviction*,” the fact remains that Shahrokhi was “*tried*” for an
5 infamous crime absent indictment, and that’s exactly what *Nevada Constitution*
6 expressly, [see Nev. Const. Art. 1, Sec. 8; (“*No person shall be tried...*”).

7 8 **VI. ADDITIONAL DUE PROCESS VIOLATIONS—**

9 No Constitutional Safeguards: The district court tried Shahrokhi for crimes
10 constituting D.V.; however, Shahrokhi was never *Mirandized*, never offered
11 assistance of counsel, and he never given “notice” of the charges against him.
12 Shahrokhi was tried for crimes—with no semblance of due process.

13 Due Process Violations: The district court found that Shahrokhi committed
14 “crimes,” [NRS. 200.571 & NRS. 200.575], but it denied him the most basic
15 safeguard against gov’t tyranny, *i.e.*, trial by jury. Shahrokhi is confident that no
16 American jury would ever convict him of Burrow’s sham allegations.

17 No Trial By Jury: Lamentably, this Court *erred* in denying a jury trial.
18 [Nev. Const., Art. 1, Sec. 3]. Make no mistake; if the 1864 delegates could read
19 this brief, they would side with Shahrokhi. The 1864 delegates promised the right
20 to jury trial shall “remain inviolate forever.”

21 Secret Proceedings: Most disturbing, Shahrokhi was “prosecuted”—in a
22 “*secret*” (sealed) proceeding—outside the presence of a jury. But these “*secret*”
23 family court prosecutions most certainly violate due process.

24 Exhibits Presented at the DV Hearing: Burrow’s exhibits against Shahrokhi
25 were given to him on the day of trial, Sept. 21, 2022; however, Shahrokhi argues
26 that he should have been given the exhibits well in advance of the trial date.
27 Shahrokhi had no chance to review or oppose such exhibits. Shahrokhi is entitled
28 to notice sufficiently *prior*—to give a meaningful opportunity to defend.

1 Shahrokhi's Pre-Trial Objections Were Completely Ignored by the Trial
2 Court and Nevada Supreme Court: Before the D.V. hearing on Sept. 21, 2020,
3 Shahrokhi had filed a pre-trial objection asking the court to prove it's subject
4 matter jurisdiction—on the record—to prove what constitutional safety it had in
5 place to protects Shahrokhi's First Amendment rights to familial association and
6 Shahrokhi had raised the issues of due process violation, but the lower court
7 ignored such issues, and therefore, lost its subject matter jurisdiction before it
8 could "try" Shahrokhi for crimes constituting D.V. (on Sept. 21, 2020).
9 Shahrokhi's due process has completely been violated and Shahrokhi demands a
10 new trial, (*see* pre-trial objection exhibits attached to this motion).

11 Shahrokhi Put 'On-Trial': From the very moment Burrow was sworn-in to
12 testify of sensational crimes, Shahrokhi was put "*on trial*." Burrow testified to
13 crimes constituting domestic violence, and Shahrokhi was thus "tried" for an
14 "infamous crime" in direct violation of Article 1, Section 8.

15
16 **VII. NEVADA SUPREME COURT IGNORE STARE DECICIS DOCTORINE**
17 Nevada Must Follow SCOTUS Precedent: The doctrine of *stare decisis*
18 provides that it's more important that the applicable rule of law be settled than that
19 it be settled correctly; *stare decisis* is the preferred course, because, (1) it promotes
20 the evenhanded, predictable, and consistent development of legal principles, (2) it
21 fosters reliance on judicial decisions, and (3) it contributes to the actual and
22 perceived integrity of the judicial process.

23 Shahrokhi has cited many case precedent by the U.S. Supreme Court
24 regarding his federal constitutional rights specifically First Amendment rights, and
25 familial associations; *however*, Nevada Supreme Court completely ignores them.
26 Nevada Supreme Court is bound by the U.S. Supreme Court case precedents on all
27 federal issues raised in states trial courts or states highest courts.

1 **VIII. NEVADA SUPREME COURT IGNORES SHAHROKHI'S**

2 **ARGUMENT ON EVALUATION—**

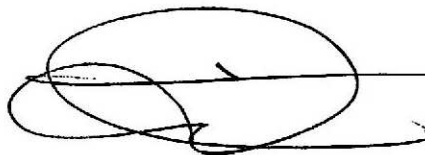
3 Nevada Supreme Court MUST clarify and discuss Shahrokhi's legal
4 argument on the psych eval. This court completely ignored and neither decided
5 nor resolved the legal argument. [See Shahrokhi's legal argument on his opening
6 brief on page 43 under Authority To Order Psych Evaluation].

7
8 **IX. CONCLUSION AND RELIEF REQUESTED—**

9 Shahrokhi respectfully requests for the following relief:

- 10 1- An Order deciding Shahrokhi's arguments under *Nevada Constitution*
11 Article 1, Section 8;
12 2- An Order deciding Shahrokhi's argument on psych evaluation issues;
13 3- An Order deciding Shahrokhi's pre-trial objections (filed into the lower
14 court on Sept. 21, 2020—the day the trial began);
15 4- Shahrokhi demands this Court to uphold U.S. Supreme Court precedent
16 cited and raised in his brief on his federally protected First Amendment
17 issues; such authority is binding on this court;
18 5- An Order striking down exhibits that were introduced for DV allegations
19 by Burrow on the first day of the trial, (Sept, 21, 2020);
20 6- Any other relief this court sees fit.

21
22 Dated: **June 14, 2022**

23
24 

25 **Ali Shahrokhi**

26 Ali Shahrokhi,
27 Self-Represented
28

CERTIFICATE-OF-SERVICE

I am an individual over the age of eighteen and not a party to the within action. My address is 9620 S Las Vegas Blvd, Suite 4, #152 Las Vegas, Nev. 89123. My phone number is (702)835-3558.

On **June 14th, 2022**, I served the following:

Petition for Rehearing;

on an interested party in the above-entitled action by

 X via e-mail transmission, (Tyler Host)

 personal service on the person below listed,

 depositing it in the U.S. Mail, postage prepaid,

 and addressed to the person below listed,

 overnight delivery, addressed as follows:

I declare under penalty of perjury under Nevada law the foregoing is true and correct.

Dated: **June 14th, 2022**

/s/ Ali Shahrokhi .
Declarant.