

(2) Notice to Agents is Notice to Principals
Notice to Principals is Notice to Agents
An un-rebutted Affidavit Stands as Truth
Silence is Acquiescence, Tactic Agreement & Estoppel

:peter-jason:helfrich
Name

HDSP P.O. Box 650

Indian Springs, Nevada Republic
Address

Defendant in Proper Person

SUPREME

COURT OF NEVADA

FILED

FEB 15 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

CLARK COUNTY, NEVADA, etc.

(1)(2)
THE STATE OF NEVADA, Alvin & Alterio
Thornton, Iseza Del Carmen Nino, ex. rel.
Plaintiff,

v.

:peter-jason:helfrich
Real Party in/of Interest
Affiant Defendant.

Sup. Ct. of NV Case#s: 85792,
85862, 85793,

CASE NO. 85505

DEPT. NO. _____

DATE OF HRG: _____

TIME OF HRG: _____

D.C. Case#: CR20-0145

Nunc Pro Tunc Ab Initio

(1) You HAVE TEN (10) DAYS (2)

AFFIDAVIT OF EMERGENCY MOTION IN SUPPORT OF
DEFENDANT'S MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD,
REQUEST TO OBTAIN COPY OF DEFENDANT'S FILE,
AND REQUEST TO HAVE COURT APPOINTED REPRESENTATION
DURING POST CONVICTION RELIEF PROCESS Nunc Pro Tunc Ab Initio

This Affiant COMES NOW, the Defendant, & Real Party in/of Interest, in proper person, and hereby moves that this Honorable Court grant an Order allowing the Public Defender's Office to withdraw as attorney of record. Additionally, the Defendant asks that a copy of his entire file be immediately produced and given to the Defendant. Defendant further requests that his Honorable Court appoint counsel to represent him during the Post Conviction Relief process, & all transcripts.

Emergency
This Motion is based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 30th of January, 2023

I have ZERO access
to photocopy legal documents.

Due to the HDSP Mailroom
(etc.) officials serial history
of mail theft (etc.)/tampering,

By: :peter-jason:helfrich, 28 USC 1746, (1)
w/o USA

Defendant in Proper Person

I need a complete indigent file stamped copy pursuant to
Kangas

RECEIVED
FEB 15 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

POINTS AND AUTHORITIES

NRS 7.055 states in pertinent part:

1. An attorney who has been discharged by his client shall upon demand and payment of the fee due from the client, immediately deliver to the client all papers, documents, pleadings and items of tangible personal property which belong to or were prepared for that client.
2. If the court finds that an attorney has, without just cause, refused or neglected to obey its order given under this section, the court may, after notice and fine or imprisonment until the contempt purged. If the court finds that the attorney has, without just cause, withheld the client's papers, documents, pleadings, or other property, the attorney is liable for costs and attorney's fees.

Counsel in the above-entitled case was court-appointed due to Defendant's indigence. Defendant does not owe counsel any fees. i also need ALL (hearing(s)) transcripts.

WHEREFORE, Defendant prays this Honorable Court, Grant his Motion to Withdraw Counsel and that counsel deliver to Defendant all papers, documents, pleadings, discovery and any other tangible property which belong to or were prepared for the Defendant to allow Defendant the proper assistance that is needed to insure that justice is served; including but not limited to sentencing hearing transcripts, etc. (i need a Court order for all hearing(s) transcripts).

DATED: this 30th day of January, 2023.

FOR THE RECORD: On 10/31/2022

Former law library Supervisor L.M. Garcia alerted me that HDSP's Mailroom (etc.) is under a criminal investigation for mail theft, tampering, deliberately delaying legal mail, etc.

Respectfully submitted,
28 USC 1746, (1) w/0 USA

BY: Peter J. Jason: Helfrich
Real Party in Interest #

i recently had a case (8 J.D.C. of NV) # dismissed thanks to the

HDSP 'Mailroom Bandits' stealing some of my outgoing legal documents, thus sabotaging my case.

Affiant / In Propria Personam
Post Office Box 650 [HDSP]
Indian Springs, Nevada 89018

Furthermore, i had ZERO access to the HDSP law library from 8/18/2021 to at least May/June 2022. i've had ZERO access to the law library from 12/20/2022 to present. i was provided about 1/2 an hour 'access' on 12/19/2022. i was deemed 100% mentally & physically disabled in 2010 by a Plattsburgh, New York Judge, & from 2006-2009, i was provided Americans with Disabilities Act Accommodations in College.

i am not mentally competent to litigate this habeas at BAR, nor do i have fair & meaningful access to the Courts, law library, etc. i've had to trade my food for the stamps required to mail out legal mail because Mr. Ashcraft, Mrs. Palmroy, & L.M. Garcia refuse to sign/authorize my outgoing legal mail brass slips. 28 USC 1746, (1) w/0 USA

DECLARATION OF peter-jason:helfrich;Affiant, &

Real Party in Interest, makes the following declaration:

1. I am the Defendant in the above-captioned case, I am familiar with the facts and circumstances of this case.

2. On 12/30/2022 my Mandamus to the Nevada Supreme Court was ~~granted~~ **DENIED**. See attached.

3. I am now preparing ~~my~~ my Petition for Post Conviction Relief and in doing so, need the Public Defender's Office to withdraw as my attorney of record, he was someone i sued in USDC of NV Court in 2012 = 's conflict of interest & I.A.C.

4. In an effort to prepare my Petition it is necessary for me to obtain a copy of my entire file, & ALL transcripts, & a file stamped copy of said Petition. i need competent counsel to amend, add grounds, supplement, & litigate said Petition at BAR

5. My case is complex with complicated issues. Some of those issues are: See attached Affidavit. Factual errors on PSI Report, Conflicts between Attorney(s) & Client, I.A.C. at sentencing, I.A.C. Failure to dismiss = denial of 60 day speedy trial; i invoked my right to a speedy trial, Martinez refused to file a simple motion to dismiss for failure to prosecute/bring the case to trial in 60 days, etc. See attached Affidavit.

6. My access to HDSP's law library is ZERO.

7. I do not have a law degree. My educational background is as follows: i was deemed 100% mentally & physically disabled by a Plattsburgh New York Judge in 2010, & i was provided ADA accommodations in college from 2006-2009

8. I am requesting that this Honorable Court appoint an attorney to represent me during the Post Conviction Relief process.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045), 28 USC 1746, (1) w/o USA

EXECUTED this 30th day of January, 2023

peter-jason:helfrich
Print Full Name

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER JASON HELFRICH,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF NYE;
AND THE HONORABLE DAVID R.
GAMBLE, SENIOR JUDGE,
Respondents.

No. 85792

FILED

DEC 30 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION

This is an original pro se petition for a writ of mandamus to compel the district court to appoint postconviction counsel for petitioner. Having considered the petition, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Accordingly, we

ORDER the petition DENIED.

[Signature], C.J.
Hardesty

[Signature], J.
Parraguirre

[Signature], J.
Stiglich

cc: Chief Judge, The Fifth Judicial District Court
Hon. David R. Gamble, Senior Judge
Peter Jason Helfrich
Attorney General/Carson City
Nye County District Attorney
Nye County Clerk

CONFLICTS BETWEEN ATTORNEY(S) & CLIENT

1. The Affiant repeatedly demanded a Speedy trial, alerting Martinez from the first face to face meeting, and every face to face meeting thereafter = I.A.C., divided loyalties = Coerced Plea - See attached case Summary Affidavits filed 12/24/2020 & 3/29/2021 & Speedy Trial Right Invoked Nunc Pro Tunc Ab Initio. Forced Plea due to I.A.C.

1 The Affiant was (& is) entitled to a Speedy trial in 60 days or dismissal for lack of
2 Speedy Prosecution = I.A.C. Daniel Martinez collusion with prosecutor(s) to hood
3 wink the 100% mentally disabled Affiant out of his Speedy Trial Right (18 USC 241, 242).

4 This 6th Amendment Constitutional mandate is also codified in NRS 178.556(2). Counsel
5 is guilty of malfeasance, and Martinez's self-interest in concealing his malfea
6 -sance created a second conflict of interest that adversely affected the Affiant.

7 Therefore, it is unrealistic for this Court to deny the Affiant Counsel, or to
8 assume that Martinez vigorously pursued his clients best interest(s) in
9 mind when he failed or refused to simply file a Motion for a Speedy Trial or in the
10 Alternative Dismissal for Lack of Speedy Trial. I.A.C., misadvising about
11 Speedy trial right; Martinez: (1) Fell below below (ADK 411) an objective standard
12 of reasonable competence and (2) that Affiant was prejudiced by his counsel's
13 deficient performance and divided loyalties; in fact it is reasonably probable
14 that but for the misadvice of Martinez the Affiant would not have pled
15 guilty, because all Martinez had to do was file a simple motion afore
16 mentioned to win the case in favor of his client.

17 2. Conflict between Neely III. and Helfrich goes back to 2012 when
18 the Affiant sued Neely III., and he was fired THREE TIMES before
19 the SENTENCING PHASE of this COERCED / FORCED by I.A.C.'s

20 Alford Plea. Judge Gamble knows or should have known of conflict.
21 Neely III. promised, yet failed to correct the factual errors in Affiant's
22 P.S.I. Report, and Neely III. was I.A.C. at sentencing. See also:

23 Case Summary CR 20-0145, filed 7/8/2021 & Affidavit of Judicial Notice...
24 I am firing David Neely. & Motion to withdraw "Plea"....

25 The court has a duty to assess the conflict(s) of interest. Judge Gamble's failure
26 to either sever Martinez and Neely III. or inquire as to whether he would
27 waive the conflict requires this Court to reverse his conviction(s); finding
28 reversible error, Helfrich was denied "a Curico hearing" U.S. v. Curico.

Had Martinez Filed this simple Motion i would be a free man Nunc Pro Tunc Ab Initio.

State Forms

1. Habeas Corpus (Post Conviction)
 - a. Habeas Corpus (Disciplinary)
2. Informa Pauperis Application
 - a. Supreme Ct Appeal
 - b. Application to Appeal
3. Financial Certificate
4. Notice of Motion
5. Certificate of Mailing (Service)
6. Motion to Withdraw Counsel (judicial)
 - a. Motion to Withdraw Counsel (supreme)
 - b. Motion/with Request for Records
 - c. Motion for Contempt for Failure to Forward Case File
7. Motion for Production of Document/Property of Defendant
8. Motion for Transcripts at States Expense (judicial)
 - a. Motion for Trans (supreme)
9. Motion to Appoint Counsel
 - a. Motion to Appoint Counsel w/evidentiary hearing
10. Notice of Appeal
11. Motion and Order to Transport Inmate
 - a. Order for Appearance by Phone or Video
12. Motion for Speedy Trial or Dismissal
13. Notice of Change of Address (District Court)
14. Notice of Change of Address (Supreme Court)
15. Affidavit (Blank)
16. Summons Justice Ct (Blank)
17. Summons (Carson City)
 - a. Summons (White Pine)
18. Summons (District Court)
 - a. Summons (3rd Judicial)
 - b. Summons (7th Judicial)
19. Service Instructions
 - a. Service Inst (Sheriff)
 - b. Service Inst (8th Judicial)
 - c. Service Inst (Washoe)
 - d. Service by Publication
20. Waiver of Service of Summons
21. Request for Transcripts (supreme)
 - a. Request for Records (judicial)
22. Subpoena
 - a. Justice Court Subpoena
23. Small Claims
 - a. Small Claims Dist Ct Carson City
 - b. Info Pack
24. Civil Cover Sheet
25. Warrant/Ticket Disposition
 - a. Warrant Dispo - Calif
26. Affirmation Page for Submission to Court
27. Motion to Correct Illegal Sentence
 - a. Motion for Modification of Sent.
28. Motion to Withdraw Plea
 - a. Information
29. Medical Complaint (Nevada State Board)
30. State Bar Complaint
31. Criminal History Repository
32. General Power of Attorney
33. Limited Power of Attorney
34. Durable Power of Attorney
35. Revocation of Power of Attorney
36. Motion for Default-Small Claims (Justice Court)
37. Notice of Intension to Enter Default (District Court)
38. Request for Submission Motion (Washoe County)
39. Notice to Return Seized Property
 - a. Order to Return Seized Property
40. Motion for Jail Time Credits
41. Pleading Paper (lined)
 - a. Pleading Paper (unlined)
42. Parole Board Appeal
43. Motion for PSI
44. Blank Motion to District Court (PO box)
 - a. Blank Motion Dist Ct (street addr)
45. Civil Docketing Statement
46. Civil-Proper Person Appeal Statement
47. 1983-State Civil Rights Complaint
48. Affidavit of Due Diligence
49. Claim Against the State
50. Exhibit Page
51. Motion to Extend Copy Work Limit
52. Motion for Order to Show Cause
53. Petition for Writ of Mandamus
 - a. Mandamus Prohibition
 - b. Motion to Waive Fees
54. Genetic Marker Analysis
55. Appellant's Informal Brief

A simple Motion i demanded Martinez file yet he failed or refused to = I.A.C. divided loyalties/Conflict of interest

3. Actual innocence, self-defense - NO DUTY TO RETREAT;

* See Deputy Report For Case 20NY-1738*, Page 7 of 11: @20:31:12 5/27/2020

66-Rucker SS - From McRae JC need id a unit... Shots fired that occurred during this... & @20:28:23 5/27/2020 66-Rucker SS - From: Beard WR believe that the parties involved in this accident were the ones I was ent to on Wilson?

Google: "Alvin Thornton domestic battery with a deadly weapon strangulation."

* See also Page 4 of 11: 66 Maria Sanchez [Victim of home invasion and assault and battery by Alvin Thornton] Domestic Battery with a Deadly Weapon/Strangulation told him that they were being shot at during the incident... and that they saw what they believed to be a firearm.

4. Exculpatory evidence stolen by NCDC Officer(s) during cell search.

"Discovery" was mysteriously amended after to exclude favorable evidence.

5. Martinez has no strategic justification for his failure to properly investigate the case, or his failure or refusal to file a simple Motion for a Speedy Trial or Dismissal for Lack of Speed Prosecution. He did not go to the scene (Storage

Company) of the incident(s) to interview witnesses. Justice [Kent?] Jasperson

was a witness, as were those working (on 5/27/2020) at the Storage Company,

where the car accident transpired. Counsel did not bother to hire an investigator

to track down witnesses (i.e.: Jasperson, Josue Florez, Maria Sanchez, etc.), or

potential witnesses despite his awareness that he could have petitioned

the Court for funds to do so. LANDMARK RIGHT TO SPEEDY TRIAL denied by

I.A.C. Martinez, as it's clear on the record that Helfrich invoked and

never waived his speedy trial right. Furthermore, when Counsel fails to

investigate and interview promising (Justice Jasperson, etc.) witnesses,

Counsel's inaction constitutes negligence, not strategy. (Falling below ADK 411)

6. Uniform Act to secure the attendance of witnesses denied at Affiant's

evidentiary hearing by I.A.C. Martinez.

7. The extreme emotional disturbance (+ PTSD, anxiety, major depression) of

Helfrich during the incident(s) is an affirmative defense that Martinez un-

reasonably neglected to investigate. Self-defense witnesses not interviewed.

8. Neely III. had a duty to explore all (aforementioned) possible defenses in

mitigation. Defense Counsel must make a significant effort, based on reasonable

investigation and logical argument. Foregoing mitigating evidence is I.A.C.

9. Neely III's Closing argument was I.A.C.; at sentencing. Transcripts required to prove this fact.

10. Post sentencing evidence, OK for resentencing. Pepper v. U.S., 562 U.S. 476, 179 L. Ed. 2d 196, 131 S. Ct. 1229 (2011), Holding that district court at re-sentencing may consider evidence of the defendant's post sentencing rehabilitation.

11. PTSD is grounded in scientific knowledge. State v. Alberico, 861 P.2d 192, 116 NM 196 (NM S. Ct. 1993).

11. Martinez (& Neely's) decision not to investigate is not a strategy.

12. PSI Report must be accurate.

Conclusion

I simply need competent court appointed counsel to amend, supplement, add grounds, and litigate this habeas at BAR; which I have been attempting to achieve for nearly two years in vain. From 8/18/2021 to around May/June 2022, I had ZERO access to the law library, a copy machine, etc. From 12/20/2022 to present, I have had ZERO access to the law library, a copy machine, etc. HDSP officials have conspired to:

(1) Intercept and steal legal documents from my legal mail (8th J.D.C. Case # D-22-660247-N) to sabotage my cases;

(2) FNU Ashcraft, FNU Palmroy, FNU Garcia → REFUSE to sign/authorize my outgoing legal mail brass slips; forcing me to trade my food for stamps; I simply need Counsel appointed in the interests of Justice. 28 USC 1746, (1) w/o USA

1/30/2023

: Peter Jason Helfrich

Affidavit of Service to Elizabeth Brown: 201 S. Carson St., Suite 201 Carson City, NV 89701, via Pre-paid (11 Pages / 3 Stamps) postage (on 1/30/2023) mail; placed in the Unit 10 A mail box = "Deemed Filed" pursuant to U.S. Supreme Court mail box rule. 28 USC 1746, (1) w/o USA

1/30/2023

: Peter Jason Helfrich

Run: 12/29/2022
11:19:31

Case Summary

Page 2

12/16/2020 AFFIDAVIT OF JUDICIAL NOTICE OF THE ONLY KNOWN ADDRESS (GOOGLE ADDRESS, JOY DEVINE CHURCH, PAHRUMP) & DAYS/TIMES (FRIDAYS 9:AM TO NOON, SUNDAYS 10-11AM) TO SERVE SUBPOENA TO TESTIFY TO ILLEGAL ALIEN WITNESS MARIA SANCHEZ WHO IS DELIBERATLY & UNLAWFULLY AVOIDING SERVICE OF SUBPOENA TO TESTIFY (SUBMITTED BY DEFENDANT, PETER JASON HELFRICH)

12/23/2020 JUDICIAL NOTICE OF DISCOVERY DOCUMENTS STOLEN IN CASE NO.: 20CR01449; INCIDENT LIKELY TRANSPIRED DURING CELL SEARCH OR STOLEN BY CRIMINAL INFORMANT

12/24/2020 AFFIDAVIT OF JUDICIAL NOTICE OF DEMAND OF 60 DAY SPEEDY TRIAL PURSUANT TO THE 6TH AMENDMENT AND REQUEST FOR SUBMISSION AND HEARING

12/29/2020 TRANSCRIPT OF: PRELIMINARY HEARING(11/30/20)

01/05/2021 INFORMATION (FELONY/PERSON; FELONY/MOTOR VEHICLE-OTHER; FELONY/PERSON)

01/05/2021 AFFIDAVIT OF JUDICIAL NOTICE OF PLEA COUNTER OFFER & MITIGATING FACTS IN SUPPORT OF ALFORD PLEA TO BINDING 2 TO 5 & REQUEST FOR SUBMISSION & HEARING ON TBD; AT TBD AM/PM IN DEPT 2 OF SAID COURT

01/05/2021 AFFIDAVIT OF JUDICIAL NOTICE: 12/27/20 PHONE CALL TO ATTORNEY DOUG DAVIS = MARIA SANCHEZ TOLD MR DAVIS THAT IF SHE IS FORCED TO TESTIFY IN THIS CASE; SHE SHALL LIE, SLANDER, (ETC) PETER HELFRICH BECAUSE HE BROKE UP WITH HER & SHE IS AFRAID OF ALVIN THORNTON (ETC)

01/06/2021 ORDER OF RECUSAL(D2 TO D1)

01/06/2021 JUDGE WANKER, KIMBERLY: ASSIGNED

01/11/2021 AFFIDAVIT OF JUDICIAL NOTICE OF EMERGENCY TERMINATION OF APPOINTMENT OF POWER OF ATTORNEY

01/20/2021 REQUEST FOR SUBMISSION; AFFIDAVIT OF JUDICIAL NOTICE; HAND TRANSCRIBED DISCOVERY IN SUPPORT OF PLEA COUNTER OFFER 2 TO 5 & AUTHORIZATION TO RELEASE PROTECTED CONFIDENTIAL INFORMATION SERENITY MENTAL HEALTH & REQUEST FOR A PSY. EVAL FOR MITIGATION OF SENTENCE & NOTICE THAT DISCOVERY DOCUMENTS STOLEN & REQUEST FOR HEARING

01/25/2021 AFFIDAVIT OF JUDICIAL NOTICE OF MITIGATING FACTS CONTAINED IN DEPUTY REPORT FOR CASE #20NY-1730 PURSUANT TO 28U.S.C. 1746(1); W/O U.S.A

02/04/2021 ORDER OF RECUSAL

02/22/2021 AFFIDAVIT OF JUDICIAL NOTICE OF CONSPIRACY TO COMMIT FRAUD/THEFT OF \$ & PROPERTY BY WITNESS MARIA SANCHEZ & CON ARTIST DOUG DAVIS/ CERTIFICATE OF SERVICE

03/29/2021 AFFIDAVIT OF JUDICIAL NOTICE OF INVOKING THE RIGHT TO SPEEDY TRIAL PURSUANT TO THE 6TH AMENDMENT & 28 U.S.C 1746(1); W/O U.S.A. & REQUEST FOR SUBMISSION/& HEARING/&/

04/06/2021 AMENDED INFORMATION

04/07/2021 NO CONTEST PLEA AGREEMENT

04/08/2021 COURT MINUTES-4/8/21 - SENIOR JUDGE:DAVID GAMBLE
CLERK: TERRI PEMBERTON
REPORTER: CECILIA THOMAS
BAILIFF: JAMELE TAYLOR
APP: KIRK VITTO FOR THE STATE
DANIEL MARTINEZ IS PRESENT WITH THE DEFENDANT WHO IS IN CUSTODY

COURT CALLS THE MATTER AS AN ARRAIGNMENT. COURT NOTES AN AMENDED INFORMATION HAS BEEN FILED AND SO REVIEWS. NO CONTEST PLEA SUBMITTED TO THE COURT. COURT CANVASS THE DEFENDANT OUTLINES THE NO CONTEST PLEA AGREEMENT FOR THE RECORD AND THE MAXIMUM POSSIBLE SENTENCE. DEFENDANT SO ACKNOWLEDGES, PLEADS NO CONTEST. THE STATE SETS FORTH THE ELEMENT ON THE RECORD. COURT FINDS THE NO CONTEST PLEA TO BE GIVEN FREELY AND ACCEPTS SAID PLEA. COURT SETS SENTENCING TO 6/23/21 @ 10 AM
DEFENSE MOTIONS FOR A REDUCED BAIL TO \$10,000 CASH OR BOND. THE STATE ARGUES AGAINST REDUCED BAIL AND ASKS FOR THE MOTION TO BE DENIED. COURT DENIES THE MOTION

04/09/2021 TRANSCRIPT OF ARRAIGNMENT HEARING (HRG 04/08/2021)

04/21/2021 AFFIDAVIT OF JUDICIAL NOTICE OF MITIGATING FACTS CONTAINED IN PRELIMINARY HEARING TRANSCRIPTS CASE #20CR01449

Run: 12/29/2022
11:19:31

Case Summary

Page 3

04/26/2021 AFFIDAVIT OF JUDICIAL NOTICE OF: 1. NUMEROUS REQUESTS OF (FOR) COPY/COPIES OF (A) DISCOVERY (STOLEN=ORIGINAL COPY STOLEN) B. TRANSCRIPT REQUESTS = PRELIMINARY HEARING AND ORDER OF PROTECTION HEARING VS ALVIN & ALTERIO THORNTON & IZEL CARMEN DE NINO=NUMEROUS REQUESTS VIA PHONE & MAIL/EMAIL TO DANIEL MARTINEZ

04/26/2021 AFFIDAVIT OF JUDICIAL NOTICE OF OBJECTION TO KIRK VITTO PROSECUTING/SENTENCING BECAUSE OF JERALD KENDRICKS 2012 QUI TAM 1893 TO WHICH KIRK VITTO WAS A DEFENDANT & PETER HELFRICH WAS A PLAINTIFF='S CONFLICT OF INTEREST

05/20/2021 ORDER APPOINTING DAVID NEELY, ESQ.

05/20/2021 DEFENSE ATTORNEY: NEELY, DAVID H III ASSIGNED

06/10/2021 PRESENTENCE INVESTIGATION REPORT (PREPARED 06/08/2021)

06/23/2021 SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT (PREPARED 06/21/2021)

06/29/2021 AFFIDAVIT OF JUDICIAL NOTICE=ILLEGAL ALIEN CON ARTIST MARIA SANCHEZ FLED PAHRUMP AFTER PETE HELFRICH ALERTED IMMIGRATION/ICE OF HER ILLEGAL ALIEN STATUS & THE CRIMES SHE COMMITTED AGAINST PETE HELFRICH'S SELLING \$20,000 + IN PROPERTY, DESTROYING LEGAL EVIDENCE, IDENTITY THEFT, STEALING \$1,295.95 IN SOCIAL SECURITY/DISABILITY WAGES, & VOWING TO LIE UNDER OATH AT TRIAL IN RETALIATION FOR PETE HELFRICH DUMPING/DIVORCING HER

07/08/2021 AFFIDAVIT OF JUDICIAL NOTICE OF MOTION TO WITHDRAW "PLEA" & NOTICE THAT I AM FIRING DAVID NEELY

07/27/2021 COURT MINUTES-7/28/21 - SENIOR JUDGE:DAVID GAMBLE
CLERK: TERRI PEMBERTON
REPORTER: SUZIE ROWE
BAILIFF: JAMELE TAYLOR
APP: KIRK VITTO FOR THE STATE
DAVID NEELY IS PRESENT WITH THE DEFENDANT WHO IS IN CUSTODY

SENTENCING HEARING 1115AM

COURT CALLS THE MATTER AS A SENTENCING HEARING. COURT REVIEWS THE PSI'S THAT HAVE BEEN SUBMITTED. NO CHANGES TO THE PSI REPORT. COURT NOTES P&P IS NOT PRESENT AND THE CTS IS COMPLICATED. COURT WAS HOPING P&P WOULD BE HERE TO PROVIDE THERE CALCULATION. THE STATE BELIEVES THE CTS SHOULD BE 102 DAYS. DEFENSE STATES THE DEFENDANT IS NOT SURE. DEFENDANT IS OK TO PROCEED WITH THE 102 DAYS CTS. COURT ORDERS COUNSEL TO BE IN TOUCH WITH P&P TO OBTAIN THE PROPER AMOUNT OF CTS AND IF IT IS DIFFERENT THE JOC WILL BE AMENDED TO REFLECT THE CORRECT AMOUNT. ALL PARTIES CONCUR. COURT INFORMS THE DEFENDANT THAT HE HAS REVIEWED ALL DOCUMENTS THAT HE HAS SUBMITTED TO THE CLERK'S FOR FILING. SENIOR JUDGE GAMBLE HAS ORDERED THE CLERK'S TO NOT FILE SAID DOCUMENT'S AS HE IS REPRESENTED BY COUNSEL THE DOCUMENTS ARE ON THE LEFT SIDE IN THE FILE. DEFENSE ARGUES FOR MENTAL HEALTH TREATMENT, 2 YEARS TO 6 YEARS WITH PROBATION . DEFENSE REVIEWS A PORTION OF THE PSI AS REQUESTED BY DEFENDANT. THE STATE RECOMMENDS THE MAXIMUM 48/120 WITH A \$10000 FINE. THE STATE REVIEWS THE PREVIOUS CRIMINAL BEHAVIOR THE DEFENDANT HAS BEEN INVOLVED IN. DEFENDANT ADDRESSES AND REVIEWS THE INCIDENT IN DETAIL. COURT ADMONISHES THE DEFENDANT TO THE BAD DECISION THE DEFENDANT MADE THE NIGHT OF THE INCIDENT. COURT ADJUDICATES THE DEFENDANT GUILTY. COURT SENTENCES THE DEFENDANT TO \$25 \$3 2 TO 6 YEARS IN PRISON WITH PAROLE ELIGIBILITY IN 2 YEAR WITH 102 DAYS CTS (IF P&P CONFIRMS IT TO BE MORE CTS IT SHALL BE AMENDED).

07/28/2021 JUDGMENT OF CONVICTION(FELONY/PERSON)

08/03/2021 TRANSCRIPT OF: SENTENCING(07/28/21)

08/04/2021 TRANSCRIPT OF PROCEEDINGS SENTENCING (7/28/21)

08/18/2021 TRANSCRIPT OF PROCEEDINGS: SENTENCING (07/28/2021)

09/10/2021 APPLICATION TO WAIVE FEES