

IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER JASON HELFRICH,
Petitioner,

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Elizabeth A. Brown
Clerk of Supreme Court

v.

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.

**STATE RESPONDENTS' OPPOSITION TO 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**

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Court and Honorable David R. Gamble, Sr. Judge*

Respondents, Fifth Judicial District Court of the State of Nevada and the Honorable Judge David R. Gamble, Senior Judge (State Respondents), through counsel, oppose Petitioner Peter Helfrich's motion.

I. INTRODUCTION

Helfrich is before this Court on a Petition for Writ of Mandamus requesting an order compelling Judge Gamble to rule on his petition for habeas corpus. The instant motion seeks relief unrelated to that petition and should, therefore, be denied.

II. ARGUMENT

Helfrich's motion seeks the withdrawal of his attorney of record in district court, a copy of his file, and the appointment of post-conviction counsel. These matters are not before the Court in Helfrich's petition. His petition seeks an order directing Judge Gamble to rule on his petition for habeas corpus to correct alleged errors in his presentence investigation report. For that reason alone, Helfrich's motion should be denied.

Irrespective of that fact, this Court recently considered and rejected his request to appoint post-conviction counsel. *See* Mot. at 4. Because of that decision, the instant motion should be construed and barred as a successive petition or an abuse of the writ. *See* NRS 34.810. There are no new or different grounds that justify the requested relief.

Finally, Helfrich appears to argue ineffective assistance of counsel prior to his sentencing to justify his request now. But for the reasons previously discussed, his motion should be denied.

III. CONCLUSION

Because Helfrich's motion seeks relief unrelated to the petition before this Court, his motion should be denied.

Dated this 22nd day of February, 2023.

AARON D. FORD
Attorney General

By: /s/ Sabrena K. Clinton
Sabrena K. Clinton (Bar No. 6499)
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 22nd day of February, 2023, and e-served the same on all parties listed on the Court's Master Service List.

I further certify that any of the participants in the case that are not registered as electronic users will be mailed the foregoing document by First-Class Mail, postage prepaid.

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/s/ Lucas Combs
An employee of
the office of the Nevada Attorney General