

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. 85505

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Elizabeth A. Brown
Clerk of Supreme Court

**STATE RESPONDENTS'
OPPOSITION TO AFFIDAVIT
OF AMENDED INDIGENT
PETITION FOR WRIT OF
HABEAS CORPUS**

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 affidavit.

I. INTRODUCTION

Helfrich's affidavit appears to seek to amend his petition for writ of habeas corpus filed in district court. That petition is the subject of the mandamus petition currently before this Court. State Defendants are unaware of any authority that permits a petitioner to amend a district court petition via an appellate court filing. Nor are State Defendants aware of any authority that provides this Court with jurisdiction to consider or grant his request in this proceeding. At best, Helfrich's affidavit is a fugitive document setting forth arguments on unrelated issues and against state officials and entities who are not parties to the matter currently before

the Court. Notwithstanding that fact, Helfrich has available remedies at law making extraordinary relief unavailable. To the extent Helfrich is seeking leave to amend his district court habeas petition, his request should be denied.

II. BACKGROUND

Helfrich filed with this Court a petition for writ of mandamus against the Fifth Judicial District Court and Judge David Gamble seeking an order to direct the district court to rule on a petition for habeas corpus. The habeas petition sought to amend a presentence investigation report to correct alleged errors. State Defendants responded to Helfrich's mandamus petition pursuant to the Court's order directing answer.

III. ARGUMENT

A. The Court lacks jurisdiction to grant the requested relief.

The Court's jurisdiction is set forth under Nevada law. *See* Nev. Const. art. 6, Sec. 4; *see also* NRS 2.090. While the Court is authorized to issue writs, State Defendants are unaware of any authority that permits it to grant amendment of a writ petition filed in the district court under the circumstances presented here. For this reason alone, Helfrich's request should be denied.

B. Helfrich's filing should be construed as a fugitive document.

Helfrich is before this Court on a petition for writ of mandamus to direct the district court to rule on a habeas petition. His affidavit sets forth arguments on

unrelated issues and against state officials and entities who are not parties to the mandamus petition currently before the Court. His requests should be rejected on that basis alone.

Notwithstanding that fact, Helfrich has available remedies at law to address his concerns. And where a party has available remedies at law, a writ is an inappropriate means of relief. *See Pan v. Eighth Jud. Dist. Ct. ex rel. Cnty. of Clark*, 120 Nev. 222, 88 P.3d 840 (2004).

IV. CONCLUSION

For the reasons discussed, Helfrich's affidavit should be denied.

Dated this 1st day of March, 2023.

AARON D. FORD
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By: /s/ Sabrena K. Clinton

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

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 1st day of March, 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.

Mr. Peter Jason Helfrich #1111875
HDSP
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/s/ Lucas Combs
An employee of
the office of the Nevada Attorney General