

Peter Helfrich

HDSP (Name / Number)
Nevada Correctional Center
Post Office Box ~~650~~ 650

Indian Springs, NV ~~89315~~

Petitioner, In Proper Person

FILED

APR 04 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Blair
DEPUTY CLERK

SUPREME COURT OF NEVADA
DISTRICT OF NEVADA

Peter-Jason Helfrich

Real Party In Interest

Affiant,
Petitioner,

vs. The State of Nevada,
NDOC-HDSP, FNU Graham,
James S cally, ex. rel, et. al.

YOU HAVE TEN (10) DAYS Respondent's

Case No.: 85505

Affidavit of Judicial Notice of
Further Proof of Active
Interference with Affiant's Right(s)
to Access to Courts; & Title 18 USC
241, et. seq. Conspiracy Against Rights &
Legal Document(s) Theft, etc.

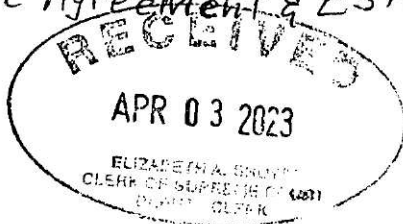
COMES NOW, Affiant, Peter-J. Helfrich, Petitioner, in his proper
person, and submits the instant Affidavit of Judicial Notice in the
above-entitled action, pursuant to 28 USC 1746, (1) w/o USA.

The instant Motion is based on all applicable rules of this Court, all papers and pleadings
on file herein, as well as the following Memorandum of Points and Authorities.

Respectfully submitted this 27th day of March, 2023.

Notice to Agents is Notice to Principals 28 USC 1746, (1) w/o USA
Notice to Principals is Notice to Agents
An un rebutted Affidavit Stands as TRUTH
Silence is Acquiescence, Concession of Error,
Tactic Agreement & Estoppel

Peter-J. Helfrich
Petitioner, In Proper Person



The attached evidence is just further proof of the incessant State/government created impediments that began 5/27/2020 and continue to this day; ALL of which lend merit towards EQUITABLE TOLLING regarding the Affidavit of Amended Indigent Petition For Writ of Habeas Corpus - FILED 2/21/2023 in the 5th J.D.C. of Nevada, & support my motion for leave to amend.

CONCLUSION & REQUEST FOR RELIEF(etc.)

I request that this Court grant my motion for leave to amend and supplement the previously Submitted and above aforementioned Affidavit of Amended Indigent Petition For Writ of Habeas Corpus; in the interests of Justice.

Dated this 27th day of March, 20 23.

28 USC 1746, (1) W/O USA

By: Peter J. Veltick

**OFFICE OF THE NYE COUNTY CLERK
MARK F. KAMPF**

Tonopah Office
Nye County Courthouse
P.O. Box 1031
101 Radar Road
Tonopah, Nevada 89049
Phone (775) 482-8127
Fax (775) 482-8133



Pahrump Office
Government Complex
1520 East Basin Avenue
Pahrump, Nevada 89060
Phone (775) 751-7040
Fax (775) 751-7047

Wednesday October 20, 2022

PETER JASON HELFRICH, #1111875
H.D.S.P
PO Box 650
INDIAN SPRINGS, NV 89070

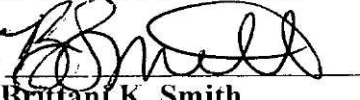
RE: CR20-0145 (Peter Jason HELFRICH)

Mr. Helfrich:

The Nye County Clerk's Office has received the attached document, *Filing Fees Waived: Criminal Petition for Writ of Mandamus*. Take note that the document has not been filed because there is a place for a hearing date and the Judge's signature. So, I have sent it over to the department for a hearing date, and for the Judge's signature. Once we receive it back from the department with a hearing date and the Judge's signature, we can file it and send you a filed stamped copy back.

Sincerely,

**MARK F. KAMPF
NYE COUNTY CLERK**

By 
Brittani K. Smith
Deputy Clerk, Pahrump

Attachment: As stated.

Complete Indigent File Stamped
Copy Required Pursuant to
Gluth v. Kangas

IN THE SUPREME COURT OF THE STATE OF NEVADA

5th District Court Case #: CR20-0145

Peter-Jason Helfrich
Affiant

S.C. Case No. _____

Dept. No. _____

V. The 5th Judicial District

Docket No. _____

Court of Nevada, Nye County;
Calvin Johnson (Bean)
NDOC Director, HDSP Warden,

FILING FEES WAIVED: CRIMINAL

PETITION FOR WRIT OF MANDAMUS
28 USC 1746, (1); W/O USA

A W James Scally, et. al.
Respondents
You HAVE 30 Days

COMES NOW, Affiant, Peter-J. Helfrich, &

moves this Supreme Court to issue a Petition for Writ of Mandamus, being filed herewith, directing Nye County Clerk of Court to FILE the included "Emergency Affidavit of Preliminary Injunction & Temporary Restraining Order" - & Order Judge David Gamble to Rule upon it in 90 Days or less; so that the legal documents/legal evidence stolen by Corrupt & Contemptuous NDOC/HDSP officials Calvin Johnson, James Scally, et. al.; who have conspired against my Rights, by stealing legal evidence in Case # CR20-0145, required for said Habeas Corpus. This Motion is pursuant to this Affidavit, NRS 34.150-34.310, NRAP, Rule 21, & full discovery/all documents, etc. on file in CR20-0145, & 28 USC 1746, (1); W/O USA

Peter-J. Helfrich

Quoting Informal Grievance Dated 10/5/2021: "My mailed out copy work (legal) was returned 10/5/2021 & was rejected / i am being denied access to copy legal documents. See Copy work. Time sensitive Habeas documents. i am being denied access to the courts.....
.... Copy work attached. S.O.S."

II. LEGAL ARGUMENT

Petitions for Extraordinary Writs are addressed to the sound discretion of the Supreme Court of Nevada and may issue when there is no plain, speedy, and adequate remedy at law. See, State v. Second Judicial District Court ex. rel. County of Washoe, 11 P.3d 1209, ___ Nev. ___ (2000).

A writ of mandamus is issued to compel performance of an act which the law especially enjoins as a duty resulting from an office, trust or station. See, Lewis v. Stewart, 619 P.2d 1212, 96 Nev. 846 (1980).

A writ of mandamus may issue to control arbitrary or capricious exercise of discretion. See, Barnes v. Eighth Judicial District Court of the State of Nevada, in and for Clark County, 748 P.2d 483, 103 Nev. 679 (1987).

This Court has also held that the action being sought to be compelled must be one already required by law. See, Mineral County v. State, Department of conservation and Natural Resources, 20 P.3d 800, ___ Nev. ___ (2001).

Mandamus is the appropriate vehicle for challenging contested orders entered by the District Court. See, Angell v. Eighth Judicial District court in and for the county of Clark, 839 P.2d 1329, 108 Nev. 923 (1992).

It has also been held that a writ of mandamus is proper when the petitioner raises urgent and important issue[s] of law requiring clarification by the Supreme Court. See, Falcke v. Douglas County, 3 P.3d 661, ___ Nev. ___ (2000).

STATEMENT OF FACTS

Nye County Court Clerk has a history of arbitrarily failing or refusing to file Affidavits of Judicial Notice, etc.; & Nye County Court has a history of "sitting on" my aforementioned Habeas Corpus FILED 9/10/2021, & all other motions (etc.) have been collecting dust & seemingly ignored. I am seeking this Supreme Court's intervention via an Order directing Nye County Clerk of Court to FILE the herein incorporated "Emergency Affidavit of Preliminary Injunction & Temporary Restraining Order" & - Order Judge David Gamble to Rule upon it in 90 Days or less. I currently do not have access to HDSP's Law Library. Stealing & / or destruction of legal evidence is a Federal crime.

ORDER TO SHOW CAUSE & TEMPORARY RESTRAINING ORDER

Upon the supporting Affidavit (etc.) of the Affiant it is ORDERED that defendant's Calvin Johnson, James Scally, & ^{HDSP} Warden Fnu Bean show cause in room of the 5th Judicial District Court of Nye County Nevada Courthouse, 1520 E. Basin Ave., Pahrump, NV 89060, on the day of _____, 20____, at _____ o'clock _____, why a preliminary injunction should not issue pursuant to Rule 65(a), Fed. R. Civ. P., enjoining the said defendants, their successors in office, agents, & employees & all other people acting in concert & participate with them, to return ALL legal documents & evidence stolen by HDSP officials to Peter Helfrich immediately.

IT IS FURTHER ORDERED that this order to show cause, & all other papers attached herein, shall be served on defendants Johnson, Scally, & Bean by November 28, 2022, & the United States Marshals service is hereby directed to effectuate such service.

5th Judicial District Court of Nye County Judge

DECLARATION IN SUPPORT OF AFFIANT'S ^(EMERGENCY) MOTION FOR A TEMPORARY
~~RESTRAINING ORDER & PRELIMINARY INJUNCTION~~

peter-jason:hellfrich states:

1. i am the Affiant in this case. i make this declaration in support of my emergency motion for a temporary restraining order & a preliminary injunction to ensure that corrupt NDoc / HDSP officials return ALL legal documents / legal evidence aforementioned⁶⁶ "Quoting Informal Grievance Dated 10/5/2021."
2. On information & belief, AW James Scally 'responds' to grievances, & he is a pathological liar who has removed legal evidence in grievance log# 20063142234; & it's likely that he is the culprit behind the stolen / seized / legal documents (evidence) aforementioned in previously quoted informal grievance.

It appears that HDSP officials are conspiring against my rights to access the Courts, etc. i simply demand said legal documents be returned ASAP, so i can fairly litigate ^{Habeas Corpus} Case# CR20-0145.

For the foregoing reasons, the court should grant this motion in all respects.

28 USC 1746, (1); w/o USA, By: :peter:hellfrich

Date: 10/14/2022

POINT I

THE AFFIANT IS ENTITLED TO A EMERGENCY TEMPORARY
RESTRAINING ORDER & A PRELIMINARY INJUNCTION

A. The Affiant is Threatened With Irreparable Harm

The Affiant alleges that NDoc/HDSP officials have stolen his legal documents (evidence), & have had said legal evidence since 10/5/2021. This is a Federal crime; & as a matter of law, the continuing deprivation of constitutional rights constitutes irreparable harm. *Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673 (1976).

Affiant is threatened with irreparable harm because he needs the stolen legal documents so he can litigate habeas Corpus case # CR20-0145.

B. The Balance of Hardships Favors the Affiant

The present suffering of the Affiant & his potential suffering if he loses said habeas corpus because NDoc/HDSP officials refuse to return said legal documents. The "sufferings" the defendants will experience if this order is granted is simply that they will have to return said legal documents, which they are legally obligated to do.

C. The Affiant is Likely to Succeed on the Merits; because

What defendant's have done → stealing legal documents; thus intentionally interfering with my right to fairly & meaningfully litigate said habeas at BAR, is unconstitutional & criminal.

D. The Relief Sought Will Serve the Public Interest; because

it is always in the public interest for prison officials to obey the law, & the Constitution is the ultimate expression of the public interest.

POINT II

The Indigent Affiant should Not Be Required To Post Security

CONCLUSION: For the foregoing reasons, the Court should grant this motion in its entirety. 28 USC 1746, (1); w/o USA

Date: 10/14/2022

By: *gates:hellfish*

CONCLUSION

WHEREFORE, all of the above reasons, Affiant requests this Supreme Court to order Nye County Clerk of Court to FILE the included

"Emergency Affidavit of Preliminary Injunction & Temporary Restraining Order" - & Order Judge David Gamble to Rule upon it in 90 Days or less; pursuant to NRS 34.830.

Dated: 10/14/2022

28 USC 1746, (1); w/o USA

: Peter Helfrich

CERTIFICATE OF SERVICE

I declare pursuant to 28 USC 1746, (1); w/o USA, that on 10/15/2022, I did serve a true copy of the above mentioned Affidavit, by depositing it in a sealed/postage prepaid envelope to:

5th District Court of Nye County

Supreme Court of Nevada

1520 E. Basin Ave, #105

201 S. Carson St. Ste. 201

Pahrump, NV 89060

Carson City, NV 89701

28 USC 1746, (1); w/o USA; Dated: 10/14/2022

: Peter Helfrich

CERTIFICATE OF SERVICE BY MAIL

Pursuant to FRCP Rule 5(b), I hereby certify that I am the petitioner named herein and that on this 27 day of March, 2023, I mailed a true and correct copy of the foregoing Affidavit of Judicial Notice to the following:

Supreme Court of Nevada

Elizabeth Brown
201 S. Carson St., Ste. 201

Carson City, NV 89701

is hereby directed to effectuate service of this Affidavit to ALL Respondents via the Electronic Filing System or otherwise.

28 USC 1746(a) w/o USA

Peter J. Helphich
(Signature)