

NO. 85792

Complete Indigent File Stamp Copy
Requested & Required Pursuant to Gluth v. Kangas

Inmate Name Back #
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada [89070]
Petitioner in ~~Proper Person~~

FILED
FIFTH JUDICIAL DISTRICT

NOV 07 2022

Nye County Clerk
Deputy

IN THE SUPREME COURT OF THE STATE OF NEVADA

peter-jason:helfrich

Affiant

Petitioner,
vs. Judge David Gamble,
5th Judicial District Court
of Nevada, et.al.

Nevada Supreme Court No.

To Be Supplied by Clerk

District Court Case No.

CR20-0145

FILING FEES WAIVED: CRIMINAL

PETITION FOR WRIT OF MANDAMUS/
PROHIBITION

(NRS 34.150 through 34.320)

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

Respondent(s).

FILED

DEC 22 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY JSalt
DEPUTY CLERK

COMES NOW, Petitioner, peter-jason:helfrich

and hereby submits his Petition for Writ of Mandamus/Prohibition pursuant to NRS

34.150 through 34.329. There is no appeal from Respondent's action and Petitioner

has no other plain, speedy, or adequate remedy other than a Writ of

My Habeas Corpus was Filed on 9/10/2021 & I
Mandamus/Prohibition. Should have been appointed Counsel by now.
I invoke my rights under the ADA.

This Petition is made and based upon the attached Memorandum of Points and

Authorities, all papers and pleadings on file, as well as any additional facts, law,

argument, witnesses or evidence that may be presented at the hearing of this matter, if

any.

Dated this 30th day of October, 2022.

:peter:helfrich

Inmate Name Back #

High Desert State Prison

Post Office Box 650

Indian Springs, Nevada [89070]

Petitioner ~~in Proper Person~~

DEC 19 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

22-4031

Run: 11/14/2022
15:57:08

Case Summary

Page 4

09/10/2021 AFFIDAVIT OF INDIGENT PETITION FOR WRIT OF HABEAS CORPUS SEEKING AN ORDER TO CORRECT & AMEND FACTUAL ERRORS CONTAINED IN PSI REPORT (SEE ATTACHED) PURSUANT TO NRS 176.156(1)(B), 28 USC1746(1) & PUBLIC LAW 116 CONGRESS, SES. 92 & JUDICIAL NOTICE

09/29/2021 ORDER REGARDING APPLICATION TO WAIVE FEES

10/15/2021 CERTIFICATE OF SERVICE

11/16/2021 MOTION TO WITHDRAW COUNSEL

11/16/2021 DEMAND FOR COPY OF ENTIRE CASE FILES AND NOTICE OF MOTION

11/17/2021 AFFIDAVIT OF JUDICIAL NOTICE OF SUPPLEMENTAL ADDENDUM TO PETITION FOR WRIT OF HABEAS CORPUS

12/15/2021 JUDICIAL NOTICE OF #2 SUPPLEMENTAL ADDENDUM TO WRIT OF HABEAS CORPUS & DEMAND FOR FILE STAMPED COPIES OF TEMPORARY RESTRAINING ORDER/INJUNCTION, AMENDED HABEAS & MOTION FOR TRANSCRIPTS & A UPDATED CASE SUMMARY

12/15/2021 MOTION FOR SENTENCING HEARING TRANSCRIPTS

12/15/2021 AFFIDAVIT OF JUDICIAL NOTICE OF MAIL THEFT/&TAMPERING BY NDOC/HDSP OFFICIALS IN CR20-0145 20CR01449

12/15/2021 NOTICE OF MOTION

03/09/2022 PETITION FOR WRIT OF MANDAMUS - FILING SENT TO D1 FOR REVIEW

06/08/2022 RECEIPT FOR DOCUMENTS

06/14/2022 ORDER

06/22/2022 ORDER DENYING PETITION

07/14/2022 NOTICE IN LIEU OF REMITTITUR

10/06/2022 PETITION FOR WRIT OF MANDAMUS

10/13/2022 AFFIDAVIT OF JUDICIAL NOTICE THAT FEDERAL WHISTLEBLOWER & EX MARINE STEW WEBBTIPPED OFF THE ALPHABET GANG VS CORRUPT SHARON WHERLEY & HER MARXISTS PSYCHOPHANTS-A DECLARATION OF WAR !

10/13/2022 NOTICE OF MOTION AND MOTION FOR TRANSCRIPTS AT STATE EXPENSE & AN UP TO DATE COPY OF CASE SUMMARY

10/13/2022 MOTION TO APPOINT COUNSEL

10/18/2022 PETITION FOR WRIT OF MANDAMUS - Mailed copy to Peter Helfrich #1111875 PO Box 650 Indian Springs, NV 89070 on 10/18/22--forwarded filing to D1

10/20/2022 RECEIPT FOR DOCUMENTS

11/07/2022 RECEIPT FOR DOCUMENTS

11/07/2022 REQUEST FOR SUBMISSION & HEARING & PUT THIS ON CALENDAR NOTICE OF MOTION

11/07/2022 PETITION FOR WRIT OF MANDAMUS/PROHIBITION

11/07/2022 PETITION FOR WRIT OF MANDAMUS/PROHIBITION

11/07/2022 NOTICE OF MOTION REQUEST FOR SUBMISSION & HEARING & PUT THIS ON CALENDAR

11/14/2022 AFFIDAVIT OF JUDICIAL NOTICE

i requested copies, yet i never received the copies.
*The record does not show that the Motion for an Evidentiary Hearing (Brass slip # 2505886) was received/FILED. L.M. Garcia Signed/Authorized Said brass slip on 10/31/2022 = DEEMED FILED! This proves HDSP Mail Room is intercepting my outgoing Legal Mail & Preventing it from getting to Nye County Court! i want this on the record for appeal. This appears to be a Conspiracy to deny me a timely evidentiary hearing.
11/20/2022 28 USC 1746(1); W/O USA
By: peter helfrich peter helfrich

MEMORANDUM OF POINTS AND AUTHORITIES

I. Law Pertaining to Mandamus/Prohibition.

A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; Int'l Game Tech., Inc. v. Second Judicial Dist. Court, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008).

A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. Eighth Judicial Dist. Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

Whether a petition for extraordinary relief will be considered is within this court's sole discretion, Smith, 107 Nev. at 677, 818 P.2d at 851, and it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Eighth Judicial Dist. Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Moreover, writ relief is available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; Int'l Game Tech., 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

Here, Mandamus/Prohibition is warranted based upon the following:

II. Procedural and Factual Background/Argument.

I was diagnosed with PTSD, anxiety, Major depression, & deemed 100% disabled in 2010 by a NYS District Court Judge. From 2006 - 2010, I was provided academic accommodations under the ADA. I do not have adequate access to person(s) trained in law, nor do I currently have access to a law library. I do not have counsel in my Habeas Corpus filed 9/10/2021. My Motion to Appoint Counsel - FILED 10/13/2022 has thus far been ignored. Judge Gamble has had over (1) one year to appoint me Counsel.

III. Conclusion and Prayer for Relief

THEREFORE, based upon the foregoing, Petitioner respectfully requests that this Court: ^{Order Judge David Gamble to provide me counsel for said Habeas} ~~File~~ ^{9/10/2021, because i am disabled & do not have access to} ~~Person(s) trained in law.~~

1. Grant the above request for Mandamus Prohibition; and
2. Any further and necessary relief as deemed appropriate by this Court.

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

Dated this 30th day of October, 2022.

:Peter: Helfrich
Inmate Name Back #
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada 89070
Petitioner ~~is Proper Person~~

CERTIFICATE OF SERVICE BY MAILING

I, :Peter: Helfrich, Petitioner ~~in Proper Person~~, hereby certify, pursuant to NRCP 5(b), that on this 30th day of October, 2022, I mailed a true and correct copy of this Writ Petition by depositing it in the High Desert State

mail box
Prison, ~~High Desert State Prison~~, First Class Postage, full prepaid and addressed as follows:
Nye County Clerk's Office I request that Mark F. Kampf
1520 E. Basin Ave. Provide a COMPLETE INDIGENT
Pahrump, Nevada 89060 File stamped copy of this Writ.

Counsel for Respondents ^{Served on} 12/15/2022 → Supreme Court of Nevada

Dated this 30th day of October, 2022.

201 S. Carson Street, Suite 201
Carson City, Nevada 89701

Dated 12/15/2022

:Peter: Helfrich

:Peter: Helfrich
Inmate Name Back #
High Desert State Prison
Post Office Box 650
Indian Springs, Nevada [89070]
Petitioner ~~is Proper Person~~