

Complete indigent file stamped copy required

Pursuant to Gluth v. Kangas

NO. 86102

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

ALL of my Affidavits Filed in CR20-0145 (etc.) are un-rebutted and Stand as Truth on the Public Record.

FILED

FEB 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY D. Smith
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

Sup. Ct. OF N.V. Case #'s: 85505, 84816, 85583,
85793, 85862, 85792

•peter-jason:helfrich
Real Party in/of Interest
Petitioner/Plaintiff,
Affiant

Case No. _____

Dept. No. _____

Docket No. _____

v.
The 5th Judicial District
Court of the State Of Nevada, In and
For the County of Nye

D.C. Case #'s: 20NY-1730, CR20-0145, 20CR01449

Respondent/Defendant.

Affidavit of
PETITION FOR WRIT OF MANDAMUS

FILING FEES WAIVED: CRIMINAL

COMES NOW, Real Party in/of Interest
Petitioner/Plaintiff, Affiant, •peter-jason:helfrich, ~~PRO-SEC~~

and respectfully moves this Honorable Court to issue a Petition for Writ of Mandamus, being filed

contemporaneously herewith, directing Judge David Gamble, to reverse and vacate

rule on my Motion to Appoint Counsel Filed 10/13/2022, & my motion for Sentencing hearing transcripts Filed 12/15/2021, & my Motion to Withdraw Counsel (David Neely III) Filed 11/16/2021, & my Demand for Entire Case File Filed 11/16/2021

This motion is made and based pursuant to the supporting Points and Authorities attached hereto,

N.R.S. 178.556(2), N.R.S. 34.150 through N.R.S. 34.310, N.R.A.P., Rule 21, as well as all papers, pleadings, and

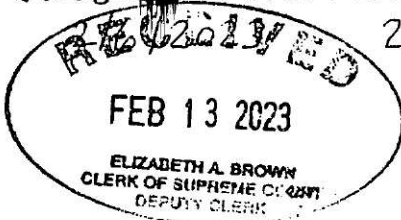
documents on file herein. I re-assert & re-allege all statements, facts, description(s)

of events, all affidavits, documents, case summary, etc., filed in the above listed cases; & I do so pursuant to 28 USC 1746, (1); W/O USA, Nunc Pro Tunc Ab Initio. See: Case Summary → CR20-0145 → Filed:

11/16/2021: (1) Motion to Withdraw Counsel; (2) Demand For Copy of Entire Case File;
12/15/2021: (1) Motion For Sentencing Hearing Transcripts; (2) Judicial Notice of Mail Theft & Tampering By NDoci/HDSP officials?

10/13/2022: (1) Motion to Appoint Counsel; (2) Motion For Transcripts.
I invoke ALL Rights under the Americans with Disabilities Act ("ADA").
I was deemed 100% mentally & physically disabled by a Plattsburgh, New York Judge in 2010. I was provided ADA accommodations in college → 2006-2009.
28 USC 1746, (1) W/O USA

•peter-jason:helfrich



23-04438

Fifth Judicial District Court - Nye County
Case Summary

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14:35:21

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Case #: CR20-0145
Judge: WANKER, KIMBERLY
Date Filed: 12/09/2020 Department:
Case Type: Crimes Against Persons (Felony)

Attorney(s)

Plaintiff

STATE OF NEVADA

DISTRICT ATTORNEY'S OFFICE

Defendant

HELFRICH, PETER JASON

MARTINEZ, DANIEL

Fees:

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
07/28/2021	GENETIC	\$3.00	\$0.00	\$0.00	\$3.00
07/28/2021	ADMIN	\$5.00	\$0.00	\$0.00	\$5.00
07/28/2021	STADMIN	\$20.00	\$0.00	\$0.00	\$20.00

Charge: NRS200.481 - BATTERY WITH USE OF DEADLY WEAPON / Count 1

Sent: 24 TO 72 NDC WITH \$25 ADMIN FEE, \$3 DNA ADMIN FEE; 102 DAYS CTS

Disp/Judgment: Non-Trial: Nolle Date: 07/28/2021
Prosequi (Before
Trial)

Hearings:

Date	Time	Hearing	Court Result
01/11/2021	9:00AM	56#ARRAIGNMENT	CANC
04/08/2021	10:00AM	JUDGE GAMBLE/ARRAIGNMENT/MTN FOR JUDICIAL NOTICE	
06/23/2021	10:00AM	SENTENCING *SENIOR JUDGE GAMBLE*	CANC
07/28/2021	10:00AM	SENTENCING*SENIOR JUDGE GAMBLE*	

Filings:

Date	Filing
12/09/2020	CASE FILED 12/09/2020 CASE NUMBER CR20-0145A
12/09/2020	PROSECUTOR: DISTRICT ATTORNEY'S OFFICE ASSIGNED
12/09/2020	DEFENSE ATTORNEY: MARTINEZ, DANIEL ASSIGNED
12/09/2020	JUDGE LANE, ROBERT W: ASSIGNED
12/09/2020	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT REF# 20CR01449; AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL, AND ORDER APPOINTING COUNSEL, CRIMINAL COMPLAINT, AMENDED CRIMINAL COMPLAINT, ORDER OF RECUSAL, ORDER TO SHOW CAUSE, ORDER REVOKING OWN RECOGNIZANCE RELEASE, ORDER TO CONTINUE, SECOND AMENDED CRIMINAL COMPLAINT
12/09/2020	BINDOVER ORDER

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14:35:22

Case Summary

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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 FEEES

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

11/18/2022 AFFIDAVIT OF JUDICIAL NOTICE

For the Record; I had ZERO access to HDSP's law library from 8/18/2021 to on or around May/?/June/?/2021; & I have had ZERO access to the law library since 12/20/2022. I was provided about 1/2 hour access on 12/19/2022. I need competent counsel to properly AMEND/SUPPLEMENT/ADD COUNTS/OF GROUNDS & LITIGATE said Habeas Corpus at BAR.

POINTS AND AUTHORITIES

Statement of Facts

The Nevada Supreme Court, in Case #85505 Ordered an "Answer" of Respondents Christopher Arabia regarding said (Affidavit) Petition For writ of Habeas Corpus (see: NRS 34.740) filed 9/10/2021; yet this Honorable Supreme Court has not addressed this 100% mentally disabled Affiant's need for competent counsel. The lower Court has yet to rule on: (1) Motion to Withdraw Counsel, filed 11/16/2021; (2) Demand For Copy of Entire Case File, filed 11/16/2021; (3) Motion For Sentencing Hearing Transcripts, filed 12/15/2021; (4) Motion For Transcripts, filed 10/13/2022; (5) Motion to Appoint Counsel, filed 10/13/2022. I need this Courts divine intervention (1,2,3,4,5), via Order(s) to Compel the lower Court to rule upon (1,2,3,4,5) all the above named Motions (etc.). I don't have meaningful access to persons trained in law; my attorney of record has previously been Sued by this Affiant in USDC of Nevada Court in 2012, which is a Conflict of interest; & I have FIRED David Neely III. at least three times; I don't even have access to the law library. How is a mentally disabled inmate supposed to fairly & meaningfully amend, add Grounds / Counts, Supplement & litigate said habeas at BAR under these circumstances??? Lastly, former law library Supervisor L.M. Garcia informed me on 10/13/2022 that the HDSP mail room is under a criminal investigation for mail theft, etc. I need a Complete indigent file stamped copy of this Affidavit of Petition For Writ of Mandamus pursuant to Gluth v. Kangas.

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).

Affidavit of Truth

Dated: 2/6/2023

1 I, ARMANDO De La Rosa declare under penalty of perjury, that
Print Name

2 1. I live at HDSP Veterans Unit 10A, with Peter Helfrich.

3 2. 12/19/2022 was the last time Unit 10A was allowed to go to
4 the HDSP law library.

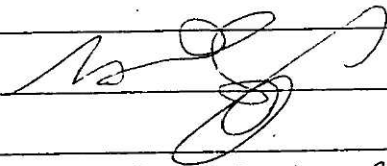
5 3. I saw Peter Helfrich at the law library on 12/19/2022, for
6 about 1/2 hour, and then he was escorted out of the
7 building by staff, upon information and belief, because
8 Helfrich had a dentist appointment.

9 4. Upon information and belief, HDSP officials are
10 conspiring to keep Unit 10 inmates such as Helfrich
11 and myself deliberately.

12
13 28 USC 1746, (1) w/ OUSA

14
15 Dated: 2/6/2023

16 By:



17
18 ARMANDO De La Rosa
Print Name

19
20 Unit 10 A

21 Veterans Unit

22 HDSP

23 P.O. Box 650

24 Indian Springs, Nevada
25
26
27
28

The universal Maxium of law of Agent & Principal
applies herein; Service to one is Service to ALL.

CONCLUSION

WHEREFORE, all of the above stated reasons. Petitioner/Plaintiff respectfully requests this
Honorable Court to Order Appointment of Counsel, or order Judge Gamble
to rule upon ALL aforementioned (1,2,3,4,5) Motions, etc.; so my habeas shall
be properly amended, Grounds & Counts added, Supplemented, and litigated,
within a reasonable amount of time as required by N.R.S. 34.830, N.R.S. 34.740.
28 USC 1746, (1) w/o USA
DATED this 6th day of February, 2023.

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

Peter Jason Helfrich

Affiant
Petitioner/Plaintiff / Real Party in/of Interest

i was again denied access to
individuals authorized to sign/authorize

CERTIFICATE OF SERVICE

I hereby certify pursuant to N.R.C.P. 5(b) that I am the Petitioner/Plaintiff in the foregoing
Petition for Writ of Mandamus, and that on this 6th day of February, 2023 I did serve
a true and correct copy of the above mentioned document, by Placing it in the unit 10A mail box
giving it to a prison official at the City State

Prison to deposit in the U.S. Mail, sealed in an envelope, postage pre-paid, and addressed as follows:

Mark Kampf
1520 E. Basin Ave.
Pahrump, NV 89060

Elizabeth A. Brown
201 S. Carson St., Suite 201
Carson City, Nevada 89701

28 USC 1746, (1) w/o USA

DATED this 6th day of February, 2023

A universal Maxium of Law:
An un-rebutted Affidavit
Stands as Truth on the
Record.

Peter Jason Helfrich
Petitioner/Plaintiff
Real Party in/of Interest
Affiant