

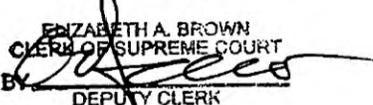
IN THE SUPREME COURT OF THE STATE OF NEVADA

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,  
Respondents.

No. 86102

**FILED**

MAR 03 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

This is a pro se original petition for a writ of mandamus seeking an order that would compel the district court to act on petitioner's motion for appointment of counsel, motion for sentencing transcripts, motion for withdrawal of current counsel, and motion for his entire case file.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for extraordinary writ relief will be entertained rests within this court's sound discretion. *D.H. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the petition and the documents provided in support by petitioner, we conclude, without reaching the merits of any

claims, that petitioner has failed to meet his burden of demonstrating that extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Stiglich, C.J.  
Stiglich

Cadish, J.  
Cadish

Herndon, J.  
Herndon

cc: Chief Judge, The Fifth Judicial District Court  
Hon. David R. Gamble, Senior Judge  
Peter Jason Helfrich  
Attorney General/Carson City  
Nye County District Attorney  
Nye County Clerk

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<sup>1</sup>We further deny petitioner's motion for transcripts at State's expense, filed on February 24, 2023.