No. 03-10029

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
MAY 10 2004
OFFICE OF THE CLERK

IN RE: PAUL ELWIN ACKLIN — PETITIONER
(Your Name)

vs.

THE STATE OF NEVADA — RESPONDENT(S)

ON PETITION FOR A WRIT OF ~~CERTIORARI~~ HABEAS CORPUS TO

NEVADA SUPREME COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

~~PETITION FOR WRIT OF CERTIORARI~~
ORIGINAL JURISDICTION FOR WRIT OF HABEAS CORPUS

Paul Elwin Ackl 29915
(Your Name)

P.O. Box 7000
(Address)

CARSON City, NEVADA 89702
(City, State, Zip Code)

RECEIVED
JUN 10 2004

(Phone Number)

RECEIVED
MAY 26 2004
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

IS MR. ACKLIN ENTITLED TO THE SOVEREIGN STATE OF NEVADA ELEVENTH AMENDMENT FULL FAITH AND CREDIT PUBLIC ACTS RECORDS IN CASE NO. 39218, DATED AUGUST 19, 2002, CONFESSING THE ERR BY NRS 175.291, ARTICLE 4 SEC. 17-20-32 NEVADA CONSTITUTION RIGHTS RETAINED BY THE PEOPLE OF NEVADA.

IS MR. ACKLIN ENTITLED TO A WRIT OF HABEAS CORPUS ON THE STATES APPEAL ERR DEFENSE, GIDEON V. WAINWRIGHT, 372 U.S. 335 (1963), PROTECTED BY THE FOURTH AMENDMENTS IN ALL SUBSEQUENT COURT PROCEEDINGS.

STATEMENT OF THE CASE

MR. ACKLIN FILED AN APPLICATION FOR WRIT OF HABEAS CORPUS NRS 34.360 (1982) THAT THE EXECUTIVE BRANCH OF GOVERNMENT APPOINTED OFFICERS WARDEN HELLING AND DIRECTOR CRAWFORD PRESENT RESTRAINTS OF LIBERTY INDEFINATE IMPRISONMENT IS UNLAWFULL BY NRS 175.291 SUPPORTED BY THE STATES RECORD FILED IN THE NEVADA SUPREME COURT IN CASE NO. 39218, AUGUST 19, 2002, CONFESSING THE ERR IN THE ORIGINAL JURISDICTION OF THE NEVADA SUPREME COURT ON ISSUES OF LAW AND FACT RAISED BY THE STATE OF NEVADA SQUARELY BEFORE THE APPEAL COURT.

MR. ACKLIN REQUESTED A REHEARING ORDER BY THE COURT TO HEAR THE MATTER EN BANC, ARTICLE 4 SEC. 2, 2. (A) NEVADA CONSTITUTION.

REASONS FOR GRANTING THE PETITION

MR. ACKLIN HAS NO OTHER OR ADEQUATE SPEEDY REMEDY AT LAW TO REDRESS HIS VALID CLAIMS UNDER NRS 175.291 THAT IS SUPPORTED BY THE STATE OF NEVADA FULL FAITH AND CREDIT PUBLIC ACTS RECORDS FILED IN THE ORIGINAL JURISDICTION OF THE NEVADA SUPREME COURT CONFESSING THE ERR THAT BY NRS 175.291 THE CONVICTION IN LAW AND FACT IS UNLAWFULL. SEE: APPENDIX A-B-C-D ATTACHED.

USA STATE LAW NRS 175.291, ARTICLE 3 SEC. 1, ARTICLE 4 SEC. 17-20-32 NEVADA LAW PROVIDES THE WASHOE COUNTY, RENO, NEVADA DISTRICT ATTORNEY HAS THE POWER TO HOLD MR. ACKLIN FOR INVESTIGATION OF WITNESSESS STORIES, BUT UPON DISCOVERY OF A FACT THE ARREST VIOLATED NRS 175.291, THE AUTHORITY TO HOLD HIM FOR ANY FURTHER INVESTIGATION SHOULD HAVE TERMINATED.

THAT UPON DISCOVERY ON AUGUST 15, 2002, IN CASE NO. 39218 OF THE DISTRICT ATTORNEY CONFESSED ERR THE CONVICTION VIOLATED NRS 175.291, THE NEVADA SUPREME COURTS SUBJECT MATTER JURISDICTION ON APPEAL TERMINATED ON UNKNOWN FACTS. AND LACKED JURISDICTION TO HOLD MR. ACKLIN TO ANSWER TO NRS 175.291 CHARGES IN THEIR ENTIRETY.

THAT BY NRS 175.291, THE EXECUTIVE BRANCH OF GOVERNMENT HAS NO ENABLING AUTHORITY OF LAW OR FACT, TO HOLD MR. ACKLIN FOR THE DISTRICT ATTORNEY INVESTIGATION OF UNSOLVED CRIMES. THAT IS PROTECTED BY THE FOURTH AMENDMENT IN ALL SUBSEQUENT COURTS PROCEEDINGS. HALE V. HENKEL, 201 U.S. 43 (1906), PAPACHRISTOU V. JACKSONVILL FLORIDA, 405 U.S. 156 (1972.

PETION FOR WRIT OF HABEAS CORPUS IS NOT AVAILABLE BY A SINGLE NEVADA JUSTICES ARTICLE 6 SEC. 4 NEVADA CONSTITUTION SEE APPENDIX "A", THEREFORE THIS HABEAS MATTER IS SQUARELY BEFOR THE COURT.

CIRCUMSTANCES IN AID OF THE COURTS APPELATE JURISDICTION RULE 17-20

ORIGINAL JURISDICTION ARTICLE 3 ELEVENTH AMENDMENT CASE IN CONTROVERSY STILL EXISTS UNRESOLVED NON-FINAL TO NO FAULT OF MR. ACKLIN:

THE STATE OF NEVADA RESPONDENT DISTRICT ATTORNEY BRIEF FILED ON APPEAL ON THE 15TH DAY OF AUGUST 2002 IN CASE NO. 39218, FOR COURT RULING ON THE MERITS IN PLAIN CONCISE LANGUAGE SET FORTH THE CONVICTION WAS OBTAINED IN DEGROGATION OF USH SUBSTANTIVE STATE LAW NRS 175.291 THAT CAN'T BE WAIVED.

NEVERTHELESS THE NEVADA SUPREME COURT IMPERMISSIBLY INTERFERED WITH NEVADAS CAPACITY TO FULFILL ITS SOVEREIGN RESPONSIBILITIES, IN DEGROGATION OF ARTICLE 4 SEC. 1, OF THE U.S. CONSTITUTION BY REFUSING TO GIVE FULL FAITH AND CREDIT TO NEVADA PUBLIC ACTS RECORDS SQUARELY BEFORE THE COURT USH STATE LAW NRS 175.291, NRS 177.015-025-305, EX POST FACTO ISSUE OF LAW AND FACT SELECTIVELY APPLIED AND UNPUBLISHED BODY OF STATE LAW.

THEREBY ESTABLISHED LOCAL SPECIAL LAW ON APPEAL EX POST FACTO IN DEGROGATION OF USH STATE LAW NRS 34.360(1982) IMPAIRMENT OF DISABLED STATE PRISONER FUNDAMENTAL SUBSTANTIVE DUE PROCESS RIGHT TO FILE AN APPLICATION FOR A CONSTITUTIONAL SINGLE NEVADA JUSTICES TO ISSUE A WRIT OF HABEAS CORPUS, IN THE NEVADA SUPREME COURTS ORIGINAL JURISDICTION WHERE THE ERR BEGAN AND WAS DISCOVERED ON APPEAL, FOR A SINGLE JUSTICES' TO HAVE YOU THEN AND THERE THE USH STATE LAW NRS 175.291 OF ERR UNLAWFULL CONVICTION AND THE PRESENT UNLAWFULL RESTRAINT OF LIBERTY EX POST FACTO INDEFINATE IMPRISONMENT BY THE EXECUTIVE BRANCH OF NEVADA GOVERNMENT WITHOUT PROBABLE CAUSE OR DUE PROCESS OR ENABLING STATUTORY AUTHORITY OF LAW OR FACT NRS 175.291, INCLUSIVE APPENDIX A-B-C-D.

ACCORD U.S. S. CT. RULE 20(2) ON THE ONE HAND MR. ACKLIN IS ENTITLED TO A NEVADA SINGLE JUSTICE WRIT OF HABEAS CORPUS FOR THE PRESENT UNLAWFULL RESTRAINT OF LIBERTY EX POST FACTO INDEFINATE IMPRISONMENT IN DEGROGATION OF USH NRS 175.291

ACCORD U.S. S. CT. RULE 20(3) THEN ON THE OTHER HAND MR. ACKLIN IS ENTITLED TO A WRIT OF MANDAMUS DIRECTED TO THE DIVIDED NORTH NEVADA FIAT APPEAL COURT TO FORTHWITH SHOW CAUSE IN DEGROGATION OF ISSUE OF LAW AND FACT SQUARELY BEFOR THE COURT BY USH STATE LAW NRS 175.291, OTHERWISE FAILED TO GIVE FULL FAITH AND CREDIT PUBLIC ACTS RECORDS ORIGINATING ERR IN THEIR COURT, OR BOTH WRIT OF PROHIBITION MANDAMUS PROHIBITING THE EXECUTIVE BRANCH OF NEVADA GOVERNMENT FROM PRESENTLY HOLDING MR. ACKLIN FROM THIS DAY FOWARD TO ANSWER TO UNLAWFULL CONVICTION CONFESSED STATE ERR ON APPEAL IN DEGROGATION OF U.S.H. STATE LAW NRS 175.291, RIGHTS RETAINED BY THE PEOPLE, ARTICLE 4 SEC. 17-20-32, ADDRESSING BUT ONE SUBJECT MATTER, NEVADA CONSTITUTION. MARQUEZ V. I. N. S., 9TH. CIR., NO. 01-17191, CITED AS, 03-C. D. O. S. 8555, 8556, 8557, SEPTEMBER 23, 2003.; FAY V. NOIA, 372 U.S. 391-401-402 (1963). PRICER V. RODRIQUEZ, 411 U.S. 475-486 (1973); ST PIERRE V. STATE, 620 P2D 1240 (NEV. 1980); FORD V. FORD, 371 U.S. 187, 190 (19__).

PETITION FOR WRIT OF HABEAS CORPUS, FAY V. NOIA, 372 U.S. 391 (1963) JOHNSON V. ZERBST, 304 U.S. 458 (1938) 5(B)-

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL ELWIN ACKLIN,
Petitioner,
vs.
WARDEN, NORTHERN NEVADA CORRECTIONAL CENTER, DON HELLING; DIRECTOR, NEVADA DEPARTMENT OF CORRECTIONS, JACKIE CRAWFORD; AND NORTHERN NEVADA CORRECTIONAL CENTER,
Respondents.

No. 42898

FILED

MAR 24 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richards
CHIEF DEPUTY CLERK

ORDER DENYING PETITION

This is a proper person petition for a writ of habeas corpus. Petitioner argues that he has been unlawfully restrained of his liberty. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. A post-conviction petition for a writ of habeas corpus must be filed in the district court in the first instance.[1] Petitioner may then appeal to this court from a final adverse decision.[2] Accordingly, we

ORDER the petition DENIED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

[1]NRS 34.738.

[2]NRS 34.575.

APPENDIX "A" (1)

04-05549