

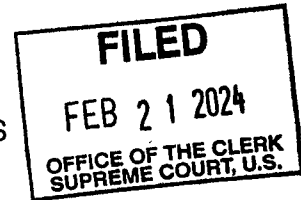
No. _____

ORIGINAL

23-6846

IN THE

SUPREME COURT OF THE UNITED STATES



Shimon Gayles-Zanders — PETITIONER
(Your Name)

vs.

State of Nevada — RESPONDENT(S)

ON PETITION FOR A WRIT OF MANDAMUS TO

Nevada Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF MANDAMUS

Shimon Gayles-Zanders
(Your Name)

4370 Smiley Rd
(Address)

Las Vegas, NV. 89115
(City, State, Zip Code)

None
(Phone Number)

1258355
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, NV 89115

"In the Supreme Court of the United States"

In the matter of:

Shirron Gayles-Zanders

Plaintiff/Petitioner

V.

Nevada Supreme Court

Defendant/Respondent

Case No: 84583

Dept. No: _____

☐ Hearing Requested

☐ Hearing Not Requested

Pro Se Petition for Writ of Mandamus

Shirron Gayles-Zanders
In Proper Person
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Las Vegas, Nevada 89115
Phone No. N/A

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See Letter from Atty. Stewart dated 2/9/24
(Retired / Withdrew from Case)

I

Relief Sought

Petitioner, Shiron Gayles Zanders, petition this court to issue a Writ of Mandamus to Nevada Supreme Court and Attorney Sandra Stewart with an Order Compelling either to provide the Nevada Sup Ct. Judgement & Opinion to review the merits to satisfy & complete petitioner's application for Writ of Certiorari filed Pro Se in the U.S. Supreme Court on or about 12/14/2023 via Fed-EX.

Petitioner avers she received her application for the Writ of Certiorari back from the U.S. Supreme Court Clerk Mr. Scott Harris advising petitioner the application for Writ of Certiorari cannot be filed pursuant to Rule 14.1(4). The lower court opinion(s) must be appended. It also stated: It is impossible to determine the timeliness of this petition without the lower court opinions. See advisement correspondence dated 12/28/23 from Scott Harris/U.S. Sup. Court.

Petitioner declare she has exerted & exhausted every viable legal endeavor to obtain the lower court's opinion from both Attorney Sandra H. Stewart and the Nevada Supreme Court. See AppA ex.(4)(5) letters to both requesting the lower court opinion and responding correspondence from attorney Stewart. Petitioner argue to date, she has yet to receive any responding correspondence from the Nevada Supreme whatsoever regarding her request for the Judgement & Opinion.

Petitioner avers the actions of both Attorney Stewart and the Nevada Supreme Court clearly demonstrate an Obstruction to the Administration of Justice, an Undermining of Democracy and is a Violation of petitioner's fundamental, Substantive Due Process of law rights to a fair State appellate process. See Due Process Clause of Six Amend & Fourteenth Amends. Equal Access to State appellate process, 665 F.2d at 443.

Petitioner avers the Nevada Supreme Court and Counsel Stewart's refusal & failure to provide her with the Nevada Sup. Ct. opinion or provide her with whatever final dispositions or documents needed to satisfy the requirements of the application for Writ of Certiorari in the Supreme Court is clearly a Violation of petitioner's

Substantive and procedural due process to a fair state appellate process and that this Honorable U.S. Supreme Court issue an Order compelling that either the Nevada Supreme Court or Attorney Stewart provide the Nevada Supreme Court Certified Judgment and Opinion to allow pro se petitioner to complete the requirements for a Writ of Certiorari in the Supreme Court, make an exception without the requested Judgment and Opinion, remand the case back to the Nevada Supreme Court compelling the Courts to reverse the Order of Affirmation to allow petitioner her due process to retain private Counsel as the record reflect she repeatedly requested on her Motion to Stay proceedings dated 7/12/23. (APPA EX. 25) or appointment assigned federal public defender of this court to represent petitioner on Direct Appeal or to assist petitioner with the filing of her application for a Writ of Certiorari to review Constitutional Violations in accordance with NRS 41(b)(3) and the provisions of the (CJA) Criminal Justice Act of the Federal Constitution. Petitioner does not have access to Federal Reporter to obtain Opinion

II. Issues Presented

Whether the Nevada Supreme Court and attorney Stewart collectively violated petitioner's fundamental, substantive and procedural due process of law rights of the 5th, 6th & 14th Amendments by refusing & failing to provide petitioner with the Certified copy of the Judgment and Opinion of the Nevada Supreme Court to satisfy the requirements of the Application for Writ of Certiorari?

Whether petitioner was prejudiced by retirement without first satisfying her counsel's duties & obligation to protect & preserve petitioner's adversary process, without providing proper procedural service of Notice of retirement to petitioner, without first withdrawing from active cases thus allowing the court to decide if replacement counsel is warranted for unresolved appellate issues.

Whether the Nevada higher Courts Violated petitioner's fundamental, substantive & procedural due process rights to Counsel for her defense with erroneous rulings.

III.

Routing Statement

"Rule 41 Subsection (a)(2) provides that a certified copy of the judgment and opinion of the court, if any, and any direction as to costs shall be included with the Remittitur.

Rule 41 Subsection (b) (1). Petition for Rehearing or en banc Reconsideration
The timely filing of a petition for Rehearing or En Banc reconsideration stays the Remittitur until disposition of the petition, unless the court orders otherwise. If the petition is denied, the remittitur shall issue 25 days after entry of the order denying the petition, unless the time is shortened or enlarged by order.

Rule 41 Subsection (b) (2). Petition for Review by Supreme Court.
The timely filing of a petition for review by the Supreme Court of a Court of Appeals decision shall stay the issuance of the Remittitur of the Court of Appeals. Upon the issuance of an order denying a petition for review, the clerk of the Supreme Court shall issue the Remittitur. Petitioner never received an Order denying Rehearing

Petitioner avers she received a written correspondence dated 9/2/2023 from Attorney Stewart advising enclosed is a copy of the Order of Affirmation in which petitioner acknowledge she received. However counsel advised petitioner in (1) month she would receive the Remittitur in which Counsel did not provide to petitioner as the record reflect. See (HAP) for 9/2/2023 Letters

Petitioner avers on 10/19/2023 she received the Remittitur from the Nevada Supreme Court stating pursuant to the rules of this Court, enclosed are the following: Certified Copy of Judgment and Opinion/Order. Petitioner avers argue she did not receive a Certified Copy of Judgment and Opinion/Order, however enclosed with the Remittitur she received a written correspondence dated 10/9/2023 from the Nevada Supreme informing the Court was returning (unfiled) the documents received in this office on 10/6/2023 in the above entitled action which the courts were referring to petitioner's pro Se Motion for Rehearing, Motion for Affirmation Relief that were filed in a timely manner by petitioner.

1
2 "Rule 41, Subsection (B) (3) Application for Certiorari to the United States
3 Supreme Court. Petitioner avers she would have immediately filed a Stay of
4 the Remittitur pursuant to Rule 41(b)(1) of NRAP but however did not anticipate
5 she would be deprived of her due process of law right to a proper procedural
6 appellate process.

7 Petitioner further avers & argue the Writ of Certiorari process is part of
8 the appellant's due process of law in direct appeal pursuant to Rule 41(b)(3)
9 of NRAP's. Counsel's retirement without any Notice to petitioner as her client
10 constitutes Abandonment of Counsel's appellate representation, thus leaving
11 petitioner "Effectively Unrepresented" and without the guiding hand of Counsel
12 guarantees of both the 6th & 14th Amendments thus violating petitioner's
13 fundamental, substantive and procedural due process of law rights. See
14 Equal Protections to a fair state appellate process, 665 F.2d at 443

15 Petitioner declare the refusal & failure of both the Nevada Sup. Ct. and
16 Counsel Stewart to provide the Opinions are done solely with the "Sole intent" to
17 impede petitioner from having her Constitutional violations reviewed on
18 Certiorari to hide & conceal their many acts of Corruption, Abuse of discretion,
19 prosecutorial Misconduct, courtroom improprieties, jury tampering, falsifying tran-
20 scripts & other violations of petitioner's rights during her adjudication process.

21 Petitioner avers ordinarily this is a situation where a plain, speedy or adequate
22 remedy would apply but due to she and Counsel's conspicuous, complete attorney
23 Client breakdown and the Nevada higher Court's bias, impartial position due to
24 both Judge Herndon's & Chief Justice Bell's involvement, petitioner avers she has
25 been unsuccessful at obtaining the Judgement and Opinion of the Nevada Sup. Court.

26 Petitioner files this Writ of Mandamus seeking a Ruling to reverse the Nevada
27 Supreme Ct. Order of Affirmation, issue a mandate Ordering New appellate Counsel,
28 or petitioner right to obtain private Counsel, or provide Opinion needed for Certiorari.

Statement of Facts and Applicable Procedures

The petitioner, Shiron Gayles-Zanders, was charged with murder with the use of a deadly weapon, in Case No. C-18-330666-1 in the Eighth Judicial District Court.

On March 28th, 2022 petitioner was convicted of First Degree Murder by Jury trial and sentenced to (30) twenty to Life with a consecutive (3) three to (10) ten years for weapon enhancement.

Petitioner immediately fired her trial attorney and requested both a retrial and appeal of her case. She emails to substantiate petitioner's proclamation between Caron Brown and Counsel Treffinger (App A, ex: 21).

Petitioner avers counsel Treffinger refused & failed to request for a retrial due to the ineffective counsel aspect of petitioner's claim, however filed a timely appeal.

Petitioner argue during the sentencing hearing she once again attempted to address all of her trial issues & Constitutional violations and reasons for a Retrial but however as the record will reflect was abruptly cut off by the District attorney and then the judge. Petitioner avers she was deprived of her due process to exercise her proper person representation to show how specific errors of her trial counsel, Abuse of Judicial Discretion and prosecutorial misconduct by the prosecutor undermined the reliability of the finding of guilt, thus violating her fundamental substantive & procedural due process of law rights and guarantees of the 5th, 6th, & 14th Amendments. See (App A ex: 20) for sentencing transcript, letter dated 3/26/22 from Counsel Williams (App A, ex: 22) Petitioner avers on or about 7/20/2023, she received a written notice of correspondence from attorney Stewart informing petitioner she had been assigned to represent her by the District Court Judge on Appeal. Petitioner avers she immediately prepared a (20) page Supplemental brief dated 8/04/22 and then prepared another Supplemental brief on 3/1/23 and requested that counsel

1 file both brief on her behalf with the appropriate request for Retrial and
2 Evidentiary hearing.
3

4 Petitioner over counsel advised and led her to believe although
5 she could not file the Supplemental briefs in the court on petitioner's behalf
6 and advised that neither could petitioner file the briefs in proper person she
7 however would review petitioner's briefs and file the claims of petitioner's
8 that she ascertained to be Meritous.

9 Petitioner avers on Counsel's initial docketing statement dated 8/9/22
10 Counsel listed Meritous Claims that petitioner ascertained to be Meritous as
11 well and further were Constitutional Claims that were fore shadowed by
12 clearly established Federal Constitutional laws. further because the right
13 to self representation constituted a Structural defect, it warranted an auto-
14 matic Reversal of petitioner's Conviction and Confinement, APPA, EX: 23 Docketing
15 statement.

16 Petitioner avers on or about 3/1/2023 Counsel filed her Opening brief.
17 To petitioner's absolute dismay, the brief was filed by counsel raising only
18 the issues of Ineffective Assistance of Counsel and Eighth Amendment
19 Due process Violation of Excessive Bail & Cruel & Unusual punishment, Thus
20 "Omitting" the initial Vital Meritous Constitutional Claims she initially listed in
21 her docketing statement. APP A, EX: (28) & (29) for 15th, 16th & 17th Violations

22 Petitioner avers counsel not only gave petitioner misleading inadequate
23 legal advise, Counsel refusal & failed to keep petitioner informed of critical
24 decisions, refused & failed to allow petitioner to participate in the decisions,
25 denied & deprived petitioner of her to provide needed information to establish
26 & develop a record her Conviction & Confinement is illegal. Petitioner was immensely
27 prejudiced because counsel failures frustrated the fairness of the proceedings thus
28 violating petitioner's fundamental, substantive & procedural due process to a fair &

impartial state appellate process. 605 F.2 at 433.

Petitioner avers immediately upon receipt of the Opening brief, she submitted a (19) page Appellant Complaint in the form of an Affidavit on attorney Stewart in which she Carbon Copied both the Nevada Sup. Ct. & the Eighth District Court. See Appellant Complaint dated 3/25/23 (App A. EX: 24). Petitioner declare she received the Complaint Unfiled by the Nevada Sup. Ct. on 4/11/23. See written correspondence dated 4/11/23 in (App A. EX: 18).

Petitioner avers after receiving the Appellate Complaint Unfiled by both the district court and Nevada Supreme Court and No response from attorney Stewart addressing any of the allegations of Constitutional Violations, ineffective counsel issues, divided Loyalty & Conflicting interests, irreconcilable differences between she and counsel, petitioner's avers she was impelled to file the much needed Motion to dismiss counsel.

Petitioner argue in the Motion to dismiss she informed the Court of she and Counsel's attorney client break down and as a result she developed distrust, Lack of Confidence and advised there was a total lack of Communication between she and Counsel and to protect her due process rights to a fair impartial state appellate process a dismissal of Counsel was warranted. Petitioner argue due to the issues of Constitutional dimensions involved, and the identifying of the presence of Conflicting interests, divided Loyalty, irreconcilable differences and a complete attorney client break down, the Nevada higher courts were duty bound to take adequate steps necessary to ascertain whether the conflict warranted separate counsel. By not conducting the adequate inquiry or hearing, petitioner argue the courts unconstitutionally forced the defendant to participate in an unconstitutional appellate process.

The court of Appeals majority holds that since Anders bars counsel from abandoning a nonfrivolous appeal, it also bars counsel from abandoning a non-frivolous issue on Appeal. See Counsel docketing Statement.

IV Standard of Review

A Writ of Mandamus is allowed pursuant to NRS 34.150, NRS 34.320, NRS 34.160 and 28 USC § 1257(a), 28 USC § 2101(2), 28 USC § 1651. The court may rely upon the all Writ Statute (28 USC § 1651) in issuing orders appropriate to assist in inquiries.

The issuance of said Writ falls within the Court's discretion where the Court "considers the interests of judicial economy, sound judicial administration and violations of petitioners due process of law rights guarantees of the Fifth, Sixth & Fourteenth Amendments of the United States Federal Constitution. Petitioner avers time is of essence and the undue delays will have a detrimental impact in regards to procedural time bars in both State & Federal Habeas proceedings. *United States v. Ryan*, 402 US 530, 533, 29 LEd 2d 85, 91 S.Ct 1580, *Bergen v. United States*, 295 US 448, 29 LEd 1314, *Harris v. Nelson* 394 US 286, 52 LEd 3d 281, 89 S.Ct 1082 (1969), *Ross v. Moffitt*, 417 US 600, 41 LEd 2d 341, 94 S.Ct 2437, *Griffin v. Illinois*, 357 US 1, 100 LEd 891, 76 S.Ct 585, 55 ALR 2d 1055, and *Douglas v. California*, 372 US 353, 9 LEd 2d 811, 85 S.Ct 914. See *Mooney v. Holohan*, 294 US 103, 79 LEd 791, 55 S.Ct. 340, 96 ALR 404

A Writ of Mandamus is properly issued in case where there is no plain, speedy or adequate remedy in the ordinary course of the law to compel the performance of an adequate remedy in the ordinary course of the law to compel the performance of an act which the law requires as a duty resulting from an office. *United States v. Ryan*, 402 US 530, 533, 29 LEd 2d 85, 91 S.Ct. 1580.

It is respectfully submitted that all the above requirements are met in the present case.

Legal Argument

In considering the evidence presented to the Nevada Supreme Court, we must determine whether the refusal & failure of both the Nevada Supreme Court and Counsel Stewart to provide petitioner with a Certified copy of the Judgment and Opinion/Order needed to satisfy the requirements of the Application for a Writ of Certiorari deprives her of her substantive & procedural Due Process Rights

Legal Argument

Constitutional Law § 317, 514 - Fourteenth Amendment - due process - equal protection

Under the Fourteenth Amendment, "due process" emphasizes fairness between the state and the individual dealing with the state, regardless of how other individuals in the same situation may be treated; "equal protection," on the other hand, emphasizes disparity in treatment by a state between classes of individuals whose situations are arguably indistinguishable.

Constitutional Law § 309, 850 - Fourteenth Amendment - criminal cases - appeal rights

Under the Fourteenth Amendment, a state cannot arbitrarily cut off criminal appeal rights for indigents while leaving open avenues of appeal for more affluent persons.

Constitutional Law § 509 - Equal Protection - appeal in criminal case

The equal protection clause of the Fourteenth Amendment requires that a state's criminal appellate system be free of unreasoned distinctions, and that indigents have an adequate opportunity to present their claims fairly within the adversary system; the state cannot adopt procedures which leaves an indigent entirely cut off from any appeal at all by virtue of his indigency, or extend to such indigent merely a meaningless ritual while others in better economic circumstances have a meaningful appeal - the question being one of degrees, not of absolutes.

Appeal and Error § 243 - review on Certiorari - State court conviction

The right to seek certiorari in the United States Supreme Court to review a conviction in state court proceedings is not granted by any state, but exists by virtue of Federal statute - with or without the consent of the state whose judgment is sought to be reviewed. Noted in *Ross v. Moffitt*, 417 US 600

Legal Argument:

Petitioner argue under U.S. Constitution: Amend II, "No person shall be deprived of Life, Liberty or property without due process of law", See also Nevada Constitution Article 1 § 8 which as well states: "No person shall be deprived of Life, Liberty or property without due process of law", thus reaffirming the protection guarantees of the Fifth & Fourteenth Amendments of the Federal Constitution.

Petitioner further argue under the protection clause and guarantees of the Six Amendment provides that: "In all criminal prosecutions, the accused shall enjoy the right to have the assistance of Counsel for his or her defense." This right have two inherent components: (1) the right to Counsel's undivided loyalty, and (2) the right to reasonably competent Counsel.

Petitioner argue and must emphasize "The Sixth Amendment, however guarantees more than the appointment of Competent Counsel by its terms, one has the right to "Assistance of Counsel" for "his or her defense". Assistance begins with the appointment of Counsel, it does not end there. The court have repeatedly continued to emphasize that the purpose of Counsel is to preserve the adversary process," and that counsel must act in the role of an advocate in behalf of his or her client. Accordingly a defendant is entitled to the reasonably competent assistance of an Attorney acting as her diligent conscientious advocate. See U.S. v. DeLoester, 487 F.2d, 1205 (1973).

Petitioner argue "The Constitution's guaranty of assistance of Counsel cannot be satisfied by mere formal appointment of Counsel. Petitioner argue that the appointment of her appellate Counsel was a complete "Sham" and nothing more than a formal compliance with the Constitution's requirement that an accused be given the assistance of Counsel. In fact petitioner argue her appellate record strongly suggest & demonstrate counsel's representation was contrived with the "Sole intent" to arrest the development of all of petitioner's endeavors to establish a fully developed record that her Conviction & Confinement is illegal and to impede the

Legal Arguments

preservation of any & all Constitutional Claims for review in both State & Federal Habeas proceedings or Certiorari.

"More specifically, the right to assistance of Counsel has been understood to mean that there can be no restrictions upon the function of Counsel in defending a criminal prosecution in accord with the traditions of the adversary fact-finding process that has been Constitutionalized in the Sixth & Fourteenth Amendments," 422 U.S. at 857, 45 W.E.2d 593, 95 S.Ct. 2550

Petitioner argument is that Counsel deprived her of the Constitutional protections she is entitled to because Counsel failed to provide; (1) the adequate assistance of competence required of Counsel prescribed & guaranteed by the 5th, 6th & 14th Amendments; (2) Counsel failed to provide Counsel for her defense; (3) Failed to protect petitioner fundamental, substantive & procedural due process rights and failed to protect petitioner adversary process & preservation of Constitutional Claims for review in the higher courts.

"An appellate Counsel's unwillingness to present particular arguments at appellant's request function not only to abridge defendants right to Counsel on appeal, but also limits the defendants Constitutional right of equal access to the appellate process," 665 F.2d at 433. *Anders v. Calif.* 386 U.S. 738 (1967) 463 U.S. 754

Petitioner argue the role of Counsel should above all function as the instrument and defender of the client's autonomy & dignity. (463 U.S. 743) Petitioner argue Counsel's performance was not within the range of competence demanded of attorneys in criminal cases. Counsel refused & failed to assure petitioner an adequate opportunity to present her claim fairly in the context of the State's appellate process. (463 U.S. 748). See also 28 U.S.C. § 3006(a); which demands "effective assistance of Counsel." The Constitutional requirement of substantial equality and fair process can only be attained where Counsel acts in the role of an active advocate in behalf of her client, as opposed to that of *Amicus Curiae*

Legal Argument

Petitioner argument is that counsel Stewart deprived her of her Constitutional Fundamental, Substantive & procedural due process of law rights, protections & guarantees of the 5th, 6th & 14th Amendments because, ⁽¹⁾ she refused & failed to provide Counsel for petitioner's defense; ⁽²⁾ failed to provide the adequate assistance of Competence, as said loyalty prescribed & guaranteed by the 6th & 14th Amendments; ⁽³⁾ failed to act as an active advocate & provide the "guiding hand" guaranteed by the 6th & 14th Amends. Thus prejudicing Shirron and violating her due process to a fair procedural State appellate process. See "Equal Access to appellate process" 665 F.2d at 443. See *Strickland v. Washington*.

Shirron argue she suffered immense prejudice because after Counsel's unlawful withdrawal, she will be left to process in proper person against the State which will have the benefit of the State appointed counsel's mutilating brief that is riddled & infected with numerous detrimental adverse case citations, weak meaningless, unproductive briefing, no arguments, the omission of known winner Constitutional Claims that have clearly foreshadowed by established Federal law, no supplemental brief by Shirron, no request for retrial to supplement the direct appeal with evidence.

Petitioner must emphasize & reiterate, the brief consist of one claim, although appropriate to file, is customarily filed in State & Federal Habeas proceedings, therefore provides the higher court the option to reserve hearing on direct appeal as petitioner advised, predicted and repeated complained about. The other claim was "Moot" which petitioner repeatedly advised as well was meaningless to raise on issue on file.

The court hold counsel's failure to raise on appeal nontrivial Constitutional Claims upon which her client insists must constitute "Cause and Prejudice" for any resulting procedural default under State law. See *Wainwright v. Sykes*, 433 U.S. 72, 53, LEd 2d 594, 97 S.Ct. 2497 (1977) 463 US 250

Legal Argument

The court held a state may not incarcerate a person, whether she is indigent or not, if he or she has not had (or waived) the assistance of counsel at all stages of the criminal process at which her substantial right may be affected. *Argersinger v. Hamlin*, 407 U.S. 25, 32 L.Ed.2d 530, 92 S.Ct. 2006 (1972), See *Mempa v. Rhay*, 389 U.S. 128, 134, 19 L.Ed.2d 336, 88 S.Ct. 254 (1967).

Petitioner argue the right to [Counsel] for her defense is an essential fundamental component of our criminal justice system. Petitioner argue the core purpose of having Counsel is for the protection of the accused's fundamental & substantive rights to a fair & impartial legal process and preserve the adversary process. Lawyers in criminal cases "are necessities not luxuries" their presence is essential because they are the means through which the other rights of the person they are representing are secured. The court has repeatedly held to be represented by counsel is by far the most pervasive for it affects defendant's ability to assert any other rights she may have as Shiron has repeatedly argued in this case at *bar* *Towers v. Barnes* (1983). See *McMann v. Richardson*, 397 U.S. 759, 771 n14, 35 L.Ed.2d 763, 90 S.Ct. 1441 (1970).

The fourteenth Amendment's Due Process Clause guarantees a criminal defendant effective assistance of Counsel as defined in *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 during his or her first appeal as of Right. See also *Smith v. Robbins*, 528 U.S. 659, 295, 120 S.Ct. 746, 145 L.Ed.2d 756 (2000); See also *Evitts v. Lucay*, 469 U.S. 387, 396, 105 S.Ct. 830, 83 L.Ed.2d 821 (1983).

The Court held "Any state procedural device which would deprive Shiron of submitting evidence to prove the deprivation of Right to Counsel, right to a fair state appellate process right to access the court and prevent her from making a record in the inferior court is in itself contrary to the 'due process' clause of the 14th Amendment. See *Wainwright v. Sykes*, 433 U.S. 72, 53 L.Ed.2d 594, 97 S.Ct. 2497 (1977).

Legal Argument

"Any ruling whether by the trial court or the Nevada higher courts to deprive Shinnor of her right to a fair appellate process and to deprive her of her right to protect her Constitutional rights through the aid of an effective Counsel" is Contrary to the "due process" clause of the 14th Amendment of the United States because the effect of such ruling is to deprive Shinnor of the benefit embraced within the 14th Amendment. *Strickland v. Washington*

"The Fourteenth Amendment is paramount to any state rule of procedure whether the same is embodied in statute or by judicial opinion. For the law to be otherwise would render the Fourteenth Amendment Valueless in so far as protecting personal Liberty is concerned." See *Reese vs. Georgia*, 350 U.S. 85, 100 L.Ed. 77, 76 S.Ct. 167; *Griffin v. Illinois*, 351 U.S. 12, 16 S.Ct. 501; *Pollis v. Krammer*, 167 F.3d 494, 496-98 (9th Cir. 2005); *U.S. v. Gillis*, 773 F.3d 549, (4th Cir. 1985); *Brookhant v. Talaris*, 384 U.S. 1, 16 L.Ed.2d 314, 86 S.Ct. 1245, 78 (1966); *Davis v. Alaska*; *Brown v. Craven*, 424 F.2d 1166, 1169-70 (CA-9, 1970); *Forrest v. Calif.* (1975)

Petitioner argue & emphasize if permitted to stand without review by the higher court, the Order of Affirmation would be an miscarriage of Justice.

In support of petitioner's claim for the Writ of Mandamus, she list *Harris v. Nelson*, 394 U.S. 286, 300; "Where it clearly states in pertinent part that:

"Where specific allegations before the court shows reason to believe that the petitioner may if the facts are fully developed be able to demonstrate that her confinement is illegal, is therefore entitled to relief, it is the duty of the courts to provide the necessary facilities and procedures for an adequate inquiry." Obviously in exercising this power, the court may utilize familiar procedures appropriate, whether they are found in civil or criminal rules or elsewhere in the usage and principles of law." See *Teleguez v. Zoole*, 806 F.3d 803 (4th Cir. 2015); quoting *Quisenberry v. Taylor*, 102 F.3d at 279 (4th Cir. 2009); *See Weeks v. North*, 830 F.2d at 1510-11 (9th Cir. 1987); *U.S. v. Thompson* (D.C. Cir. 2013).

Conclusion

Petitioner over and over in order to serve the Ends of Justice, a Writ of Mandamus in this case is warranted to compel the production of the Judgment and Opinion of the Nevada Supreme Court to satisfy the requirements needed of petitioner to complete her application for a Writ of Certiorari for the U.S. Supreme Court review of her allegations & Claims of Constitution Due Process Violations of her fundamental, Substantive & procedural Rights, protections & guarantees of the 5th, 14th & 14th Amendments of the Federal Constitution. Petitioner affirmly declare & argue the denial & deprivation of a Hearing for a Writ of Cert. would constitute an egregious Miscarriage of Justice. Based on the record established, petitioner respectfully request this honorable Court grant her petition for Writ of Mandamus to compel the Judgment and Opinion from Nevada Sup. Ct.

This document does not contain the personal information of any person as defined by MNRS 603A.040

Dated this 16th day of February, 20 24

Respectfully submitted,

Shirvon Gayles-Zanders
Signature

Shirvon Gayles-Zanders
Printed Name

DECLARATION UNDER PENALTY OF PERJURY

I, the undersigned, understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury.

I declare, under the penalty of perjury under the laws of the United States of America, that the above and/or foregoing information is accurate, correct and true to the best of my knowledge, executed within the terms of ¹NRS 171.102 and ²NRS 208.165. See ³28 U.S.C. 1746 and 18 U.S.C. 1621.

Dated this 16th day of February, 20 24
Shirvon Gayles-Zanders
Signature

1258355
Nevada Department of Corrections ID #

¹ NRS 171.102

² NRS 208.165

³ 28 U.S.C.

§1746. Unsworn declarations under penalty of perjury

18 U.S.C.

§ 1621. Perjury generally