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IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
May 19 2011 10:56 a.m.
Tracie K. Lindeman

* * *

FERRILL J. VOLPICELLI,

CASE NO. 56747

Appellant,

District Court: CV09-03442

vs.

SCOTT EDWARDS,

Respondent.

RESPONDENT EDWARDS' RESPONSE TO APPELLANT'S
MOTION FOR CONFESSION OF ERROR

Appellant Ferrill J. Volpicelli has filed a document with this Court entitled "Appellant's Motion for Confession of Error." In this document, Appellant contends that Respondent Edwards has failed to file a response as required by an Order of this Court issued on January 18, 2011. That Order directed a response to the arguments made in Appellant's "Civil Proper Person Appeal Statement." As a result of this alleged failure, Appellant asks that this Court construe this situation as a "confession of error" and remand the case to the District Court.

Appellant, for reasons unknown to Respondent Edwards, is simply wrong. On March 18, 2011, Respondent Edwards complied with this Court's January 18, 2011 Order by filing a document captioned "Respondent Edwards' Response to Appellant's Civil Proper Person Appeal Statement." As the Certificate of Service

1 associated with that document indicates, Respondent Edwards'
2 document was served, by mail, on Appellant. It was served on
3 Appellant at the same address used by Appellant in the instant
4 Motion. This Court's docket associated with this case
5 establishes the truthfulness of Respondent Edwards'
6 representations to the Court in this matter.

7 As Appellant's Motion is based entirely upon his mistaken
8 belief that Respondent Edwards failed to comply with this
9 Court's Order of January 18, 2011, Appellant's Motion should be
10 denied.

11 AFFIRMATION PURSUANT TO NRS 239B.030

12 The undersigned does hereby affirm that the preceding
13 document does not contain the social security number of any
14 person.

15 Dated this 19th day of April, 2011.

16 RICHARD A. GAMMICK
17 District Attorney

18 By /s/ David C. Creekman
19 DAVID C. CREEKMAN
20 Chief Deputy District Attorney
21 P. O. Box 30083
22 Reno, NV 89520-3083
23 (775) 337-5700

24 ATTORNEYS FOR RESPONDENT
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CERTIFICATE OF SERVICE BY MAIL

Pursuant to NRCP 5(b), I certify that I am an employee of the Office of the District Attorney of Washoe County, over the age of 21 years and not a party to nor interested in the within action. I certify that on this date, I deposited for mailing in the U. S. Mails, with postage fully prepaid, a true and correct copy of the foregoing RESPONDENT EDWARDS' RESPONSE TO APPELLANT'S MOTION FOR CONFESSION OF ERROR in an envelope addressed to the following:

Ferrill J. Volpicelli #79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

Dated this 19th day of May, 2011.

 /s/ Michelle Foster
MICHELLE FOSTER