

ORIGINAL

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2004 APR 22 PM 12:14

RONALD A. LANGTIN, JR.

BY  DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Plaintiffs,

vs.

FERRILL JOSEPH VOLPICELLI,

Defendant.

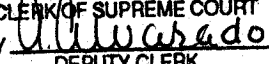
No. 43003

CASE NO. CR03-1263

DEPT. NO. 10

FILED

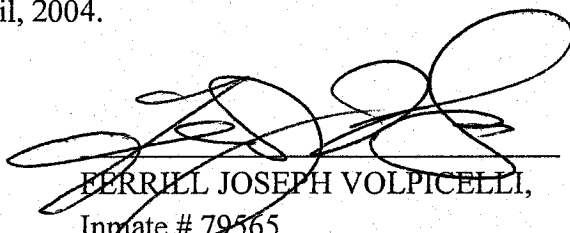
APR 27 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

NOTICE OF APPEAL

Notice is hereby given that FERRILL JOSEPH VOLPICELLI, Defendant above-named, hereby appeals to the Supreme Court of Nevada from the Judgment entered in this action on the 1st day of April, 2004.

DATED this 19th day of April, 2004.


FERRILL JOSEPH VOLPICELLI,
Inmate # 79565
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702
Defendant In Proper Person

RECEIVED

APR 26 2004

CLERK OF SUPREME COURT
By _____
DEPUTY CLERK

00-077048

CERTIFICATE OF SERVICE

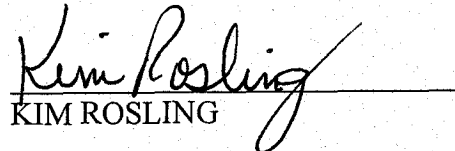
Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Van Ry Law Office, 1403 East Fourth Street, Reno, Nevada 89512, and that on the date below, a true and correct copy of the foregoing, **NOTICE OF APPEAL**, was deposited for mailing with the United States Post Office, Regular First Class Mail at Reno, Nevada, in a sealed envelope, addressed to the following:

Tammy Riggs
Washoe County Deputy District Attorney
Criminal Division
75 Court Street
P.O. Box 30083
Reno, NV 89520

Washoe County Public Defender's Office
350 South Center Street, 6th Floor
P.O. Box 30083
Reno, NV 89520

Ferrill Joseph Volpicelli
Inmate #79565
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702

DATED this 21st day of April, 2004.


KIM ROSLING

1 **CODE 1310**

FILED

2004 APR 22 PM 3:31

RONALD A. LONGTIN, JR.

BY  DEPUTY

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8 **FERRILL JOSEPH VOLPICELLI,**

9 **Appellant,**

10 **vs.**

Case No. CR03-1263

11 **THE STATE OF NEVADA,**

12 **Respondent,**

Dept. No. 10

13 _____ /
14 **CASE APPEAL STATEMENT**

- 15
16 1. Ferrill Joseph Volpicelli is the Appellant. He has filed a request for
17 appointment of counsel.
18 2. The appeal is from the Order/Judgment filed on or about April 1, 2004 by the
19 Hon. Steven P. Elliott.
20 3. The parties below in District Court consisted of The State of Nevada, the
21 Plaintiff, and Ferrill Joseph Volpicelli, the Defendant, in District Court.
22 4. The parties herein in the Nevada Supreme Court consist of: Ferrill Joseph
23 Volpicelli/Appellant and The State of Nevada/Respondent.
24 5. Counsel on Appeal for Appellant, consists of Ferrill Joseph Volpicelli/Pro Per
25 Appellant, #79565, Northern Nevada Correctional Center, P. O. Box 7000,
26 Carson City, NV 89702. Counsel on appeal for Respondent is Gary Hatlestad,
27 Chief Appellant Deputy, Office of the District Attorney, P.O.Box 30083. Reno,
28 NV 89520.

1 6. Appellant was represented by Bradley Van Ry, 1403 East Fourth Street, Reno,
2 NV 89512 in District Court.

3 7. Appellant is represented in Proper Person in this appeal.

4 8. N/A in this case.

5 9. The Indictment was filed on June 11, 2003.

6
7 Dated: April 22, 2004.

8 Ronald Longtin, Jr. Court Clerk

9
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11 By: C. Kepler
12 Cathy Kepler, Appeals Clerk
13 (775) 328-3114
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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Full Case History

DEPT. D10

HON. STEVEN P. ELLIOTT

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date: 6/11/2003

Parties

RESP	STATE OF NEVADA - STATE
APPE	FERRILL JOSEPH VOLPICELLI - @67988
PROP	FERRILL JOSEPH VOLPICELLI - @67988
PLTF	STATE OF NEVADA - STATE
DA	Tammy M. Riggs, Esq. - 7498
DEFT	FERRILL JOSEPH VOLPICELLI - @67988
DATY	Gary Howard Hatlestad, Esq. - 1525

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	G130	6/11/2003	IND CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY
2	F170	6/11/2003	IND BURGLARY
3	F170	6/11/2003	IND BURGLARY
4	F170	6/11/2003	IND BURGLARY
5	F170	6/11/2003	IND BURGLARY
6	F170	6/11/2003	IND BURGLARY
7	F170	6/11/2003	IND BURGLARY
8	F170	6/11/2003	IND BURGLARY
9	F170	6/11/2003	IND BURGLARY
10	F1086	6/11/2003	IND UNLAWFUL POSSESSION, MAKING, FORGERY OF COUNTERFEITING OF INVENTORY PRICING LABELS

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Descriptio</i>
1	G130	6/18/2003	PLED NOT GUILTY
2	F170	6/18/2003	PLED NOT GUILTY
3	F170	6/18/2003	PLED NOT GUILTY
4	F170	6/18/2003	PLED NOT GUILTY
5	F170	6/18/2003	PLED NOT GUILTY
6	F170	6/18/2003	PLED NOT GUILTY
7	F170	6/18/2003	PLED NOT GUILTY
8	F170	6/18/2003	PLED NOT GUILTY
9	F170	6/18/2003	PLED NOT GUILTY
10	F1086	6/18/2003	PLED NOT GUILTY

Case Description: STATE VS. FERRILL JOSEPH POLPICELLI (D10)**Case ID: CR03-1263****Case Type: CRIMINAL****Initial Filing Date: 6/11/2003****Sentences***Time Served**Sentence Text*

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc.</i>	<i>Time Served</i>	<i>Sentence Text</i>
4/1/2004	1 -	Washoe County Jail		WCJ 12 MOS., TO RUN CONCUR. W/ COUNTS II THRU X + REST. + FEES. SAID SENTENCE IS TO RUN CONSEC. TO ANY OTHER SENTENCE THE DEFT. IS OBLIGATED TO SERVE.
4/1/2004	10 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONSEC. TO COUNT IX
4/1/2004	2 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED
4/1/2004	3 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT II
4/1/2004	4 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT III
4/1/2004	5 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT IV
4/1/2004	6 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT V
4/1/2004	7 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT VI
4/1/2004	8 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT VII
4/1/2004	9 -	Life With Poss of Parole		NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT VIII

Release Information*Custody Status*

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date: 6/11/2003

Hearings

	Department	Event Description	Sched. Date & Time		Disposed Date
1	D9	ARRAIGNMENT Extra Text: ON INDICTMENT	6/18/2003	08:30:00	6/18/2003
2	D9	MOTION TO CONFIRM TRIAL Extra Text: (4 DAYS)	9/24/2003	08:30:00	6/23/2003
3	D9	MOTION TO CONFIRM TRIAL Extra Text:	9/24/2003	08:30:00	9/24/2003
4	D9	TRIAL - JURY Extra Text: (4 DAYS)	10/6/2003	08:30:00	9/24/2003
5	D9	TRIAL - NON JURY Extra Text: (4 DAYS)	10/6/2003	08:30:00	6/23/2003
6	D9	MOTION TO CONFIRM TRIAL Extra Text:	10/24/2003	08:30:00	10/24/2003
7	D9	STATUS HEARING Extra Text: RE: SUBMITTED MOTIONS BY DEFENSE COUNSEL	10/29/2003	08:30:00	10/29/2003
8	D9	TRIAL - JURY Extra Text:	11/10/2003	08:30:00	10/29/2003
9	D10	EXHIBITS TO BE MARKED W/CLERK Extra Text:	11/10/2003	13:30:00	11/10/2003
10	D10	HEARING... Extra Text: HEARING REGARDING DEFENSE COUNSEL ADVISING COURT THAT DEFENDANT HAS REQUESTED NEW COUNSEL	11/10/2003	13:30:00	11/10/2003
11	D9	TRIAL - JURY Extra Text: (2 DAYS)	11/12/2003	10:00:00	11/10/2003
12	D10	TRIAL - JURY Extra Text: (2 DAYS)	11/12/2003	08:30:00	11/12/2003
13	D10	TRIAL ONGOING Extra Text:	11/13/2003	10:30:00	11/13/2003
14	D10	TRIAL ONGOING Extra Text:	11/14/2003	10:00:00	11/14/2003
15	D10	SENTENCING Extra Text:	12/23/2003	08:30:00	12/22/2003
16	D10	SENTENCING Extra Text:	2/5/2004	11:00:00	2/2/2004
17	D10	SENTENCING Extra Text:	4/1/2004	10:00:00	4/1/2004

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA314735
PC	PCN number	PCN82444206/82444252
PC	PCN number	PCN82444285/81788297/81625263
RP	Reno Police Department	RPDRP01216321/RP01216452
RP	Reno Police Department	RPDRP01219145/RP01220307
RP	Reno Police Department	RPDRP01221241

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date: 6/11/2003

<i>Docket Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Docket</i>	<i>Docket Text</i>
6/11/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$50,000.00 CASH ONLY	
6/11/2003	1795	Indictment		
6/17/2003	1325	** Case Reopened		
6/17/2003	3897	Return	BENCH WARRANT	
6/18/2003	1280	** 60 Day Rule - Waived		
6/18/2003	D725	Pled Not Guilty	INDICTMENT	
6/20/2003	1775	General Receipt	GRAND JURY TRANSCRIPT (D.A.)	
6/20/2003	4185	Transcript ...	GRAND JURY	
6/23/2003	4185	Transcript ...	JUNE 18, 2003 - ARRAIGNMENT ON INDICTMENT	
7/7/2003	1080	Agreement...	RECIPROCAL DISCOVERY AGREEMENT	
7/9/2003	1775	General Receipt	GRAND JURY TRANSCRIPT	
7/9/2003	3839	Request Agree Ord Recp Discv		
7/16/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL	
7/22/2003	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE PET PARTY SUBMITTING: VOLPICELLI DATE SUBMITTED: 7/22/03 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:	
8/1/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL	
8/1/2003	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE PET FOR CLARIFICATION PARTY SUBMITTING: VOLPICELLI DATE SUBMITTED: 8/1/03 SUBMITTED BY: P. MEACHAM DATE RECEIVED JUDGE'S OFFICE:	
8/1/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL	
8/13/2003	2840	Ord Denying ...	EX PARTE PETITION FOR CLARIFICATION	
9/3/2003	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RELEASE OF DOCUMENTS PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 9-24-03 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:	
9/12/2003	1930	Letters ...	FROM DEFENDANT	
9/24/2003	D435	Heard ...	COUNSEL FOR STATE INDICATED THIS CASE HAD BEEN RESCHEDULED FOR A MTC 10/24/03 AT 8:30 A.M. AND A JURY TRIAL 11/10/03 AT 8:30 A.M. WITH THE COURT'S ADMINISTRATIVE ASSISTANT	
9/24/2003	D844	Vacated-Reset	STIP & ORDER TO BE SENT TO DEPT	
10/7/2003	1810	Inmate Request Form Filed		
10/7/2003	4030	Stip & Ord Continue Trial		
10/9/2003	2610	Notice ...	NOTICE OF INTENT TO SEEK HABITUAL CRIMINAL STATUS	

Case Description: STATE VS. FERRILL JOSEPH POLPICELLI (D10)

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date: 6/11/2003

10/13/2003	4185	Transcript ...	09/24/03 - MOTION TO CONFIRM TRIAL
10/24/2003	D425	Granted	
10/29/2003	D435	Heard ...	
10/29/2003	D844	Vacated-Reset	
11/7/2003	3370	Order ...	GRANTING DEFENDANT'S MOTION TO SUPPRESS; DENYING DEFENDANT'S REQUEST TO QUASH THE INDICTMENT
11/7/2003	3370	Order ...	ORDER TRANSFERRING CASE TO D10 FOR TRIAL 11/12/03 (D9 PRESIDING OVER ANOTHER MATTER THAT DATE)
11/7/2003	2592	Notice of Witnesses	
11/10/2003	D435	Heard ...	TRIAL TO PROCEED AS SCHEDULED
11/10/2003	D596	Marked	
11/10/2003	D844	Vacated-Reset	
11/12/2003	D832	Trial Ongoing	
11/13/2003	D832	Trial Ongoing	
11/14/2003	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1 THROUGH 46
11/14/2003	D895	Verdict Guilty - Jury	COUNTS I THROUGH X
11/14/2003	4245	Verdict(s)...	GUILTY COUNTS I THROUGH X
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY (I THROUGH X)
11/14/2003	1885	Jury Instructions	1 THROUGH 37
11/17/2003	1930	Letters ...	FROM DEFENDANT
11/26/2003	4185	Transcript ...	10/24/03 - MOTION TO CONFIRM TRIAL
12/2/2003	4185	Transcript ...	OCTOBER 29, 2003 - STATUS HEARING
12/12/2003	1250	Application for Setting	2-5-04 @11:00
12/15/2003	4185	Transcript ...	11/10/03 - HEARING
12/19/2003	4500	PSI - Confidential Envelope	11/25/03 REPORT
12/22/2003	D870	Vacated - Stipulation & Ord	STIP AND ORDER TO BE FILED (RESET 12/12/03)
1/16/2004	1260	Application Produce Prisoner	
1/22/2004	3340	Ord to Produce Prisoner	
2/2/2004	D875	Vacated Court/Counsel Notified	RESET BY STIPULATION OF COUNSEL TO 4/1/04 @ 10:00 A.M.
4/1/2004	1695	** Exhibit(s) ...	STATE'S EXHIBIT 1-5 DEFENDANT'S EXHIBITS 6-7
4/1/2004	D765	Sentenced	
4/1/2004	1850	Judgment of Conviction	
4/13/2004	4185	Transcript ...	04/01/04 - SENTENCING
4/19/2004	4300	Withdrawal of Counsel	
4/22/2004	1310	Case Appeal Statement	
4/22/2004	1350	Certificate of Clerk	
4/22/2004	2515	Notice of Appeal Supreme Cour	

Case Description: STATE VS. FERRILL JOSEPH OLPICELLI (D10)

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date: 6/11/2003

4/22/2004

1365 Certificate of Transmittal

ORIGINAL

1 CODE 1850

FILED

APR - 1 2004

RONALD A. LONGTIN, JR., CLERK

By: 
DEPUTY

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR03-1263

11 vs.

Dept. No. 10

12 FERRILL JOSEPH VOLPICELLI,

13 Defendant.
14 _____/

15 JUDGMENT

16 The Defendant having been found guilty by a jury, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Ferrill Joseph Volpicelli is guilty of the crimes of Conspiracy to Commit
20 Crimes Against Property, a violation of NRS 199.480, NRS 205.060, NRS 205.0832, NRS
21 205.090, NRS 205.110, NRS 205.220, NRS 205.240, NRS 205.380 and NRS 205.965, a
22 gross misdemeanor, as charged in Count I of the Indictment, Burglary, a violation of NRS
23 205.060, a felony, as charged in Counts II through IX of the Indictment and Unlawful
24 Possession, Making, Forgery or Counterfeiting of Inventory Pricing Labels, a violation of
25 NRS 205.965(2) and (3), a felony, as charged in Count X of the Indictment and the Court
26 having adjudged the Defendant to be an Habitual Criminal as provided under NRS 207.010,
27 the Court hereby sentences the Defendant by imprisonment in the Washoe County Jail for
28 the term of twelve (12) months, as to Count I, to run concurrently with the sentences

MA

1 imposed in Counts II through X. As to Count II, he be punished by imprisonment in the
2 Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years
3 has been served. As to Count III, he be punished by imprisonment in the Nevada State
4 Prison for the term of Life with parole eligibility beginning after ten (10) years has been
5 served, to run concurrently with Count II. As to Count IV, he be punished by imprisonment
6 in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10)
7 years has been served, to run concurrently with Count III. As to Count V, he be punished
8 by imprisonment in the Nevada State Prison for the term of Life with parole eligibility
9 beginning after ten (10) years has been served, to run concurrently with Count IV. As to
10 Count VI, he be punished by imprisonment in the Nevada State Prison for the term of Life
11 with parole eligibility beginning after ten (10) years has been served, to run concurrently with
12 Count V. As to Count VII, he be punished by imprisonment in the Nevada State Prison for
13 the term of Life with parole eligibility beginning after ten (10) years has been served, to run
14 concurrently with Count VI. As to Count VIII, he be punished by imprisonment in the
15 Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years
16 has been served, to run concurrently with Count VII. As to Count IX, he be punished by
17 imprisonment in the Nevada State Prison for the term of Life with parole eligibility beginning
18 after ten (10) years has been served, to run concurrently with Count VIII. As to Count X, he
19 be punished by imprisonment in the Nevada State Prison for the term of Life with parole
20 eligibility beginning after ten (10) years has been served, to run consecutively to Counts II
21 through IX. The Defendant is further ordered to pay the statutory Twenty-Five Dollar
22 (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing
23 fee, restitution in the amount of Ten Thousand Three Hundred Thirty-Nine Dollars and
24 Sixteen Cents (\$10,339.16) and reimburse the County of Washoe the sum of Five Hundred
25 Dollars (\$500.00) for legal representation by the Washoe County Public Defender's Office.

26 ///

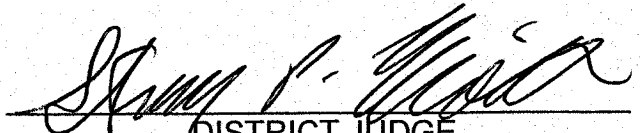
27 ///

28

1 The Defendant is given credit for zero (0) days time served.

2 It is further ordered the above sentence shall run consecutively to any other
3 sentence the Defendant is obligated to serve.

4 DATED this 1st day of April, 2004.

5 
6 _____
7 DISTRICT JUDGE

CASE NO. CR03-1263

DEPT. NO. 10

STATE OF NEVADA

VS.

FERRILL JOSEPH VOLPICELLI

TRIAL DATE: 11/12/03

JUDGE: STEVEN ELLIOTT
CLERK: GREG BARTLETT
REPORTER: D. GUSTIN/E. STUBBS

D.A.: TAMMY RIGGS
DEFT'S ATTY: BRADLEY VAN RY

COURT APPOINTED
PUBLIC DEFENDER

VERDICT(S): GUILTY COUNT I: CONSPIRACY TO COMMIT CRIMES AGAINST
PROPERTY
GUILTY COUNTS II THROUGH IX: BURGLARY
GUILTY COUNT X: UNLAWFUL POSSESSION, MAKING, FORGERY OF
COUNTERFEITING OF INVENTORY PRICING LABELS

SENTENCING DATE: DECEMBER 23, 2003 AT 8:30 A.M.

CRIMINAL PROGRESS SHEET

6-11-03
INF. / Indictment

CASE NO. CR03-1263

AI. _____

2AI. _____

2INF. _____

DEFT: FERRILL JOSEPH VOLPICELLI @ 67988

LANGUAGE: _____

CUSTODY STATUS: CUSTODY ☒ NIC ☐ BAIL ☐ \$ _____ OR ☐ OR ☐ W/COURT SERVICESARR. DATE: 6/18/03 DEPT. NO. 9 REPORTER: D. Davidson CLERK: Ch. LynnTRUE NAME: ✓ _____☒ HANDED COPY☒ WAIVED READING☐ REQUESTED TIME TO PLEA☐ REFERRED TO DRUG COURT☐ ACCEPTED TO DRUG COURT☐ WAIVED PSIWAIVED 60 DAY RULE: YES ☒ NO ☐ DATE: _____P & P Ref: H. PoeNOT GUILTY ☒ By: _____ GUILTY ☐ ALFORD ☐ NC ☐ TO: Indictment

REMANDED TO JUSTICE COURT FOR FURTHER PROCEEDINGS: _____

MOTION FOR PSYCH. EVAL: DATE: _____ DEPT. NO. _____ APPTD. DRS.: _____ & _____

REPORT ON PSYCH. EVAL: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

COURT FOUND DEFT: ☐ COMPETENT ☐ REMANDED J.C. ☐ INCOMPETENT; DEFT REMANDED LAKES

ENTRY OF PLEA: DATE: _____ DEPT. NO.* _____ REPORTER: _____ CLERK: _____

NOT GUILTY ☐ By: _____ GUILTY ☐ ALFORD ☐ NC ☐ TO: _____☐ WAIVED PSI P & P Ref: _____

CHANGE OF PLEA: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

GUILTY ☐ ALFORD ☐ NC ☐ TO: _____☐ WAIVED PSI P & P Ref: _____ TRIAL DATE OF: _____ VACATEDCONTINUED TO: 9/24/03 @ 8:30 am FOR: MTCCONTINUED TO: 10/16/03 @ 8:30 am FOR: Jury Trial (4 Days) vacatedCONTINUED TO: 10-24-03 @ 8:30 FOR: MTCCONTINUED TO: 11-10-03 @ 8:30 FOR: Jury Trial

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CONTINUED TO: _____ FOR: _____

CRIMINAL PROGRESS SHEET CONTINUED

CASE NO. CR03-1263

JUDGMENT DEFERRED: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

NRS 453 [] NRS 458 [] PROBATION: _____ \$25 AAF [] \$60 CAF [] \$150 DNA []

RESTITUTION: \$ _____ ATTY. FEES: \$ _____

CASE TRANSFERRED TO DEPT. 7/DIVERSION COURT [] DEPT. _____ RETAINED JURISDICTION []

REVOKE DEFERRED STATUS: DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

GRANTED [] DEFT FORMALLY SENTENCED

DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

[] 190 DAY REGIMENTAL DISCIPLINE - CONTINUED TO: _____ FOR: SENTENCING

SENTENCING: DATE: 4-1-04 DEPT. NO. 10 REPORTER: L. Urnston CLERK: Bartlett

DISPOSITION See Attached

\$25 AAF [] \$60 CAF [] \$150 DNA [] \$ _____ PSE FEE [] \$35 DBA [] ATTY FEES: \$ _____

FINE: \$ _____ RESTITUTION: \$ _____ BAIL EXONERATED: [] TIME SERVED: _____

PROBATION REVOKED: [] DATE: _____ DEPT. NO. _____ REPORTER: _____ CLERK: _____

TIME SERVED REVO: _____

MOTIONS: 9-24-03 (Deviason) S. Sattler motion to Confirm -
Cnse State indicated this matter had been
reset with the Administrative Assistant.
11-10-03 (P. Heags) Hearing - Trial to proceed as
scheduled.

STATE VS. FERRILL JOSEPH VOLPICELLI

SENTENCING DATE 4/1/04 DEPT. 10 REPORTER: L. URMSTON
CLERK: G. BARTLETT

\$25.00 AAF
\$150.00 DNA
\$10,339.16 REST
\$500.00 AF

- Count I: WCJ 12 MOS., TO RUN CONCUR. WITH COUNTS II THROUGH X
Count II: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED
- Count III: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT II
- Count IV: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT III
- Count V: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT IV
- Count VI: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT V
- Count VII: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT VI
- Count VIII: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT VII
- Count IX: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCUR. W/ COUNT VIII
- Count X: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONSEC. TO COUNTS ~~I~~ **II** THROUGH IX

SAID SENTENCE IS TO BE RUN CONSEC. TO ANY OTHER SENTENCE THE DEFENDANT IS OBLIGATED TO SERVE.

DEFENDANT IS GIVEN ZERO (0) DAYS TIME SERVED CREDIT.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/12/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL

Deputy D.A. Tammy Riggs represented the State.
Defendant was present with counsel, Bradley Van Ry.
Introductions of Court, counsel, Court personnel and respective parties were made to the prospective jurors.
All prospective jurors were sworn to answer questions touching upon their qualifications to serve as jurors in this case.
General and specific examination was had of the prospective jurors in the box.
Following peremptory challenges, the following twelve (12) jurors and one (1) alternate(s) were sworn to try this case:

Russell Christiansen
Eric Morgan
Gerald Jackson
Tony Major
Heather Harzke
Joy White

Caston Kennard
Richard McNeely
Diane Estep
Christina Dutra
Carlotta King
Florence Albee

Alternate(s): Wallace Peterson

Upon direction of the Court, the Clerk read the Indictment which was filed in this case and stated the Defendant's plea thereto.
The jurors were admonished prior to each recess throughout the trial and respective counsel stipulated to their presence each time the Court convened.
Outside the presence of the jury, respective counsel stipulated to the admission of State's exhibits 1 through 10 and 12 through 43.
COURT ORDERED: State's exhibits 1-10 and 12-43 admitted.
The jury returned to the courtroom
Respective counsel presented opening statements.
Counsel for Defendant moved to invoke the rule of exclusion; **SO ORDERED.**
David Della was called by counsel for State, sworn, testified and cross-examined.
Karinah Prevost was called by counsel for State, sworn and testified.
John David Ellis, Jr. was called by counsel for State, sworn, testified and cross-examined.
Brett Bowman was called by counsel for State, sworn, testified and cross-examined.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/12/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CON'T

The following exhibit was ordered admitted during the testimony of witness Bowman:

State's exhibit 11

COURT ORDERED: The trial is continued until Thursday, November 13, 2003 at 10:30 a.m. The jurors were excused until said time.

Outside the presence of the jury, respective counsel reserved their right to recall witness Bowman.

Counsel for Defendant informed the Court that the Defendant would like the opportunity to further cross-examine the witnesses; objection and response by counsel for State.

COURT ORDERED: All cross-examination shall be performed by defense counsel. Counsel for State informed the Court that defense counsel had gone into the character evidence of witness Bowman, therefore the State should be allowed to present evidence to the jury of where witness Bowman and the Defendant met; objection and response by counsel for Defendant.

COURT ORDERED: The State is hereby prohibited to present evidence of where witness Bowman and the Defendant had met.

COURT ORDERED: The trial is continued until Thursday, November 13, 2003 at 10:30 a.m.

11/13/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CON'T

Deputy D.A. Tammy Riggs represented the State.

Defendant was present with counsel, Bradley Van Ry.

Scott Armitage was called by counsel for State, sworn, testified and cross-examined.

The following exhibits were ordered marked and admitted during the testimony of witness Armitage:

State's exhibits 44-46

Larry Lodge was called by counsel for State, sworn, testified and cross-examined.

Michael Brown was called by counsel for State, sworn, testified and cross-examined.

Greg Danielson was called by counsel for State, sworn, testified and cross-examined.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/13/03
HON. STEVEN P.
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DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CON'T

Willard Mowery was called by counsel for State, sworn, testified and cross-examined.

Reed Thomas was called by counsel for State, sworn, testified and cross-examined.

State rests.

Outside the presence of the jury, the Court canvassed the Defendant as to his right to testify on his own behalf.

Counsel for Defendant moved to dismiss the case and presented argument thereto; objection and response by counsel for State.

COURT ORDERED: Motion to dismiss denied.

Further discussion between Court and respective counsel.

The jury returned to the courtroom.

COURT ORDERED: The trial is continued until Friday, November 14, 2003 at 10:00 a.m.

11/14/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CON'T

Deputy D.A. Tammy Riggs represented the State.

Defendant was present with counsel, Bradley Van Ry.

Defense rested.

The Court and respective counsel met in chambers for the purpose of settling jury instructions as noted in the stenographic record.

Instructions #1 through #37 and twenty (20) verdict forms were offered.

The jury returned to the courtroom.

Court read Jury Instructions #1 through #37 to the jury.

Closing arguments were presented by respective counsel.

Court proposed the alternate juror be excused, subject to recall; no objection by respective counsel.

At 2:10 p.m. the Bailiff was sworn by the Clerk to take charge of the jury during their deliberations.

Court stood in recess, subject to call of the jury.

At 3:50 p.m. the jury returned to the courtroom and the Clerk read the following verdicts:

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/14/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CONT

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT I: CONSPIRACY TO COMMIT CRIMES
AGAINST PROPERTY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT II: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT III: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/14/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CON'T

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT IV: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT V: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT VI: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/14/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CON'T

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT VII: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT VIII: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT IX: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

11/14/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CONT

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH
VOLPICELLI, GUILTY of COUNT X: UNLAWFUL POSSESSION, MAKING,
FORGERY OR COUNTERFEITING OF INVENTORY PRICING LABELS.

DATED this 14 day of November, 2003.

/s/ Joy White
FOREPERSON

Upon request of counsel for Defendant, Court ordered the jury polled and to the
question "Are these the Verdicts to which you agree?", each juror for himself/herself
and not one for the other, replied "yes".
The jurors were thanked and excused.
Formal sentencing was set for December 23, 2003 at 8:30 a.m.
Defendant remanded to the custody of the Sheriff.

0-5
12/5
related

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/10/03
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
P. Hoogs
(Reporter)

HEARING RE: CONFLICT OF COUNSEL

Deputy D.A. Tammy Riggs represented the State.
Defendant present with counsel, Bradley Van Ry.
Counsel for State addressed the Court and stated that she has not received notice of motion for discharging of counsel.
Counsel for Defendant informed the Court that no formal has been filed and stated the Defendant had written letters informing him that the Defendant was not prepared for trial.
Court made inquiries of defense counsel regarding preparedness for trial; counsel for Defendant stated he was prepared for trial.
Counsel for State informed the Court that the Defendant had tried to delay the trial many times before.
Court made inquiries of Defendant regarding self-representation; Defendant responded that he would not represent himself.
COURT ORDERED: Trial set for Wednesday, November 12, 2003 is confirmed.
Court informed respective counsel that the writ filed by the defense had been denied by Judge Hardesty.
Counsel for State requested the Court to admonish the Defendant as to making any eleventh hour motions to delay the trial.
Court informed the Defendant that all motions must be brought to the Court's attention through defense counsel.

11/12/03
8:30 a.m.
Jury Trial

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/24/03
HONORABLE
JAMES W.
HARDESTY
DEPT. NO. 9
S. Sattler
(Clerk)
D. Davidson
(Reporter)

MOTION TO CONFIRM TRIAL

Deputy D.A. Tammy Riggs represented the State.
Defendant present without counsel.
Counsel for State addressed the Court and indicated they had met
with his Administrative Assistant to continue this matter and noted
this was Mr. Van Ry's case.
Court indicated he believed this matter had been previously
continued and advised the Defendant not to speak to the Court
without his counsel.
Defendant remanded to the custody of the Sheriff.

10/24/03
at 8:30 a.m.
Motion to
Confirm

11/10/03
at 8:30 a.m.
Jury Trial

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/18/03
HONORABLE
JAMES W.
HARDESTY
DEPT. NO. 9
C. Wynn
(Clerk)
D. Davidson
(Reporter)

ARRAIGNMENT

Deputy District Attorney Tammy Riggs represented the State.
Defendant was present with counsel, Jack Alian, Esq. Probation
Officer Heidi Poe was present on behalf of the Division of Parole and
Probation.

Defense counsel was handed a copy of the Information; waived
formal reading.

TRUE NAME: FERRILL JOSEPH VOLPICELLI

Defendant entered a plea of Not Guilty; Defendant further waived
the 60-day rule.

COURT ORDERED: Matter continued for trial by jury.

Defendant was remanded to the custody of the Sheriff.

09/24/03
8:30 a.m.
Motion to
Confirm

10/06/03
8:30 a.m.
Jury Trial
(4 days)

EXHIBITS

PLTF: STATE OF NEVADA
DEFT: FERRILL JOSEPH VOLPICELLI

PATY: T. Riggs
DATY: B. Van Ry

Case No: CR03-1263 Dept. No: 10 Clerk: G. Bartlett Date: 04/01/04

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	Certified copy of prior felony conviction	4/1/04	No obj.	4/1/04
2	State	Certified copy of prior felony conviction	4/1/04	No obj.	4/1/04
3	State	Certified copy of prior felony conviction	4/1/04	No obj.	4/1/04
4	State	Picture of Deft.	4/1/04	No obj.	4/1/04
5	State	RPD Financial Impact report	4/1/04	No obj.	4/1/04
6	Deft	Various letters of completion	4/1/04	No obj.	4/1/04
7	Deft.	Various certificates	4/1/04	No obj.	4/1/04

1 **CODE 1350**

FILED

2004 APR 22 PM 3:31

RONALD A. LONGTIN, JR.

BY C. Kepler
DEPUTY

3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**

8
9 **FERRILL JOSEPH VOLPICELLI,**

10 **Appellant,**

11 **vs.**

Case No. CR03-1263

12 **THE STATE OF NEVADA,**
13 **Respondent,**
14 _____/

Dept. No. 10

15
16 **CERTIFICATE OF CLERK**

17 **I hereby certify that the enclosed documents are certified copies of the original**
18 **pleadings on file with the Second Judicial District Court, in accordance with the**
19 **Revised Rules of Appellant Procedure Rule D(1).**
20

21 **Dated: April 22, 2004**

Ronald Longtin, Jr., Court Clerk

22
23 By: C. Kepler
24 **Cathy Kepler, Appeals Clerk**
25 **(775) 328-3114**
26
27
28

1 **CODE 1365**

FILED

2004 APR 22 PM 3:31

RONALD A. LONGTIN, JR.

BY C. Kepler
DEPUTY

3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9
10 **FERRILL JOSEPH VOLPICELLI,**

11 **Appellant,**

12 **vs.**

13 **THE STATE OF NEVADA,**
14 **Respondent,**
15 _____/

Case No. CR03-1263

Dept. No. 10

16
17
18 **CERTIFICATE OF TRANSMITTAL**

19 **I hereby certify that the enclosed Notice of Appeal and other required documents**
20 **(certified copies), were delivered to the Second Judicial District Court mailroom**
21 **system for transmittal to the Nevada Supreme Court.**
22

23 **Dated: April 22, 2004**

Ronald Longtin, Jr., Court Clerk

24
25 By: C. Kepler

26 **Cathy Kepler, Appeals Clerk**

27 **(775) 328-3114**
28