

ORIGINAL

FILED

1 CODE: 3250

2 SEP 23 2004

3 RONALD A. LONGTIN, JR., CLERK
4 By: *[Signature]*
5 DEPUTY

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

43203

8 ***

9 FERRILL T. VOLPICELLI,

10 Appellant,

11 vs.

CASE NO: CR03-1263

12 DEPT. NO.: 10

FILED

13 STATE OF NEVADA,

14 Respondent.

OCT 4 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

15 **ORDER TO STRIKE FUGITIVE DOCUMENTS**

16 The Appellant in this matter requested legal counsel on May 11, 2004, and legal
17 counsel was assigned at public expense on June 1, 2004. This Court has received
18 numerous documents filed by the Appellant in this matter, but many of these documents
19 do not contain the signature of his appointed counsel. Specifically, these documents not
20 signed by Appellant's attorney include:

- 21 1. Request For Submission And Order For Transcripts, filed June 14, 2004.
- 22 2. Request For Order To Show Cause Regarding Contempt Of Court – And Order To
- 23 Compel, filed June 21, 2004.
- 24 3. Request For Order To Show Cause Regarding Contempt Of Court – And Order To
- 25 Compel, filed July 6, 2004.
- 26 4. Request For Submission Of Request For Order To Show Cause Regarding
- 27 Contempt Of Court – And Order To Compel, filed August 3, 2004.
- 28 5. Request For Submission Of Motion For Transcripts, filed August 3, 2004.

RECEIVED

OCT 04 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

1 6. Motion For Return Of Property And – Request For Hearing Regarding Restitution
2 Amount, filed August 3, 2004.

3 7. Request For Submission (Bradley Van Ry, Esq.), filed August 26.

4 8. Request For Submission (Bruce Lindsay, Esq.), filed August 26.

5 Rule 11 of the Nevada Rules of Civil Procedure states, in pertinent part,

6 Every pleading, motion, or other paper of a party represented by an attorney
7 shall be signed by at least one attorney of record in his individual name, whose
8 address shall be stated.

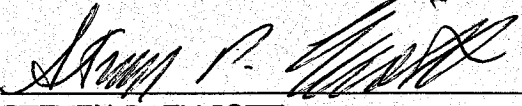
9 ...

10 The signature of an attorney or party constitutes a certificate by that attorney
11 or party that he or she has read the pleading, motion, or other paper; that to the
12 best of his or her knowledge, information and belief, formed after reasonable inquiry
13 under the circumstances obtaining at the time of signature, that it is well grounded
14 in fact and is warranted by existing law or a good faith argument for the extension,
15 modification, or reversal of existing law, and that it is not interposed for any
16 improper purpose such as to harass or to cause unnecessary delay or needless
17 increase in the cost of litigation. If a pleading, motion, or other paper is not signed,
18 it shall be stricken unless it is signed promptly after the omission is called to the
19 attention of the pleader or movant. (Emphasis added)

20 The Court wishes to express in the clearest possible terms that the Appellant has
21 requested and been appointed counsel at public expense, and as a result the Court will not
22 entertain documents from the Appellant which are not signed by counsel of record.

23 **NOW, THEREFORE, IT IS HEREBY ORDERED** that all above-named submissions
24 filed by the Appellant after June 1, 2004, which do not contain the signature of the
25 Appellant's attorney of record, Mary Lou Wilson, are hereby **STRUCK** from the record for
26 violation of NRCP 11.

27 **DATED** this 22 day of September, 2004.

28 
STEVEN P. ELLIOTT
District Judge

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 23 day of September, 2004, I deposited for mailing a copy of the foregoing document addressed to:

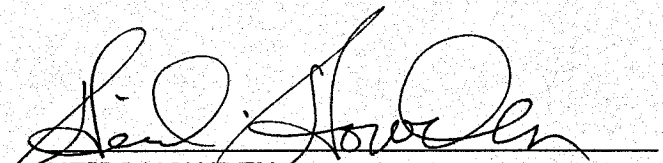
Mary Lou Wilson
Law Office Of Mary Lou Wilson
33 Marsh Ave.
Reno, NV 89509

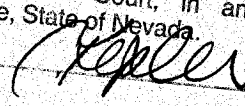
Bradley Van Ry
VanRy Law Office
1403 E. Fourth Street
Reno, NV 89513

Bruce Lindsay
565 California Ave.
Reno, NV 89509

Chief Deputy District Attorney
Washoe County District Attorney
P.O. Box 30083
Reno, NV 89520
(Interoffice Mail)

DATED this 23 day of September, 2004.


HEIDI HOWDEN
Administrative Assistant

CERTIFIED COPY
The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.
DATE: OCT 01 2004
RONALD A. LONGTIN, JR., Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.
By  Deputy