

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51622

**FILED**

SEP - 8 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY J. Alvarado  
DEPUTY CLERK

ORDER TO FILE SUPPLEMENTAL APPENDIX

This is an appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. On appeal, appellant argues that the district court erred when it concluded that his trial counsel was not ineffective for failing to argue that one of the judgments of convictions was not permissible to be used to adjudicate appellant a habitual criminal. The appendix filed by appellant's counsel does not contain the judgments of conviction that were used to prove that appellant had at least three prior felony convictions. See NRS 207.010. The judgments of conviction that were filed in the district court are necessary for this court's review of this appeal. See NRAP 10(b).

Accordingly, Kay Ellen Armstrong, as post-conviction counsel for appellant, shall have 10 days from the date of this order to file a supplemental appendix containing the judgments of conviction that were used to adjudicate appellant a habitual criminal.

It is so ORDERED.

J. Sanders, C.J.

cc: Ferrill Joseph Volpicelli  
Kay Ellen Armstrong  
Attorney General Catherine Cortez Masto/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk