

CR03-1263
STATE VS FERRILL JOSEPH VOL 2 Pages
District Court 06/22/2012 08:33 AM
Washoe County 2515
MEEDONUP

Case No. CR03-1263

Dept. No. 10

FILED

2012 JUN 22 AM 8:33

JOEY GRODIA HASTINGS
CLERK OF SUPREME COURT
BY M. J. Lindeman Electronically Filed
Jun 26 2012 09:06 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF Washoe

* * * * *

THE STATE OF NEVADA,

Plaintiff,

-vs-

FERRILL JOSEPH VOLPICKY,

Defendant.

NOTICE OF APPEAL

NOTICE IS GIVEN that Defendant, FERRILL JOSEPH VOLPICKY,
in pro se, hereby appeals to the Nevada Supreme Court the
Denial of the Writ of Habeas Corpus
filed/entered on or about the 24th day of May, 2012,
in the above-entitled Court.

Dated this 18th day of JUNE, 2012

FERRILL JOSEPH VOLPICKY # 78561
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

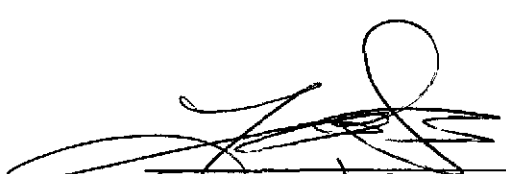
Defendant In Pro Se

LCC LL FORM 26.064

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 18th day of JUNE, 2012, by placing same in the U.S. Mail via prison law library staff:

WASHOE COUNTY
DISTRICT ATTORNEY
POB 30083
RENO, NV 89520-3083


Ferris Dubiceau #78565
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. Ch3-1263 does not contain the social security number of any person.

Dated this 18th day of JUNE, 2012.


Ferris Dubiceau

Defendant In Pro Se

Code 1310

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,

Plaintiff,

Case No. CR03-1263

vs.

Dept. No. 10

FERRILL JOSEPH VOLPICELLI,

Defendant.

CASE APPEAL STATEMENT

This case appeal statement is filed pursuant to N.R.A.C.P. 3(2).

1. This appeal is from an order entered by the Honorable Steven Elliott.
2. Appellant is Ferrill Joseph Volpicelli. Appellant is representing himself in Proper Person on appeal:
3. Appellant's address is:
Ferrill Joseph Volpicelli, #79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:
Terrance McCarthy, Esq.
P.O. Box 30083
Reno, NV 89520
5. Respondent's attorney is licensed to practice law in Nevada.

6. Appellant was not represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was granted leave to proceed in forma pauperis in the District Court on May 27, 2004.
9. Proceeding commenced by the filing of an Grand Jury Indictment on June 11, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Denial of the Writ of Prohibition Order filed on May 24, 2012.
11. The case has been the subject of a previous appeal to the Supreme Court; Supreme Court Case No. 43203
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 22nd day of June, 2012.

JOEY ORDUNA HASTINGS
CLERK OF THE COURT

By: /s/ Mary Fernandez
Mary Fernandez
Deputy Clerk

ORIGINAL

FILED

MAY 27 2004

RONALD A. LONGTIN, JR., CLERK

By [Signature]
DEPUTY

3035

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

FERRILL J. VOLPICELLI,

Petitioner,

Case No. CR03-1263

vs.

Dept. No. 10

THE STATE OF NEVADA,

Respondent.

ORDER TO PROCEED IN FORMA PAUPERIS

Having read the Affidavit in Support of FERRILL J. VOLPICELLI's Request to Proceed in Forma Pauperis, declaring that Affiant has insufficient income, property or resources to pay Court costs to proceed in the above-entitled action and good cause appearing therefore, pursuant to NRS 12.015,

IT IS HEREBY ORDERED that the Court allow said FERRILL J. VOLPICELLI to bring such action without costs and file or issue any necessary writ, process, pleading or paper without charge.

IT IS FURTHER ORDERED that the Sheriff or any other appropriate officer

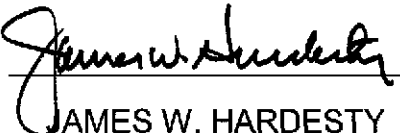
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1 within the state make personal service of any necessary writ, process, pleading or paper
2 without charge for FERRILL J. VOLPICELLI.

3 Dated this 26 day of May, 2004.

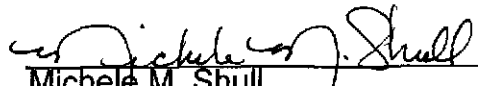
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7 JAMES W. HARDESTY
8 DISTRICT JUDGE
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1 CERTIFICATE OF MAILING

2
3 Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Second
4 Judicial District Court, in and for the County of Washoe; and that on this 27th day of May,
5 2004, I deposited in the County mailing system for postage and mailing with the United
6 States Postal Service in Reno, Nevada, a true and correct copy of the attached document
7 addressed as follows:

8
9 Ferrill J. Volpicelli, #79565
10 N.N.C.C.
11 P. O. Box 7000
12 Carson City, NV 89702

13 Deputy Appellate District Attorney
14 WASHOE COUNTY DISTRICT
15 ATTORNEY'S OFFICE
16 (via interoffice mail)
17
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Michele M. Shull
Administrative Assistant

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03-1263

DEPT. D10

HON. STEVEN P. ELLIOTT

Report Date & Time

6/22/2012

9:17:40AM

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)					
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date:	6/11/2003

Parties

PNP	Div. of Parole & Probation - DPNP
APPE	FERRILL JOSEPH VOLPICELLI - @67988
RESP	STATE OF NEVADA - STATE
PROP	FERRILL JOSEPH VOLPICELLI - @67988
PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	FERRILL JOSEPH VOLPICELLI - @67988

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 Description</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

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
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Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)

Case ID: CR03-1263 **Case Type:** CRIMINAL **Initial Filing Date:** 6/11/2003

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

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D9	ARRAIGNMENT	6/18/2003 08:30:00	6/18/2003
Event Extra Text: ON INDICTMENT		Disposition: D725 6/18/2003 INDICTMENT	
2 D9	MOTION TO CONFIRM TRIAL	9/24/2003 08:30:00	9/24/2003
Event Extra Text:		Disposition: D435 9/24/2003 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	
3 D9	TRIAL - JURY	10/6/2003 08:30:00	9/24/2003
Event Extra Text: (4 DAYS)		Disposition: D844 9/24/2003 STIP & ORDER TO BE SENT TO DEPT	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)**Case ID: CR03-1263****Case Type: CRIMINAL****Initial Filing Date: 6/11/2003**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D9	MOTION TO CONFIRM TRIAL	10/24/2003	08:30:00	10/24/2003
Event Extra Text:		Disposition: D425 10/24/2003		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D9	STATUS HEARING	10/29/2003	08:30:00	10/29/2003
Event Extra Text: RE: SUBMITTED MOTIONS BY DEFENSE COUNSEL		Disposition: D435 10/29/2003		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6 D10	EXHIBITS TO BE MARKED W/CLERK	11/10/2003	13:30:00	11/10/2003
Event Extra Text:		Disposition: D596 11/10/2003		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7 D10	HEARING...	11/10/2003	13:30:00	11/10/2003
Event Extra Text: HEARING REGARDING DEFENSE COUNSEL ADVISING COURT THAT DEFENDANT HAS REQUESTED NEW COUNSEL		Disposition: D435 11/10/2003 TRIAL TO PROCEED AS SCHEDULED		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8 D9	TRIAL - JURY	11/10/2003	08:30:00	10/29/2003
Event Extra Text:		Disposition: D844 10/29/2003		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9 D9	TRIAL - JURY	11/12/2003	10:00:00	11/10/2003
Event Extra Text: (2 DAYS)		Disposition: D844 11/10/2003		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10 D10	TRIAL - JURY	11/12/2003	08:30:00	11/12/2003
Event Extra Text: (2 DAYS)		Disposition: D832 11/12/2003		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
11 D10	TRIAL ONGOING	11/13/2003	10:30:00	11/13/2003
Event Extra Text:		Disposition: D832 11/13/2003		

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

Case ID: CR03-1263 **Case Type:** CRIMINAL **Initial Filing Date:** 6/11/2003

<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
12	D10	TRIAL ONGOING	11/14/2003	10:00:00	11/14/2003
Event Extra Text:		Disposition: D895 11/14/2003 COUNTS I THROUGH X			
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
13	D10	SENTENCING	12/23/2003	08:30:00	12/22/2003
Event Extra Text:		Disposition: D870 12/22/2003 STIP AND ORDER TO BE FILED (RESET 12/12/03)			
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
14	D10	SENTENCING	2/5/2004	11:00:00	2/2/2004
Event Extra Text:		Disposition: D875 2/2/2004 RESET BY STIPULATION OF COUNSEL TO 4/1/04 @ 10:00 A.M.			
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
15	D10	SENTENCING	4/1/2004	10:00:00	4/1/2004
Event Extra Text:		Disposition: D765 4/1/2004			
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
16	D10	Request for Submission	4/10/2012	15:24:00	5/24/2012
Event Extra Text: WRIT OF PROHIBITION AND ACCOMPANYING RESPONSES (NO PAPER ORDER PROVIDED)		Disposition: S200 5/24/2012			

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
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
SC	Supreme Court	SCN 43203

Actions			
<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
7/7/200	1080	Agreement...	RECIPROCAL DISCOVERY AGREEMENT
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	3897	Return	BENCH WARRANT
6/17/2003	1300	Bench Warrant Filed-Case Clsd	
6/17/2003	1325	** Case Reopened	

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

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date: 6/11/2003

6/18/2003	1280	** 60 Day Rule - Waived	
6/18/2003	MIN	***Minutes	
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
7/9/2003	3839	Request Agree Ord Recp Discv	
7/9/2003	1775	General Receipt	GRAND JURY TRANSCRIPT:
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: DUPLICATE ENTRY
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
8/8/2003	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WEIT OF HABEAS CORPUS
8/8/2003	3585	Pet Writ Habeas Corpus	
8/13/2003	2840	Ord Denying ...	EX PARTE PETITION FOR CLARIFICATION
8/18/2003	3897	Return	
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: DOCUMENT NOT FOUND IN FILE, 4/13/11 BY J.AMES
9/4/2003	2650	Opposition to ...	
9/12/2003	1930	Letters ...	FROM DEFENDANT
9/12/2003	3860	Request for Submission	
9/17/2003	3795	Reply...	REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
9/24/2003	MIN	***Minutes	
10/7/2003	4030	Stip & Ord Continue Trial	STIPULATION FOR CHANGE OF TRIAL DATE
10/7/2003	1810	Inmate Request Form Filed	
10/9/2003	2610	Notice ...	NOTICE OF INTENT TO SEEK HABITUAL CRIMINAL STATUS
10/13/2003	4185	Transcript ...	09/24/03 - MOTION TO CONFIRM TRIAL
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	MIN	***Minutes	
11/12/2003	MIN	***Minutes	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 3: BURGLARY
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 4: BURGLARY

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

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date:

6/11/2003

11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY ON COUNT 5: BURGLARY
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY ON COUNT 6: BURGLARY
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 7: BURGARY
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 8: BURGLARY
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY COUNT 10: ULAWFUL POSSESSION, MAKING, OF COUNTERFEITING OF INVENTORY PRICING LABELS
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 2: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 3: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 4: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 5: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 6: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 7: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 8: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 9: BURGLARY
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 10: ULAWFUL POSSESSION, MAKING , FORGERY OR COUNTERFEITING OF INVENTORY PRICING LABELS
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 2: BURGLARY
11/14/2003	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1 THROUGH 46
11/14/2003	1885	Jury Instructions	1 THROUGH 37
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY
11/14/2003	4245	Verdict(s)...	GUILTY COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILY OF COUNT 9: BURGLARY
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	11/25/03 REPORT
1/16/2004	1260	Application Produce Prisoner	
1/22/2004	3340	Ord to Produce Prisoner	
4/1/2004	MIN	***Minutes	
4/1/2004	1695	** Exhibit(s) ...	STATE'S EXHIBIT 1-5 DEFENDANT'S EXHIBITS 6-7
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	1365	Certificate of Transmittal	
4/22/2004	1350	Certificate of Clerk	
4/22/2004	1310	Case Appeal Statement	
4/22/2004	2515	Notice of Appeal Supreme Court	
4/22/2004	1215	Application Appoint Counsel	REQUEST
4/27/2004	2840	Ord Denying ...	ORDER DENYING REQUEST FOR APPOINTMENT OF COUNSEL
4/29/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43203

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

Case ID: CR03-1263 Case Type: CRIMINAL Initial Filing Date: 6/11/2003

4/29/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43203
5/7/2004	3868	Req to Crt Rprr - Rough Draft	
5/11/2004	1030	Affidavit in Support...	OF REQUEST TO PROCEED IN FORMA PAUPERIS
5/11/2004	2385	Mtn Proceed Forma Pauperis	
5/11/2004	4135	Supreme Court Ord Remanding	SUPREME COURT CASE NO. 43203
5/11/2004	3862	**Criminal Submit	ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL DOCUMENT TITLE: ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL PARTY SUBMITTING: CKEPLER DATE SUBMITTED: 5/11/04 SUBMITTED BY: CKEPLER DATE RECEIVED JUDGE'S OFFICE: SUBPOENA DUCES TECUM
5/17/2004	2405	Mtn to Quash...	
5/19/2004	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 5-19-04 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: 5/21/04
5/27/2004	3035	Ord Grant in Forma Pauperis	
5/28/2004	2525	Notice of Change of Address	
6/1/2004	3370	Order ...	DECLARING DEFENDANT A HABITUL CRIMINAL
6/1/2004	2715	Ord Appointing Counsel	MARY LOU WILSON
6/1/2004	2525	Notice of Change of Address	
6/14/2004	2610	Notice ...	NOTICE TO APPOINTED COUNSEL
6/14/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04
6/21/2004	3870	Request	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04
7/2/2004	4185	Transcript ...	TRIAL 11-12-03
7/2/2004	4185	Transcript ...	JURY TRIAL 11-13-03 - 11-14-03
7/6/2004	2145	Mtn Ord to Show Cause	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04
7/6/2004	3870	Request	
7/14/2004	1670	Ex-Parte Mtn...	FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND JOINT APPENDIX
7/22/2004	1675	Ex-Parte Ord...	FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF THE APPELLANT'S OPENING BRIEF AND JOINT APPENDIX
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04
8/3/2004	2490	Motion ...	MOTION FOR RETURN OF PROPERTY AND REQUEST FOR HEARING RE: RESTITUTION AMOUNT STRUCK FROM RECORD PER ORDER FILED ON 9-23-04
8/18/2004	2475	Mtn to Strike...	FUGITIVE DOCUMENT (SCANNED IMAGE REFLECTS MANNER IN WHICH DOCUMENT WAS RECEIVED -4-14-2011 -SC) STRUCK FROM RECORD PER ORDER FILED ON 9-23-04
8/26/2004	3860	Request for Submission	
8/26/2004	3860	Request for Submission	BOTH REQUESTS FOR SUBMISSION FILED 8-26-04: STRUCK FROM RECORD PER ORDER FILED 9-23-04
9/23/2004	3250	Ord Striking ...	FUGITIVE DOCUMENTS
6/30/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43203
8/1/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43203
8/1/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43203

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

Case ID: CR03-1263

Case Type: CRIMINAL

Initial Filing Date:

6/11/2003

8/1/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43203
9/12/2005	2645	Opposition to Mtn ...	FOR ORDER TO COMPEL
9/12/2005	2270	Mtn to Compel...	MOTION FOR ORDER TO COMPEL (SCANNED IMAGE REFLECTS MANNER IN WHICH DOCUMENT WAS RECEIVED -4-14-2011-SC) TO OPPOSITION TO MOTION FOR ORDER TO COMPEL
9/13/2005	1650	Errata...	TO STATE'S OPPOSITION TO MOTION FOR ORDER TO COMPEL AND AND TO VAN RY'S ERRATA TO OPPOSITION TO MOTION FOR ORDER TO COMPEL
9/27/2005	3795	Reply...	DOCUMENT TITLE: MOTION TO COMPEL, DEFENDANT'S ANSWER, ERRATA TO OPPOSITION... PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 10-3-05 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: ORDER TO RESPOND
9/30/2005	3860	Request for Submission	DOCUMENT NOT IN FILE
12/12/2005	3370	Order ...	(2) REQUEST(S) FOR ORDER TO SHOW CAUSE RE: CONTEMPT OF COURT - ORDER TO COMPEL DOCUMENT NOT IN FILE
12/15/2005	4065	Subpoena Duces Tecum	FORMER COUNSEL'S RESPONSE IN ACCORDANCE WITH ORDER TO RESPOND
12/15/2005	1245	Application Ord Show Cause	DOCUMENT TITLE: MOTION TO COMPEL PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 2-9-06 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: DOCUMENT NOT IN FILE
1/10/2006	3880	Response...	A Payment of -\$122.78 was made on receipt DCDC300116.
2/9/2006	3860	Request for Submission	DOCUMENT TITLE: APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER) PARTY SUBMITTING: FERRILL JOSEPH VOLPICELLI DATE SUBMITTED: 12-6-11 SUBMITTED BY: J YOST DATE RECEIVED JUDGE OFFICE: 12-13-11 APPLICATION TO PROCEED IN FORMA PAUPERIS
1/14/2011	PAYRC	**Payment Receipted	
12/6/2011	3862	**Criminal Submit	
12/6/2011	2385	Mtn Proceed Forma Pauperis	
12/6/2011	1325	** Case Reopened	
12/6/2011	4305	Writ ...	DEFENDANTS WRIT OF PROHIBITION CHALLENGING PROCEEDING IN EXCESS OF JURISDICTION AT SENTENCING Transaction 2668506 - Approved By: NOREVIEW : 12-27-2011:14:10:47
12/27/2011	3336	Ord Deny in Forma Pauperis	Transaction 2668532 - Approved By: NOREVIEW : 12-27-2011:14:15:15
12/27/2011	NEF	Proof of Electronic Service	NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY - Transaction 2758941 - Approved By: JYOST : 02-10-2012:16:33:27
2/10/2012	2526	Notice of Change of Attorney	RESPONSE TO DEFENDANT'S WRIT OF PROHIBITION - Transaction 2758941 - Approved By: JYOST : 02-10-2012:16:33:27
2/10/2012	3880	Response...	Transaction 2759131 - Approved By: NOREVIEW : 02-10-2012:16:37:50
2/10/2012	NEF	Proof of Electronic Service	REPLY TO RESPONSE TO DEFENDANTS WRIT OF PROHIBITION
3/2/2012	3795	Reply...	DOCUMENT TITLE: WRIT OF PROHIBITION AND ACCOMPANYING RESPONSES (NO PAPER ORDER PROVIDED) PARTY SUBMITTING: FERRILL VOLPICELLI DATE SUBMITTED: 4/10/12 SUBMITTED BY: MCHOLICO DATE RECEIVED JUDGE OFFICE: WRIT OF PROHIBITION - Transaction 2978589 - Approved By: NOREVIEW : 05-24-2012:17:12:03
4/10/2012	3860	Request for Submission	Transaction 2978594 - Approved By: NOREVIEW : 05-24-2012:17:13:26
5/24/2012	2840	Ord Denying ...	
5/24/2012	NEF	Proof of Electronic Service	

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

Case ID: CR03-1263 **Case Type:** CRIMINAL **Initial Filing Date:** 6/11/2003

5/24/2012	S200	Request for Submission Complet	
5/24/2012	1315	** Case Closed	
6/22/2012	2515	Notice of Appeal Supreme Court	
6/22/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3035933 - Approved By: NOREVIEW : 06-22-2012:09:13:36
6/22/2012	1310E	Case Appeal Statement	Transaction 3035933 - Approved By: NOREVIEW : 06-22-2012:09:13:36
6/22/2012	NEF	Proof of Electronic Service	Transaction 3035938 - Approved By: NOREVIEW : 06-22-2012:09:15:21

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03P1263

DEPT. D10

HON. STEVEN P. ELLIOTT

Report Date & Time

6/22/2012

9:18:14AM

Case ID:	CR03P1263	Case Description:	POST: FERRILL J. VOLPICELLI (D10)
Case Type:	POST CONVICTION	Initial Filing Date:	11/9/2005

Parties

RESP	STATE OF NEVADA - STATE
PETR	FERRILL JOSEPH VOLPICELLI - @67988
DA	Richard Allen Gammick, Esq. - 1510
CAA	Kay Armstrong - 715

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D10	Request for Submission	1/29/2007 08:30:00	1/30/2007

Event Extra Text: MOTION FOR COURT APPOINTED FEES

Disposition:
S200 1/30/2007
ORDER GRANTING FEES

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D10	Tickle Start Code	5/7/2007 07:00:00	8/2/2007

Event Extra Text: 60 DAYS SINCE REQUEST FOR SUBMISSION OF MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FILED 3/5/07. STATUS?

Disposition:
T200 8/2/2007
ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND ORDER TO SET HEARING

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D10	Tickle Start Code	8/27/2007 07:00:00	8/8/2007

Event Extra Text: PER ORDER OF 8/2/07 HEARING TO HAVE BEEN SET BY 8/23/07

Disposition:
T200 8/8/2007
EVIDENTIARY HEARING SET FOR 9/20/07 @ 1:30 P.M.

Case Description: POST: FERRILL J. VOLPICELLI (D10)

Case ID: CR03P1263 Case Type: POST CONVICTION Initial Filing Date: 11/9/2005

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D10	PETITION FOR POST CONVICTION	9/20/2007	13:30:00	9/20/2007
Event Extra Text: EVIDENTIARY HEARING		<i>Disposition:</i> D445 9/20/2007		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D10	Request for Submission	10/25/2007	12:55:00	10/25/2007
Event Extra Text: PETITION FOR POST-CONVICTION HABEAS CORPUS		<i>Disposition:</i> S200 10/25/2007 ENTERED IN ERROR		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6 D10	Request for Submission	12/24/2007	12:45:00	1/8/2008
Event Extra Text: MOTION FOR COURT APPOINTED FEES		<i>Disposition:</i> S200 1/8/2008 ORDER GRANTING MOTION FOR COURT APPOINTED FEES (\$3,240.56)		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7 D10	PETITION FOR POST CONVICTION	1/23/2008	13:30:00	1/23/2008
Event Extra Text: EVIDENTIARY HEARING		<i>Disposition:</i> D843 1/23/2008 RESPECTIVE COUNSEL STIPULATED TO VACATE AND RESET HRG DUE TO MS. ARMSTRONG'S ILLNESS.		
COURT CLERKS- PLEASE GET POLICE TRANSCRIPT EXHIBITS FROM EXHIBIT ROOM FOR JUDGE FOR HEARING				
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8 D10	PETITION FOR POST CONVICTION	2/14/2008	13:30:00	2/14/2008
Event Extra Text: CONTINUATION OF WRIT OF HABEAS CORPUS HEARING		<i>Disposition:</i> D355 2/14/2008		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9 D10	Request for Submission	7/7/2008	10:31:00	7/17/2008
Event Extra Text: MOTION FOR COURET APPOINTED FEES		<i>Disposition:</i> S200 7/17/2008		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
SC	Supreme Court	SCN 51622

<i>Actions</i>				
<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>	
11/9/2005	3565	Pet Post-Conviction Relief		
11/9/2005	1955	Memorandum Points&Authorities		
11/9/2005	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL	

Case Description: POST: FERRILL J. VOLPICELLI (D10)

Case ID: CR03P1263 **Case Type:** POST CONVICTION **Initial Filing Date:** 11/9/2005

1/5/2006	3862	**Criminal Submit	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) PARTY SUBMITTING: FERRILL J. VOLPICELLI DATE SUBMITTED: 1/5/06 SUBMITTED BY: A. SIMPSON DATE RECEIVED JUDGE'S OFFICE: MOTION FOR ORDER TO COMPEL
1/31/2006	2270	Mtn to Compel...	
1/31/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 2-3-06 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:
1/31/2006	3860	Request for Submission	DOCUMENT TITLE: POST CONVICTION PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 2-3-06 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:
2/9/2006	3860	Request for Submission	
2/17/2006	2645	Opposition to Mtn ...	FOR ORDER TO COMPEL AND MOTION TO QUASH SUBPOENA DUCES TECUM LETTER BRIEF
3/6/2006	1930	Letters ...	
3/17/2006	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ORDER TO COMPEL AND MOTION TO QUASH SUBPOENA DUCES TECUM
3/21/2006	3860	Request for Submission	DOCUMENT TITLE: RESPONSE TO PETITIONER'S LETTER BRIEF PARTY SUBMITTING: KAREN FRALEY, ESQ. DATE SUBMITTED: 3-22-06 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE: DOCUMENT NOT IN FILE
3/21/2006	3880	Response...	RESPONSE TO PETITIONER' "LETTER BREIF" FILED IN REPLY TO THE CITY OF RENO'S OPPOSITION TO MOTION FOR ORDER TO COMPEL AND MOTION TO QUASH SUBPOENA DUCES TECUM (SCANNED IMAGE REFLECTS MANNER IN WHICH DOCUMENT WAS RECEIVED - 4-15-2011 -SC)
3/22/2006	4105	Supplemental ...	MEMORANDUM OF POINTS AND AUTHROITIES IN SUPPORT OF PETITION FOR POST CONVICTION
5/22/2006	3860	Request for Submission	DOCUMENT TITLE: POST CONVICTION PARTY SUBMITTING: F. VOLPICELLI DATE SUBMITTED: 5-31-06 SUBMITTED BY: GVELARDE DATE RECEIVED JUDGE'S OFFICE:
8/10/2006	3370	Order ...	APPOINTING KAY ELLEN ARMSTRON AS COUNSEL TO REPRESENT PETITION IN HIS WRIT OF HABEAS CORPUS PROCEEDINGS. MS. ARMSTRONG SHALL HAVE 45 DAYS FROM THE DATE OF THIS ORDER TO FILE A SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS ON BEHALF OF PETITIONER
8/10/2006	3370	Order ...	QUASHING SUBPOENA DUCES TECUM AND DENYING MOTION TO COMPEL
9/15/2006	4047	Stip Extension of Time ...	STIPULATION TO EXTEND TIME TO FILE SUPPLEMENT TO PETITION
11/21/2006	4100	Supplemental Petition	
12/18/2006	3370	Order ...	FOR RESPONSE [FROM DISTRICT ATTORNEY]
1/26/2007	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR COURT APPOINTED FEES PARTY SUBMITTING: KAY ARMSTRONG DATE SUBMITTED: 1/29/07 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE:
1/30/2007	1315	** Case Closed	
1/30/2007	S200	Request for Submission Complet	ORDER GRANTING FEES

Case Description: POST: FERRILL J. VOLPICELLI (D10)

Case ID: CR03P1263 **Case Type:** POST CONVICTION **Initial Filing Date:** 11/9/2005

1/30/2007	3060	Ord Granting Mtn ...	FOR COURT APPOINTED FEES IN THE AMOUNT OF \$800.00 PAYABLE TO KAY ARMSTRONG
2/5/2007	1130	Answer ...	TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)
2/5/2007	2155	Mtn Partial Dismissal ...	MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABASU CORPUS (POST CONVICTION)
2/20/2007	3790	Reply to/in Opposition	
3/5/2007	1325	** Case Reopened	
3/5/2007	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION PARTY SUBMITTING: TERRY MCCARTHY DATE SUBMITTED: 3/6/07 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE:
8/2/2007	T200	Tickle End Code	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND ORDER TO SET HEARING
8/2/2007	3370	Order ...	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND ORDER TO SET HEARING
8/8/2007	T200	Tickle End Code	EVIDENTIARY HEARING SET FOR 9/20/07 @ 1:30 P.M.
8/9/2007	1325	** Case Reopened	
8/9/2007	1250	Application for Setting	SET FOR 9/20/07 AT 1:30 PM
8/20/2007	1260	Application Produce Prisoner	
8/20/2007	3340	Ord to Produce Prisoner	
9/20/2007	MIN	***Minutes	
10/3/2007	MIN	***Minutes	09/20/07-PETITION FOR POST CONVICTION/EVIDENTIARY HEARING - Transaction 61059 - Approved By: NOREVIEW : 10-03-2007:10:06:22
10/11/2007	2385	Mtn Proceed Forma Pauperis	
10/11/2007	1030	Affidavit in Support...	AFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS
10/11/2007	1075	Affidavit ...	AFFIDAVIT OF KAREN S FRALEY
10/17/2007	3035	Ord Grant in Forma Pauperis	
10/25/2007	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR POST-CONVICTION HABEAS CORPUS PARTY SUBMITTING: KAY ARMSTRONG DATE SUBMITTED: 10/25/07 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE:
10/25/2007	S200	Request for Submission Complet	ENTERED IN ERROR
11/5/2007	1250	Application for Setting	CONTINUATION OF EVIDENTIARY HEARING SET FOR 1/23/08 @ 1:30 P.M.
11/8/2007	4185	Transcript ...	EVIDENTIARY HEARING ON PETITION FOR POST CONVICTION - HEARD 9/20/07
11/8/2007	4185	Transcript ...	9/20/2007 PETITION FOR POST CONVICTION
11/8/2007	4185	Transcript ...	9/20/07 PETITION FOR POST CONVICTION
11/8/2007	4185	Transcript ...	9/20/2007 PETITION FOR POST CONVICTION
11/8/2007	4185	Transcript ...	PETITION FOR POST CONVICTION - SEPT 20, 2007
12/5/2007	3370	Order ...	
12/5/2007	3860	Request for Submission	
12/5/2007	4270	Waiver of Appearance	
12/21/2007	2610	Notice ...	OF WAIVER OF APPEARANCE
12/21/2007	2490	Motion ...	MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT

Case Description: POST: FERRILL J. VOLPICELLI (D10)			
Case ID:	CR03P1263	Case Type:	POST CONVICTION
		Initial Filing Date:	11/9/2005

12/21/2007	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR COURT APPOINTED FEES PARTY SUBMITTING: KAY ARMSTRONG DATE SUBMITTED: 12/24/07 SUBMITTED BY: JB DATE RECEIVED JUDGE'S OFFICE: ORDER GRANTING MOTION FOR COURT APPOINTED FEES (\$3,240.56)
1/8/2008	S200	Request for Submission Complet	
1/8/2008	3060	Ord Granting Mtn ...	ORDER GRANTING MOTION FOR COURT APPOINTED FEES
1/28/2008	1250	Application for Setting	02/14/2008 @ 1:30 P.M. - PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION HEARING STIPULATION FOR CONTINUANCE
1/30/2008	4050	Stipulation ...	
2/14/2008	1315	** Case Closed	
3/5/2008	MIN	***Minutes	FEBRUARY 14, 2008 - WRIT OF HABEAS CORPUS - Transaction 152335 - Approved By: NOREVIEW : 03-05-2008:10:20:23
4/14/2008	1750	Findings, Conclusions & Judg	
4/24/2008	4185	Transcript ...	POST CONVICTION - 2/14/08
5/8/2008	2515	Notice of Appeal Supreme Court	
5/12/2008	1350	Certificate of Clerk	
5/12/2008	1310	Case Appeal Statement	
5/12/2008	1365	Certificate of Transmittal	
5/15/2008	3370	Order ...	ORDER DIRECTING STATE PUBLIC DEFENDER TO PAY PEGGY HOOGS & ASSOCIATES \$42.60.
5/15/2008	3370	Order ...	ORDER DIRECTING THE STATE PUBLIC DEFENDER TO PAY PEGGY HOOGS & ASSOCIATES \$34.10. SUPREME COURT CASE NO. 51622
5/19/2008	1188	Supreme Court Receipt for Doc	
5/19/2008	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 51622
6/4/2008	4135	Supreme Court Ord Remanding	SURPEME COURT CASE NO. 51622 ORDER OF LIMITED REMAND FOR DESIGNATION OF COUNSEL (WITHIN 30 DAYS)
6/4/2008	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL PARTY SUBMITTING: NEVADA SUPREME COURT DATE SUBMITTED: 6/4/08 SUBMITTED BY: CKEPLER DATE RECEIVED JUDGE OFFICE: KAY ELLEN ARMSTRONG, ESQ. FOR FERRILL J. VOLPICELLI FOR APPEAL PURPOSES ONLY
6/9/2008	2715	Ord Appointing Counsel	
6/10/2008	2540	Notice of Entry of Ord	
7/7/2008	2010	Mtn for Attorney's Fee	MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT KAY ARMSTRONG
7/7/2008	1325	** Case Reopened	
7/7/2008	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR COURT APPOINTED FEES PARTY SUBMITTING: KAY ARMSTRONG DATE SUBMITTED: 07-07-08 SUBMITTED BY: C GALINDO DATE RECEIVED JUDGE OFFICE: FOR COURT APPOINTED FEES
7/17/2008	3060	Ord Granting Mtn ...	
7/17/2008	S200	Request for Submission Complet	
7/17/2008	1315	** Case Closed	
11/12/2008	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 52600 SUPREME COURT ORDER DENYING PETITION
9/10/2009	4125	Supreme Court Order...	ORDER TO (KAY ELLEN ARMSTRONG) TO FILE SUPPLEMENTAL APPENDIX: SUPREME COURT CASE NO. 51622 - Transaction 1031520 - Approved By: NOREVIEW : 09-10-2009:12:25:51
10/27/2009	2010	Mtn for Attorney's Fee	MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT

Case Description: POST: FERRILL J. VOLPICELLI (D10)

Case ID: CR03P1263 Case Type: POST CONVICTION Initial Filing Date: 11/9/2005

10/27/2009	3860	Request for Submission	NO S1 CREATED; SUBMITTED TO BOB BELL FOR REVIEW DOCUMENT TITLE: MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT PARTY SUBMITTING: KAY ARMSTRONG DATE SUBMITTED: 10/27/2009 SUBMITTED BY: IFLORES DATE RECEIVED JUDGE OFFICE:
11/6/2009	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES ***SEALED***
12/4/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1189844 - Approved By: NOREVIEW : 12-04-2009:15:16:09
12/4/2009	NEF	Proof of Electronic Service	Transaction 1189860 - Approved By: NOREVIEW : 12-04-2009:15:18:39
12/30/2009	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:27
12/30/2009	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:27
12/30/2009	NEF	Proof of Electronic Service	Transaction 1235684 - Approved By: NOREVIEW : 12-30-2009:16:38:06
12/30/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:27
1/28/2010	4128	Supreme Court Order Denying	ORDER DENYING MOTION TO RECALL REMITTITUR AND DENYING PERMISSION FOR A LATE PETITION FOR REHEARING; SUPREME COURT CASE NO. 51622 - Transaction 1286820 - Approved By: NOREVIEW : 01-28-2010:10:22:13
1/28/2010	NEF	Proof of Electronic Service	Transaction 1286834 - Approved By: NOREVIEW : 01-28-2010:10:23:42
4/22/2010	3860	Request for Submission	NO S1 DONE; SUBMITTED TO BOB BELL FOR REVIEW DOCUMENT TITLE: MOTION FOR COURT APPOINTED FEES PARTY SUBMITTING: KAY ARMSTRONG DATE SUBMITTED: 4/22/2010 SUBMITTED BY: IFLORES DATE RECEIVED JUDGE OFFICE:
4/22/2010	2010	Mtn for Attorney's Fee	MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT
5/6/2010	2777	Order Approving ...	RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES - SEALED

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

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No.: CR03-1263

vs.

Dept. No.: 10

FERRILL JOSEPH VOLPICELLI,

Defendant.

ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF PROHIBITION

Presently before the Court is a Petition for Writ of Prohibition Challenging Proceeding in Excess of Jurisdiction at Sentencing, filed by Defendant FERRILL JOSEPH VOLPICELLI ("Defendant") on December 6, 2011. Following, on February 10, 2012, Plaintiff THE STATE OF NEVADA ("Plaintiff") filed a Response to Defendant's Writ of Prohibition. Subsequently, on March 2, 2012, Defendant filed a Reply to Response to Defendant's Writ of Prohibition. On April 10, 2012, Defendant filed a Request for Submission, thereby submitting the matter for the Court's consideration.

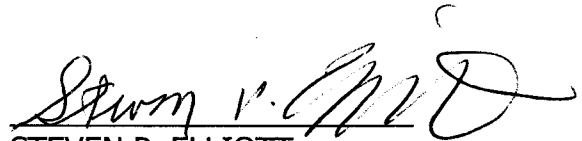
In his Petition, Defendant is asserting that the Court lacks jurisdiction to issue a judgment of conviction for the crimes of burglary and for violations of NRS 205.965, and 199.480. The State argues that the District Court does have jurisdiction over felonies and misdemeanors, and those same felonies when committed by a habitual criminal. See Nev. Const. Art 6, Section 6; *Walker v. State*, 78 Nev. 463, 472, 376 P.2d 137 (1962).

//

1 This Court agrees with Plaintiff that this Court's jurisdiction over Defendant's judgment is
2 proper. Accordingly, Defendant's Petition must be denied.

3 **NOW, THEREFORE, IT IS HEREBY ORDERED** that Defendant's Petition for Writ
4 of Prohibition is **DENIED**.

5
6 **DATED** this 24 day of May 2012.

7 
8 STEVEN P. ELLIOTT
9 District Judge

CERTIFICATE OF MAILING

I hereby certify that I electronically filed the foregoing with the Clerk of the Court by using the ECF system which served the following parties electronically:

TAMMY RIGGS, ESQ. for STATE OF NEVADA

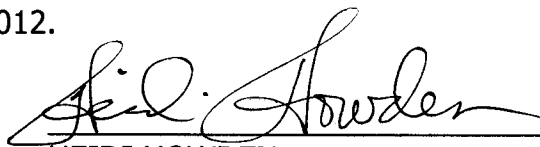
TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA

DIV. OF PAROLE AND PROBATION

I further certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe, and that on this date I deposited for mailing a copy of the foregoing document addressed to:

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

DATED this 24 day of May, 2012.



HEIDI HOWDEN
Judicial Assistant

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/18/03

ARRAIGNMENT

HONORABLE

Deputy District Attorney Tammy Riggs represented the State.

09/24/03

JAMES W.

Defendant was present with counsel, Jack Alian, Esq. Probation

8:30 a.m.

HARDESTY

Officer Heidi Poe was present on behalf of the Division of Parole and

Motion to

DEPT. NO. 9

Probation.

Confirm

C. Wynn

Defense counsel was handed a copy of the Information; waived

(Clerk)

formal reading.

10/06/03

D. Davidson

TRUE NAME: FERRILL JOSEPH VOLPICELLI

8:30 a.m.

(Reporter)

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

Jury Trial

(4 days)

COURT ORDERED: Matter continued for trial by jury.

Defendant was remanded to the custody of the Sheriff.

CR03-1263 DC-9900025179-027
STATE VS. FERRILL JOSEPH VOLP 1 Page
District Court 06/18/2003 10:36 AM
Washoe County
MTN
TOMEC

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

CR03-1263 FERRILL JOSEPH VOLP 1 Page
STATE VS FERRILL JOSEPH VOLP 1 Page
District Court 09/24/2003 10 35 AM
Hoshoe County
MIN
TOWER

0-5
12/6
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

CR03-1263
DC-9900025179-025
STATE VS. FERRILL JOSEPH VOLPICELLI
District Court
Washoe County
MTN
11/10/2003 10:35 AM
10MIN

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

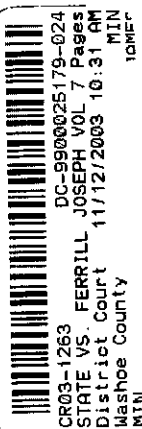
Deputy D.A. Tammy Riggs represented the State.
Defendant was present with counsel, Bradley Van Ry.
Introductions of Court, counsel, Court personnel and respective parties were made to the prospective jurors.
All prospective jurors were sworn to answer questions touching upon their qualifications to serve 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, CONT

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, CONT

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.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
D. Gustin
(Reporter)

JURY TRIAL, CONT

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, CONT

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

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

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 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.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/01/04

HON. STEVEN P.

ELLIOTT

DEPT. NO. 10

G. Bartlett

(Clerk)

L. Urmston

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Tammy Riggs represented the State.

Defendant present with counsel, Bradley Van Ry.

Probation Officer, Erin Lukl, also present.

Counsel for Defendant informed the Court that he will reserve his argument till after the State's argument.

Counsel for State marked exhibits 1 through 3.

Scott Hopkins was called by counsel for State, sworn and testified.

During the testimony of witness Hopkins, the following exhibit was ordered marked and admitted by the Court:

State's exhibit 4

Reid Thomas was called by counsel for State, sworn and testified.

During the testimony of witness Reid, the following exhibit was ordered marked and admitted by the Court:

State's exhibit 5

Counsel for State discussed the Defendant's criminal history, the negative economic impact on the community and presented argument in support of the Court finding the Defendant an habitual criminal.

Court made finding that State's exhibits 1 through 3 were constitutionally valid proof of prior felony convictions; COURT ORDERED: State's exhibits 1 through 3 are hereby admitted. Counsel for Defendant discussed the Defendant's mental illness and the length of time the Defendant has spent in custody and objected to State's recommendation to find the Defendant an Habitual Criminal. Counsel for Defendant urged the Court to impose a one (1) to ten (10) year sentence on each burglary count and have counts II through V run concurrently with counts VI through IX.

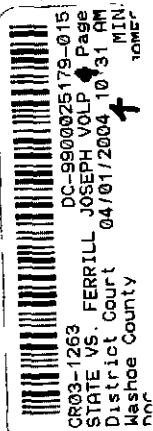
During the argument, counsel for Defendant marked and moved for the admission of exhibits 6 and 7; no objection by counsel for State. COURT ORDERED: Defendant's exhibits 6 and 7 are hereby admitted.

Officer Lukl stands by the recommendation of the Division.

Defendant made a statement to the Court.

Counsel for State presented further argument in support of the State's recommendation.

COURT ORDERED: Judgment entered. The Court having



DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/01/04
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
L. Urmston
(Reporter)

ENTRY OF JUDGEMENT AND IMPOSITION OF SENTENCE
CONTINUED

adjudged the Defendant to be a Habitual Criminal as provided for under NRS 207.010, upon a felony conviction, followed by proof of the three (3) prior felonies, the Court hereby sentences the Defendant to Washoe County Jail for the term of twelve (12) months, to run concurrently with Counts II through X, as to Count I. As to Count II, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served. As to Count III, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count II. As to Count IV, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count III. As to Count V, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count IV. As to Count VI, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count V. As to Count VII, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count VI. As to Count VIII, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count VII. As to Count IX, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count VIII. As to Count X, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run consecutively to Count IX. The above sentence shall be served consecutively to any other sentence the Defendant is obligated to serve.

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/01/04
HON. STEVEN P.
ELLIOTT
DEPT. NO. 10
G. Bartlett
(Clerk)
L. Urmston
(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE
CONTINUED

The Defendant is further ordered to pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing fee, restitution in the amount of Ten Thousand Three Hundred Thirty-Nine Dollars and Sixteen Cents (\$10,339.16) and reimburse the County of Washoe the sum of Five Hundred Dollars (\$500.00) for legal representation by the Washoe County Public Defender's Office. The Defendant is given credit for zero (0) days time served.
Defendant remanded to the custody of the Sheriff.

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.

CASE NO. CR03P1263

POST: FERRILL J. VOLPICELLI

e-filed

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/20/07

PETITION FOR POST CONVICTION/EVIDENTIARY HEARING

HONORABLE

Deputy District Attorney Terrence McCarthy represented the State.

STEVEN P.

Petitioner was present with counsel, Kay Armstrong, Esq.

ELLIOTT

Counsel Armstrong moved to invoke the rule of exclusion; no

DEPT. NO. 10

objection; SO ORDERED.

M. Merkouris

Counsel Armstrong called Bradley Van Ry who was sworn and

(Clerk)

examined; cross examined; re-direct examined and excused.

J. Schonlau

State called Deputy District Attorney Tammy Riggs who was sworn

(Reporter)

and examined; cross examined; re-direct examined; excused.

2:45 p.m. – Court stood in recess.

3:00 p.m. – Court reconvened.

Counsel Armstrong requested time to obtain an affidavit to

supplement Exhibit A; State objected; COURT found that the

Petitioner will be allowed time to attempt to supplement Exhibit A.

COURT further ordered that it will go forward today on items #11, 12

and 14.

Counsel Armstrong argued in support of the petition.

State argued in opposition of the petition.

Counsel Armstrong had no further argument.

COURT presented it's findings of fact and conclusions of law and

ruled in favor of the State. Items #11, 12 and 14 are hereby denied.

COURT further reserved it's ruling as to item #7 upon further review
of the evidence.

3:15 p.m. – Court stood in recess.

3:20 p.m. – Court reconvened.

State's exhibit 1 marked and offered; no objection; ordered

ADMITTED into evidence.

3:24 p.m. – Court concluded and stood in recess.

CR03P1263
DC-9900025217-045
POST: FERRILL J VOLPICELLI 1 Page
District Court 09/20/2007 01:09 PM
Washoe County
MIN

FILED

Electronically

03-05-2008:10:19:53 AM

Howard W. Conyers

Clerk of the Court

Transaction # 152335

CASE NO. CRP3P1263

POST: FERRILL J. VOLPICELLI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/14/08

HEARING RE: PETITION FOR POST CONVICTION

HONORABLE

CONTINUATION OF WRIT OF HABEAS CORPUS HEARING

STEVEN P.

Deputy District Attorney Terry McCarthy represented Respondent,
State of Nevada. Kay Armstrong, Esq. represented Petitioner, Ferrill

ELLIOTT

Joseph Volpicelli who was not present.

DEPT. NO. 10

C. Wynn

COURT noted the issues that were denied during the last hearing;
further indicated the last remaining issue as to ground (7) seven
regarding restitution.

(Clerk)

J. Schonlau

Counsel Armstrong addressed the Court and reviewed exhibit 5;
further made statements regarding the list of property totaling over
\$10,000.00 and the affidavit filed with the City Attorney; and further
presenting statement in support of the petition.

(Reporter)

Counsel McCarthy addressed the Court reviewing the two prongs
and further presenting statement in opposition to the petition.

COURT presented its findings of fact and conclusions of law.

COURT ORDERED: Request for relief if hereby DENIED.

CASE NO. CR03P1263

POST: FERRILL J. VOLPICELLI

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/20/07

PETITION FOR POST CONVICTION/EVIDENTIARY HEARINGHONORABLE
STEVEN P.Deputy District Attorney Terrence McCarthy represented the State.
Petitioner was present with counsel, Kay Armstrong, Esq.

ELLIOTT

Counsel Armstrong moved to invoke the rule of exclusion; no
objection; SO ORDERED.

DEPT. NO. 10

M. Merkouris

Counsel Armstrong called Bradley Van Ry who was sworn and
examined; cross examined; re-direct examined and excused.

(Clerk)

J. Schonlau

State called Deputy District Attorney Tammy Riggs who was sworn
and examined; cross examined; re-direct examined; excused.

(Reporter)

2:45 p.m. – Court stood in recess.

3:00 p.m. – Court reconvened.

Counsel Armstrong requested time to obtain an affidavit to
supplement Exhibit A; State objected; COURT found that the
Petitioner will be allowed time to attempt to supplement Exhibit A.
COURT further ordered that it will go forward today on items #11, 12
and 14.

Counsel Armstrong argued in support of the petition.

State argued in opposition of the petition.

Counsel Armstrong had no further argument.

COURT presented it's findings of fact and conclusions of law and
ruled in favor of the State. Items #11, 12 and 14 are hereby denied.COURT further reserved it's ruling as to item #7 upon further review
of the evidence.

3:15 p.m. – Court stood in recess.

3:20 p.m. – Court reconvened.

**State's exhibit 1 marked and offered; no objection; ordered
ADMITTED into evidence.**

3:24 p.m. – Court concluded and stood in recess.

FILED

Electronically

06-22-2012:09:13:09 AM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3035933

1 **Code 1350**

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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 **THE STATE OF NEVADA,**

9 **Plaintiff,**

10 **vs.**

Case No. CR03-1263

11 **FERRILL JOSEPH VOLPICELLI,**

Dept. No. 10

12 **Defendant.**

13 **/**

14 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

15 I certify that I am an employee of the Second Judicial District Court of the State of
16 Nevada, County of Washoe; that on the 22nd day of June, 2012, I electronically filed the
17 Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

18 I further certify that the transmitted record is a true and correct copy of the original
19 pleadings on file with the Second Judicial District Court.

20 Dated this 22nd day of June, 2012.

21 **JOEY ORDUNA HASTINGS**
22 **CLERK OF THE COURT**

23 By /s/Mary Fernandez
24 Mary Fernandez
25 Deputy Clerk
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