

FILED

Case No. CRO3-1263

Dept. No. 10

MAR - 4 2014

JOEY HASTINGS, CLERK
By: [Signature]
DEPUTY CLERK

Electronically Filed
Mar 14 2014 03:45 p.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

* * * * *

FERRILL VOLPICEY,
Petitioner
Plaintiff,

-VS-

STATE OF NEVADA
Respondent
Defendant.

NOTICE OF APPEAL

NOTICE IS GIVEN that Petitioner FERRILL VOLPICEY,
in pro se, hereby appeals to the Nevada Supreme Court the ORDER
DENYING MOTION TO CORRECT ILLEGAL SENTENCE / MODIFY SENTENCE
as filed/entered on the 16th day of JANUARY, 2014,
(complete if applicable) and the ORDER DENYING MOTION FOR
RECONSIDERATION, as filed/entered on the 25 day of
FEBRUARY, 2014, in the above-entitled Court.

Dated this 28th day of FEBRUARY, 2014.

[Signature]
FERRILL VOLPICEY # 79564
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaintiff In Pro Se
Petitioner


CRO3-1263
DC-09900054321-004
STATE VS. FERRILL JOSEPH VOL 2 Pages
District Court 03/04/2014 02:12 PM
Washoe County 2515
Doc

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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 28 day of FEBRUARY, 2014, by placing same in the U.S. Mail via prison law library staff:

WASHOE COUNTY
DISTRICT ATTORNEY
POB 30583
RENO, NV 89521-3053

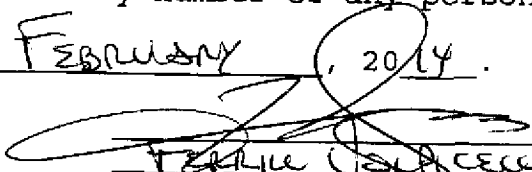

Petrusa #78520
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Plaintiff In Pro Se
Petrusa

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. CR03-1263 does not contain the social security number of any person.

Dated this 28 day of FEBRUARY, 2014.


Petrusa
Plaintiff In Pro Se
Petrusa

1 **Code 1310**

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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 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No. CR03-1263

10 **vs.**

Dept. No. 10

11 **FERRILL J VOLPICELLI,**

12 **Defendant.**

13 _____ /
14
15 **CASE APPEAL STATEMENT**

16 This case appeal statement is filed pursuant to NRAP 3(2).

- 17 1. This appeal is from an order entered by the Honorable Elliott Sattler.
- 18 2. Appellant is Ferrill J Volpicelli. Appellant is representing himself in Proper Person
19 on appeal:
- 20 3. Appellant's address is:
- 21 Ferrill J Volpicelli #79565
22 LCC - 1200 Prison Road
Lovelock, NV 89419
- 23 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
24 County District Attorney's Office:
- 25 Terrance McCarthy, Esq.
26 P.O. Box 11130
Reno, Nevada 89520
- 27 5. Respondent's attorney is licensed to practice law in Nevada.
- 28 6. Appellant was represented by appointed counsel in District Court.

- 1 7. Appellant is not represented by appointed counsel on appeal.
- 2 8. Appellant was granted leave to proceed in forma pauperis, in the District Court filed
- 3 on October 17, 2007.
- 4 9. Proceeding commenced by the filing of an Indictment on June 11, 2003.
- 5 10. This is a criminal proceeding and the Appellant is appealing an Order Denying
- 6 Motion to Correct Illegal Sentence/Modify Sentence filed on January 15, 2014 and
- 7 an Order Denying Motion for Reconsideration filed on February 25, 2014.
- 8 11. The case has been been the subject of a previous appeal to the Supreme Court:
- 9 Supreme Court No. 43203; 61142; 63554 and 51622.
- 10 12. This case does not involve child custody or visitation.
- 11 13. This is not a civil case involving the possibility of a settlement.

12 Dated this 12th day of March, 2014.

13 JOEY ORDUNA HASTINGS
14 CLERK OF THE COURT

15
16 By: /s/ Annie Smith
17 Annie Smith
18 Deputy Clerk
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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03-1263

DEPT. D10

HON. ELLIOTT A. SATTLER

Report Date & Time

3/12/2014

8:57:26AM

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

Parties

PROP	FERRILL JOSEPH VOLPICELLI - @67988
PNP	Div. of Parole & Probation - DPNP
RESP	STATE OF NEVADA - STATE
APPE	FERRILL JOSEPH VOLPICELLI - @67988
PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Christian G. Wilson, Esq. - 6535
DEFT	FERRILL JOSEPH VOLPICELLI - @67988
CAA	Kay Armstrong - 715

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			<i>Disposition:</i> D725 6/18/2003 INDICTMENT	
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D9	MOTION TO CONFIRM TRIAL	9/24/2003 08:30:00	9/24/2003
Event Extra Text:			<i>Disposition:</i> 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	
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D9	TRIAL - JURY	10/6/2003 08:30:00	9/24/2003
Event Extra Text: (4 DAYS)			<i>Disposition:</i> 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
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D9	MOTION TO CONFIRM TRIAL	10/24/2003	08:30:00	10/24/2003
	Event Extra Text:		Disposition:		
			D425	10/24/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
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	
	Department	Event Description	Sched. Date & Time		Disposed Date
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	
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D9	TRIAL - JURY	11/10/2003	08:30:00	10/29/2003
	Event Extra Text:		Disposition:		
			D844	10/29/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
8	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		
	Department	Event Description	Sched. Date & Time		Disposed Date
9	D9	TRIAL - JURY	11/12/2003	10:00:00	11/10/2003
	Event Extra Text: (2 DAYS)		Disposition:		
			D844	11/10/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
10	D10	TRIAL - JURY	11/12/2003	08:30:00	11/12/2003
	Event Extra Text: (2 DAYS)		Disposition:		
			D832	11/12/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
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		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
17	D10	Request for Submission	5/28/2013	16:20:00	6/4/2013
	Event Extra Text: MOTION TO CORRECT JUDGMENT OF CONVICTION		Disposition: S200 6/4/2013		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
18	D10	Request for Submission	11/18/2013	13:25:00	11/21/2013
	Event Extra Text: MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE		Disposition: S200 11/21/2013		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
19	D10	Request for Submission	1/2/2014	14:50:00	1/15/2014
	Event Extra Text: MOTION TO CORRECT ILEGAL SENTENCE/MODIFY SENTENCE		Disposition: S200 1/15/2014		

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

Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date:	6/11/2003
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<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
20 D10	Request for Submission	1/27/2014 16:55:00	2/25/2014

Event Extra Text: MOTION FOR RECONSIDERATION

Disposition:
S200 2/25/2014

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
SC	Supreme Court	SCN 61142
SC	Supreme Court	SCN 63554

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	1795	Indictment	
6/11/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$50,000.00 CASH ONLY
6/17/2003	3897	Return	BENCH WARRANT
6/17/2003	1325	** Case Reopened	
6/17/2003	1300	Bench Warrant Filed-Case Clsd	
6/18/2003	1280	** 60 Day Rule - Waived	
6/18/2003	MIN	***Minutes	
6/20/2003	4185	Transcript	GRAND JURY
6/20/2003	1775	General Receipt	GRAND JURY TRANSCRIPT (D.A.)
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
8/1/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL: DUPLICATE ENTRY
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
8/8/2003	3585	Pet Writ Habeas Corpus	
8/8/2003	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WEIT OF 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
9/4/2003	2650	Opposition to ...	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
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	NO DOCUMNET IN FILE TO IMAGE - LMATHEUS	
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	2592	Notice of Witnesses		
11/7/2003	3370	Order ...	ORDER TRANSFERRING CASE TO D10 FOR TRIAL 11/12/03	
11/7/2003	3370	Order ...	GRANTING DEFENDANT'S MOTION TO SUPPRESS; DENYING DEFENDANT'S REQUEST TO QUASH THE	
11/10/2003	MIN	***Minutes		
11/12/2003	MIN	***Minutes		
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY COUNT 10: ULAWFUL POSSESSION, MAKING, OF COUNTERFEITING OF INVENTORY PRIC	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 9: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 8: 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 ON COUNT 6: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY ON COUNT 5: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 4: BURGLARY	
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 2: BURGLARY	
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 OF COUNT 10: ULAWFUL POSSESSION, MAKING , FORGERY OR COUNTERFEITING OF INVENT	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 9: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 8: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 7: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 6: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 5: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 4: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 3: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 2: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY	
11/14/2003	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1 THROUGH 46	
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	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
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	1850	Judgment of Conviction		
4/1/2004	MIN	***Minutes		
4/1/2004	1695	** Exhibit(s) ...	STATE'S EXHIBIT 1-5	
4/13/2004	4185	Transcript	04/01/04 - SENTENCING	
4/19/2004	4300	Withdrawal of Counsel		
4/22/2004	2515	Notice of Appeal Supreme Court		
4/22/2004	1215	Application Appoint Counsel	REQUEST	
4/22/2004	1310	Case Appeal Statement		
4/22/2004	1350	Certificate of Clerk		
4/22/2004	1365	Certificate of Transmittal		
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	
4/29/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43203	
5/7/2004	3868	Req to Crt Rptr - Rough Draft		
5/11/2004	2385	Mtn Proceed Forma Pauperis		
5/11/2004	4135	Supreme Court Ord Remanding	SUPREME COURT CASE NO. 43203	
5/11/2004	1030	Affidavit in Support...	OF REQUEST TO PROCEED IN FORMA PAUPERIS	
5/11/2004	3862	**Criminal Submit	DOCUMENT TITLE: ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL	
5/17/2004	2405	Mtn to Quash...	SUBPOENA DUCES TECUM	
5/19/2004	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS	
5/27/2004	3035	Ord Grant in Forma Pauperis		
5/28/2004	2525	Notice of Change of Address		
6/1/2004	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	
6/14/2004	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	3870	Request		
7/6/2004	2145	Mtn Ord to Show Cause	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
7/14/2004	1670	Ex-Parte Mtn...	*SEALED* - EXPARTE MOTION FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND JC	
7/22/2004	1675	Ex-Parte Ord...	*SEALED* - EXPARTE ORDER FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF T	
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
8/3/2004	2490	Motion ...	MOTION FOR RETURN OF PROPERTY AND REQUEST FOR HEARING RE: RESTITUTION AMOUNT	
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	
8/18/2004	2475	Mtn to Strike...	FUGITIVE DOCUMENT	
8/26/2004	3860	Request for Submission	STRUCK FROM RECORD PER ORDER FILED ON 9-23-04	
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	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43203	
8/1/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43203	
8/1/2005	4145	Supreme Court Remittitur	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	
9/13/2005	1650	Errata...	TO OPPOSITION TO MOTION FOR ORDER TO COMPEL	
9/27/2005	3795	Reply...	TO STATE'S OPPOSITION TO MOTION FOR ORDER TO COMPEL AND AND TO VAN RY'S ERRATA TO OF	
9/30/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL, DEFENDANT'S ANSWER, ERRATA TO OPPOSITION...	
12/12/2005	3370	Order ...	ORDER TO RESPOND	
12/15/2005	4065	Subpoena Duces Tecum	DOCUMENT NOT IN FILE	
12/15/2005	1245	Application Ord Show Cause	(2) REQUEST(S) FOR ORDER TO SHOW CAUSE RE: CONTEMPT OF COURT - ORDER TO COMPEL	
1/10/2006	3880	Response...	FORMER COUNSEL'S RESPONSE IN ACCORDANCE WITH ORDER TO RESPOND	
2/9/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL	
1/14/2011	PAYRC	**Payment Received	A Payment of -\$122.78 was made on receipt DCDC300116.	
12/6/2011	4305	Writ ...	DEFENDANTS WRIT OF PROHIBITION CHALLENGING PROCEEDING IN EXCESS OF JURISDICTION AT S	
12/6/2011	2385	Mtn Proceed Forma Pauperis	APPLICATION TO PROCEED IN FORMA PAUPERIS	
12/6/2011	1325	** Case Reopened		
12/6/2011	3862	**Criminal Submit	DOCUMENT TITLE: APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER)	
12/27/2011	3336	Ord Deny in Forma Pauperis	Transaction 2668506 - Approved By: NOREVIEW : 12-27-2011:14:10:47	
12/27/2011	NEF	Proof of Electronic Service	Transaction 2668532 - Approved By: NOREVIEW : 12-27-2011:14:15:15	
2/10/2012	NEF	Proof of Electronic Service	Transaction 2759131 - Approved By: NOREVIEW : 02-10-2012:16:37:50	
2/10/2012	2526	Notice of Change of Attorney	NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY - Transaction 2758941 - Approved By: JYOST : 02-10-2	
2/10/2012	3880	Response...	RESPONSE TO DEFENDANT'S WRIT OF PROHIBITION - Transaction 2758941 - Approved By: JYOST : 02-10-2	
3/2/2012	3795	Reply...	REPLY TO RESPONSE TO DEFENDANTS WRIT OF PROHIBITION	
4/10/2012	3860	Request for Submission	DOCUMENT TITLE: WRIT OF PROHIBITION AND ACCOMPANYING RESPONSES (NO PAPER ORDER PRI	
5/24/2012	1315	** Case Closed		
5/24/2012	2840	Ord Denying ...	WRIT OF PROHIBITION - Transaction 2978589 - Approved By: NOREVIEW : 05-24-2012:17:12:03	
5/24/2012	NEF	Proof of Electronic Service	Transaction 2978594 - Approved By: NOREVIEW : 05-24-2012:17:13:26	
5/24/2012	S200	Request for Submission Complet		
6/22/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3035933 - Approved By: I	
6/22/2012	2515	Notice of Appeal Supreme Court		

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
6/22/2012	NEF	Proof of Electronic Service	Transaction 3035938 - Approved By: NOREVIEW : 06-22-2012:09:15:21	
6/22/2012	1310E	Case Appeal Statement	Transaction 3035933 - Approved By: NOREVIEW : 06-22-2012:09:13:36	
6/28/2012	NEF	Proof of Electronic Service	Transaction 3049223 - Approved By: NOREVIEW : 06-28-2012:10:53:16	
6/28/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 61142/RECEIPT FOR DOCUMENTS - Transaction 3049152 - Approved By: NO	
7/26/2012	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 61142/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 31081	
7/26/2012	NEF	Proof of Electronic Service	Transaction 3108812 - Approved By: NOREVIEW : 07-26-2012:08:11:10	
8/30/2012	1350	Certificate of Clerk	SUPREME COURT NO. 61142 / CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Tr	
8/30/2012	NEF	Proof of Electronic Service	Transaction 3187612 - Approved By: NOREVIEW : 08-30-2012:15:33:55	
9/6/2012	NEF	Proof of Electronic Service	Transaction 3196991 - Approved By: NOREVIEW : 09-06-2012:09:03:09	
9/6/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 61142 / SUPREME COURT RECIPRT FOR DOCUMENTS - RECORD ON APPEAL V	
9/6/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 61142 / SUPREME COURT RECIPRT FOR DOCUMENTS - RECORD ON APPEAL V	
9/6/2012	NEF	Proof of Electronic Service	Transaction 3196985 - Approved By: NOREVIEW : 09-06-2012:09:01:43	
3/18/2013	NEF	Proof of Electronic Service	Transaction 3597731 - Approved By: NOREVIEW : 03-18-2013:15:24:48	
3/18/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61142/ORDER OF AFFIRMANCE - Transaction 3597716 - Approved By: NOREVIEW :	
3/22/2013	4075	Substitution of Counsel	CHRISTIAN G. WILSON, DDA / STATE - Transaction 3611053 - Approved By: MCHOLICO : 03-22-2013:12:08:	
3/22/2013	NEF	Proof of Electronic Service	Transaction 3611231 - Approved By: NOREVIEW : 03-22-2013:12:09:44	
4/29/2013	NEF	Proof of Electronic Service	Transaction 3689973 - Approved By: NOREVIEW : 04-29-2013:08:56:17	
4/29/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 61142/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3689938 - Approved E	
4/29/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61142/ORDER OF AFFIRMANCE - Transaction 3689938 - Approved By: NOREVIEW :	
4/29/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 61142/REMITTITUR - Transaction 3689938 - Approved By: NOREVIEW : 04-29-2013:	
5/14/2013	2490	Motion ...	MOTION TO CORRECT JUDGMENT TO REMOVE DOUBLE JEOPARDY AND ILLEGAL CHARGES	
5/17/2013	NEF	Proof of Electronic Service	Transaction 3732618 - Approved By: NOREVIEW : 05-17-2013:10:31:23	
5/17/2013	3880	Response...	RESPONSE TO DEFENDANT'S MOTION TO CORRECT JUDGMENT OF CONVICTION - Transaction 373258	
5/28/2013	3860	Request for Submission	DOCUMENT TITLE: MOTION TO CORRECT JUDGMENT OF CONVICTION	
5/28/2013	1325	** Case Reopened		
6/3/2013	2490	Motion ...	MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE	
6/3/2013	1960	Memorandum ...	MEMORANDUM TO MOTION TO CORRECT ILLEGAL SENTENCE / MODIFY SENTENCE	
6/4/2013	S200	Request for Submission Complet		
6/4/2013	3105	Ord Granting ...	ORDER GRANTING MOTION TO CORRECT JUDGMENT OF CONVICTION - Transaction 3764809 - Approver	
6/4/2013	NEF	Proof of Electronic Service	Transaction 3764842 - Approved By: NOREVIEW : 06-04-2013:13:24:01	
6/18/2013	1855	Judgment of Conviction-Amended	Transaction 3794602 - Approved By: NOREVIEW : 06-18-2013:08:19:19	
6/18/2013	PAYRC	**Payment Receipted	A Payment of -\$122.78 was made on receipt DCDC412378.	
6/18/2013	PAYVD	**Payment Voided	Receipt Number DCDC300116 has been voided.	
6/18/2013	NEF	Proof of Electronic Service	Transaction 3794605 - Approved By: NOREVIEW : 06-18-2013:08:20:33	
6/25/2013	CHECK	**Trust Disbursement	A Disbursement of \$97.78 on Check Number 24967	
7/1/2013	2490	Motion ...	MOTION FOR CONTINUANCE FOR STATE OF PROCEEDINGS WITH PENDING SUCCESSIVE WRIT	
7/1/2013	1650	Errata...	ERRATUM NOTICE OF APPEAL ISSUES TO BE RAISE	
7/1/2013	1960	Memorandum ...	MEMORANDUM OF POINTS AND AUTHORITES IN SUPPORT OF NOTICE OF APPEAL ISSUES	
7/1/2013	2515	Notice of Appeal Supreme Court		

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
7/9/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3840970 - Approved By: I	
7/9/2013	NEF	Proof of Electronic Service	Transaction 3840976 - Approved By: NOREVIEW : 07-09-2013:13:29:52	
7/9/2013	1310E	Case Appeal Statement	Transaction 3840970 - Approved By: NOREVIEW : 07-09-2013:13:27:32	
7/12/2013	1188	Supreme Court Receipt for Doc	SUPREME COURT NO 63554-RECEIPT FOR DOCUMENTS - Transaction 3851223 - Approved By: NOREVIEW	
7/12/2013	NEF	Proof of Electronic Service	Transaction 3851255 - Approved By: NOREVIEW : 07-12-2013:11:33:56	
8/9/2013	NEF	Proof of Electronic Service	Transaction 3911663 - Approved By: NOREVIEW : 08-09-2013:10:02:55	
8/9/2013	4126	Supreme Ct Order Directing...	Supreme Court No. 63554/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 3911654 - Approv	
8/29/2013	COC	Evidence Chain of Custody Form		
9/5/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 3974959 - Approved By	
9/5/2013	NEF	Proof of Electronic Service	Transaction 3974990 - Approved By: NOREVIEW : 09-05-2013:14:12:47	
10/11/2013	1477	**Consolidated With...	CONSOLIDATED WITH CR03P1263. PLEASE FILE ALL FUTURE PLEADINGS IN THIS CASE.	
11/14/2013	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO 63554/ORDER DISMISSING APPEAL - Transaction 4134192 - Approved By: NC	
11/14/2013	NEF	Proof of Electronic Service	Transaction 4134219 - Approved By: NOREVIEW : 11-14-2013:14:32:47	
11/15/2013	3860	Request for Submission	DOCUMENT TITLE: MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE	
11/21/2013	S200	Request for Submission Complet		
12/24/2013	NEF	Proof of Electronic Service	Transaction 4218585 - Approved By: NOREVIEW : 12-24-2013:14:43:20	
12/24/2013	4128	Supreme Court Order Denying	SUPREME COURT NO. 63554/ORDER DENYING REHEARING - Transaction 4218560 - Approved By: NOREVIEW	
1/2/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION TO CORRECT ILEGAL SENTENCE/MODIFY SENTENCE	
1/15/2014	2840	Ord Denying ...	ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE - Transaction 425947	
1/15/2014	NEF	Proof of Electronic Service	Transaction 4259505 - Approved By: NOREVIEW : 01-15-2014:15:06:47	
1/15/2014	S200	Request for Submission Complet		
1/24/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 63554/ORDER DISMISSING APPEAL - Transaction 4274128 - Approved By: NOREVIEW	
1/24/2014	4145	Supreme Court Remittitur	SUPREME COURT NO. 63554/REMITTITUR - Transaction 4274128 - Approved By: NOREVIEW : 01-24-2014:	
1/24/2014	4128	Supreme Court Order Denying	SUPREME COURT NO. 63554/ORDER DENYING REHEARING - Transaction 4274128 - Approved By: NOREVIEW	
1/24/2014	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 63554/CLERKS CERTIFICATE AND JUDGMENT - Transaction 4274128 - Approved B	
1/24/2014	NEF	Proof of Electronic Service	Transaction 4274131 - Approved By: NOREVIEW : 01-24-2014:13:17:01	
1/27/2014	2175	Mtn for Reconsideration		
1/27/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RECONSIDERATION	
2/25/2014	NEF	Proof of Electronic Service	Transaction 4318797 - Approved By: NOREVIEW : 02-25-2014:14:48:44	
2/25/2014	2842	Ord Denying Motion	ORDER DENYING MOTION FOR RECONSIDERATION - Transaction 4318794 - Approved By: NOREVIEW : 0:	
2/25/2014	S200	Request for Submission Complet		
3/4/2014	2515	Notice of Appeal Supreme Court	Appellant, Ferrill Volpicelli, proper	
3/12/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4339417 - Approved By: I	
3/12/2014	1310E	Case Appeal Statement	Transaction 4339417 - Approved By: NOREVIEW : 03-12-2014:08:52:06	
3/12/2014	NEF	Proof of Electronic Service	Transaction 4339432 - Approved By: NOREVIEW : 03-12-2014:08:53:54	

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03P1263

DEPT. D10

HON. ELLIOTT A. SATTLER

Report Date & Time

3/12/2014

8:58:21AM

Case Description: Consolidated into CR03-1263 (D10)			
Case ID:	CR03P1263	Case Type:	POST CONVICTION
		Initial Filing Date:	11/9/2005

Parties

PETR	FERRILL JOSEPH VOLPICELLI - @67988
RESP	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
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: Consolidated into CR03-1263 (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		
	<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		
COURT CLERKS- PLEASE GET POLICE TRANSCRIPT EXHIBITS FROM EXHIBIT ROOM FOR JUDGE FOR HEARING			RESPECTIVE COUNSEL STIPULATED TO VACATE AND RESET HRG DUE TO MS. ARMSTRONG'S ILLNESS.		
	<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		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10	D10	Request for Submission	8/29/2013	14:20:00	9/24/2013
Event Extra Text: MOTION FOR CONTINUANCE OR STAY OF PROCEEDINGS WITH PENDING SUCCESSIVE WRIT			<i>Disposition:</i> S200 9/24/2013		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 51622

Actions

Action Entry Date	Code	Code Description	Text
11/9/2005	1955	Memorandum Points&Authorities	

Case Description: Consolidated into CR03-1263 (D10)				
Case ID:	CR03P1263	Case Type:	POST CONVICTION	Initial Filing Date: 11/9/2005
11/9/2005	3565	Pet Post-Conviction Relief		
11/9/2005	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL	
1/5/2006	3862	**Criminal Submit	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)	
1/31/2006	2270	Mtn to Compel...	MOTION FOR ORDER TO COMPEL	
1/31/2006	3860	Request for Submission	DOCUMENT TITLE: POST CONVICTION	
1/31/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL	
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	
3/6/2006	1930	Letters ...	LETTER BRIEF	
3/17/2006	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ORDER TO COMPEL AND MOTION TO QUASH SUBPOENA DUCES TECUM	
3/21/2006	3880	Response...	RESPONSE TO PETITIONER "LETTER BREIF" FILED IN REPLY TO THE CITY OF RENO'S OPPOSITION TO	
3/21/2006	3860	Request for Submission	DOCUMENT TITLE: RESPONSE TO PETITIONER'S LETTER BRIEF	
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	
8/10/2006	3370	Order ...	APPOINTING KAY ELLEN ARMSTRON AS COUNSEL TO REPRESENT PETITION IN HIS WRIT OF HABEAS	
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	*SEALED *	
1/30/2007	1315	** Case Closed		
1/30/2007	S200	Request for Submission Complet	ORDER GRANTING FEES	
1/30/2007	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES.	
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 HABASL	
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	
8/2/2007	3370	Order ...	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND C	
8/2/2007	T200	Tickle End Code	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND C	
8/8/2007	T200	Tickle End Code	EVIDENTIARY HEARING SET FOR 9/20/07 @ 1:30 P.M.	
8/9/2007	1250	Application for Setting	SET FOR 9/20/07 AT 1:30 PM	
8/9/2007	1325	** Case Reopened		
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: N	
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	

Case Description: Consolidated into CR03-1263 (D10)			Initial Filing Date:	11/9/2005
Case ID:	CR03P1263	Case Type:	POST CONVICTION	
10/11/2007	2385	Mtn Proceed Forma Pauperis		
10/17/2007	3035	Ord Grant in Forma Pauperis		
10/25/2007	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR POST-CONVICTION HABEAS CORPUS	
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	9/20/2007 PETITION FOR POST CONVICTION	
11/8/2007	4185	Transcript	EVIDENTIARY HEARING ON PETITION FOR POST CONVICTION - HEARD 9/20/07	
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 ...	*SEALED ORDER*	
12/5/2007	4270	Waiver of Appearance		
12/5/2007	3860	Request for Submission		
12/21/2007	3860	Request for Submission	*SEALED*	
12/21/2007	2490	Motion ...	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT	
12/21/2007	2610	Notice ...	OF WAIVER OF APPEARANCE	
1/8/2008	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES	
1/8/2008	S200	Request for Submission Complet	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	
1/30/2008	4050	Stipulation ...	STIPULATION FOR CONTINUANCE	
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-	
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	1310	Case Appeal Statement		
5/12/2008	1365	Certificate of Transmittal		
5/12/2008	1350	Certificate of Clerk		
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.	
5/19/2008	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 51622	
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	
6/4/2008	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL	
6/9/2008	2715	Ord Appointing Counsel	KAY ELLEN ARMSTRONG, ESQ. FOR FERRILL J. VOLPICELLI FOR APPEAL PURPOSES ONLY	
6/10/2008	2540	Notice of Entry of Ord		
7/7/2008	2010	Mtn for Attorney's Fee	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT	
7/7/2008	3860	Request for Submission	*SEALED*	
7/7/2008	1325	** Case Reopened		

Case Description: Consolidated into CR03-1263 (D10)				
Case ID:	CR03P1263	Case Type:	POST CONVICTION	Initial Filing Date: 11/9/2005
7/17/2008	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES	
7/17/2008	1315	** Case Closed		
7/17/2008	S200	Request for Submission Complet		
11/12/2008	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 52600	
9/10/2009	4125	Supreme Court Order...	ORDER TO (KAY ELLEN ARMSTRONG) TO FILE SUPPLEMENTAL APPENDIX: SUPREME COURT CASE N	
10/27/2009	2010	Mtn for Attorney's Fee	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT	
10/27/2009	3860	Request for Submission	*SEALED*	
11/6/2009	2777	Order Approving ...	*SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES	
12/4/2009	NEF	Proof of Electronic Service	Transaction 1189860 - Approved By: NOREVIEW : 12-04-2009:15:18:39	
12/4/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1189844 - Approved By: NOREVIEW : 12-04-2009:15:16:0	
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 : 12-30-2009:16:36:2	
12/30/2009	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:2	
12/30/2009	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:2	
1/28/2010	4128	Supreme Court Order Denying	ORDER DENYING MOTION TO RECALL REMITTITUR AND DENYING PERMISSION FOR A LATE PETITION	
1/28/2010	NEF	Proof of Electronic Service	Transaction 1286834 - Approved By: NOREVIEW : 01-28-2010:10:23:42	
4/22/2010	2010	Mtn for Attorney's Fee	*SEALED * MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT	
4/22/2010	3860	Request for Submission	*SEALED*	
5/6/2010	2777	Order Approving ...	*SEALED* RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES	
4/23/2013	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)	
4/23/2013	1955	Memorandum Points&Authorities	(COPY OF MEMORANDUM AND ALL EXHIBITS SENT TO DEFENDANT ON 07-10-13)	
8/29/2013	1325	** Case Reopened		
8/29/2013	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR CONTINUANCE OR STAY OF PROCEEDINGS WITH PENDING SUCCES	
9/24/2013	S200	Request for Submission Complet		
9/24/2013	NEF	Proof of Electronic Service	Transaction 4017253 - Approved By: NOREVIEW : 09-24-2013:12:15:54	
9/24/2013	3105	Ord Granting ...	ORDER GRANTING MOTION TO STAY - Transaction 4017249 - Approved By: NOREVIEW : 09-24-2013:12:14	
10/11/2013	1478	**Consolidated To...	CONSOLIDATED INTO CR03-1263. PLEASE FILE ALL FUTURE PLEADINGS INTO CR03-1263.	

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

FERRILL JOSEPH VOLPICELLI,

Petitioner,

Case No.: CR03-1263

vs.

Dept. No.: 10

STATE OF NEVADA,

Respondent.

**ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY
SENTENCE**

Presently before the Court is a Motion to Correct Illegal Sentence/Modify Sentence ("the Motion") filed on June 3, 2013. The Motion was filed in proper person by Ferrill J. Volpicelli ("the Petitioner"). The State of Nevada failed to file an Opposition to the Motion. The Petitioner submitted the Motion for consideration on November 15, 2013. The Petitioner re-submitted the Motion for consideration on January 2, 2014.

The Petitioner was convicted by a jury of eight counts of burglary, one count of conspiracy, and one count of unlawful possession, making, forgery or counterfeiting of inventory pricing labels. On April 1, 2004, Hon. Steven P. Elliott ("Judge Elliott") sentenced the Petitioner. The Court found that the Petitioner was a habitual criminal and sentenced him to a mandatory minimum of 20 years in

1 prison.^[1] The Petitioner's sentence has been the subject of multiple motions, appeals, and a writ.
2 The judgment was affirmed on direct appeal on June 29, 2005. *See*, ORDER OF AFFIRMANCE,
3 Supreme Court Docket number 43203. The Petitioner filed a Writ of Habeas Corpus (post-
4 conviction). A majority of the writ was dismissed by the Court. The claims that were not summarily
5 dismissed were the subject of a hearing. The Court dismissed the remaining claims on April 14,
6 2008. That decision was the subject of an appeal to the Nevada Supreme Court. The Nevada
7 Supreme Court affirmed the district court decisions regarding the writ. *See*, ORDER OF
8 AFFIRMANCE, Supreme Court Docket Number 51622 ("Docket Order 51622"). The Petitioner
9 uses the second Docket Order as the foundation of his Motion.
10

11 As a preliminary matter, the Court will address the Petitioner's claim that his Motion should
12 simply be granted because the State of Nevada failed to file an opposition. The Petitioner relies on
13 Walls v. Brewster, 112 Nev. 175, 912 P.2d 261 (1996),^[2] to support the proposition that the granting
14 of the motion is mandatory. The Petitioner is incorrect. Walls does not support the proposition
15 posited, nor does the cited Nevada District Court Rule. DCR 13(3) states in part, "Failure of the
16 opposing party to serve and file his written opposition may be construed as an admission that the
17 motion is meritorious and a consent to granting the same (emphasis added)." *Accord*, L.C.R. 7(e).
18 "May" confers a right, privilege or power. NRS 0.025(1)(a). "Shall" imposes a duty to act. NRS
19 0.025(1)(d). Therefore, the Court has the discretion to construe the State's failure to oppose the
20 Motion as an admission that it the pleading has merit: the Court is not obligated to do so.
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26 ^[1] The Court sentenced the Petitioner to life in the Nevada State Prison with a minimum parole eligibility of ten years on
27 all of the felony offenses. It ran some of the sentences concurrently to each other and others consecutively. The net
effect is the Petitioner must serve a minimum of 20 years in prison.

28 ^[2] The Petitioner incorrectly cites this case as "Walls v. Brewster, 92 P.2d 261 (1996)(emphasis added)" in both of his
Requests to Submit.

1 The Court will not construe the State's failure to act as a concession given the nature of the
2 Petitioner's crimes, the nature of his request, and the previous appellate practice associated with this
3 case. To grant the request would not be in the interests of justice, and may be an abuse of
4 discretion. The State is *strongly* admonished, however, not to take the Court's largesse as an
5 indication that it approves of the practice of failing to respond to a properly filed pleading. Future
6 failures to oppose a motion may result in a drastically different outcome.
7

8 The thrust of the Motion is a contention that the Petitioner was illegally sentenced by Judge
9 Elliott. The argument is predicated on a misreading of Docket Order 51622. The Motion contends
10 that Docket Order 51622 found the certified copy of the criminal conviction in CR02-0148 is "not a
11 valid prior for purposes of adjudication under NRS 207.010(1)(b)(2). Therein, the High Court
12 agreed that said exhibit was considered erroneously by the District Court." The Motion, 7:20-24.
13 This contention is accurate. The Motion fails to include the subsequent line in the Docket Order:
14 "However, we conclude that any error was harmless because a sufficient number of convictions was
15 (sic) presented." Docket Order 51622 at page 3. The Supreme Court went on to conclude that "the
16 district court did not err in denying this claim." Docket Order 51622 at page 4.^[3]
17

18 The Nevada Supreme Court decision in Docket Order 51622 is the law of the case. "[T]he
19 law of the case doctrine states that '[t]he law of a first appeal is the law of the case on all subsequent
20 appeals in which the facts are substantially the same.' " Pellegrini v. State, 117 Nev. 860, 884, 34
21 P.3d 519, 535 (2001)(quoting Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975))(internal
22 quotations omitted). Under the law of the case doctrine, "[w]hen an appellate court states a principle
23 or rule of law necessary to a decision, the principle or rule becomes the law of the case and must be
24 followed throughout its subsequent progress, both in the lower court and upon subsequent appeal."
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28 ^[3] The adjudication of the Petitioner as a habitual criminal was also the subject of review on direct appeal. See, ORDER OF AFFIRMANCE, Docket Order 43203 at pages 8-9.

1 Hsu v. Cnty. of Clark, 123 Nev. 625, 629-30, 173 P.3d 724, 728 (2007)(quoting Wickliffe v. Sunrise
2 Hospital, 104 Nev. 777, 780, 766 P.2d 1322, 1324 (1988)). The law of the case doctrine “is
3 designed to ensure judicial consistency and to prevent the reconsideration, during the course of a
4 single continuous lawsuit, of those decisions which are intended to put a particular matter to rest.”
5 Hsu v. Cnty. of Clark, 123 Nev. at 630, 173 P.3d at 728 (2007) (quoting U.S. v. Reap Property
6 Located at Incline Village, 976 F.Supp. 1327, 1353 (D. Nev. 1997)). “The law of the case doctrine,
7 therefore, serves important policy considerations, including judicial consistency, finality, and
8 protection of the court's integrity.” Hsu v. Cnty. of Clark, 123 Nev. at 630, 173 P.3d at 728 (2007).
9 Because the Nevada Supreme Court has ruled on the issue presented, and the Motion presents no
10 legal analysis that contradicts that ruling, the decision in Docket Order 51622 is the law of the case
11 and will not be reconsidered.
12

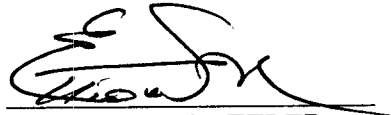
13
14 The Motion next contends that Judge Elliott misapprehended the Petitioner’s prior criminal
15 history and that this misapprehension worked to his extreme detriment. The Court has reviewed the
16 Presentence Report (“PSI”) file-stamped December 19, 2003. The Court has also reviewed the
17 transcript of the sentencing conducted on April 1, 2004. These documents belie the contentions
18 made in the Motion regarding Judge Elliott’s decision to adjudicate the Petitioner a habitual
19 criminal. The Motion’s contention that “the District Court gave no heed to the [Petitioner’s]
20 proffered mitigating evidenced” is merely speculation. The Motion 9:8-9. The Motion’s contention
21 that the Petitioner “had never served any jail time whatsoever” is refuted by the PSI and by the
22 subsequent statements made in the pleading. The Motion 9:12-20. Judge Elliott’s decision to
23 adjudicate the Petitioner a habitual criminal was the subject of a direct appeal. That decision was
24 affirmed and is, therefore, the law of the case. *See*, ORDER OF AFFIRMANCE, Docket Order
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1 43203 at pages 8-9. This Court will not reconsider Judge Elliott's exercise of his judicial discretion
2 under these circumstances.

3 The Motion is nothing more than new paint on an old house. The appearance is slightly
4 different; however, the structure is the same. The issues raised by the Motion have all been
5 previously litigated by the Petitioner and decided both by this Court and by the Nevada Supreme
6 Court. The Court has carefully considered ever argument made by the Motion and find that they all
7 lack merit.
8

9 NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion to Correct Illegal
10 Sentence/Modify Sentence is hereby DENIED.

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12 DATED this 15 day of January, 2014.

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15 ELLIOTT A. SATTLER
16 District Judge
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 15 day of January, 2014, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

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

CERTIFICATE OF ELECTRONIC SERVICE

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 15 day of January, 2014, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

TERRENCE McCARTHY, ESQ.


Administrative Assistant

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

STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR03-1263

FERRILL J. VOLPICELLI,

Dept. No. 10

Defendant.

ORDER DENYING MOTION FOR RECONSIDERATION

Presently before the Court is a Motion for Reconsideration ("the Motion") filed by the Petitioner Ferrill J. Volpicelli ("the Petitioner") on January 27, 2014. The Petitioner entreats the Court to reconsider the ORDER entered on January 15, 2014, denying the Petitioner's request to correct his sentence. The Motion is procedurally flawed. Further, the Court does not believe reconsideration is required. The Motion will be denied.

When the Petitioner filed the Motion he contemporaneously submitted it for the Court's consideration. This procedure is not contemplated by the Nevada District Court Rules. Specifically, D.C.R. 13(2) states that a motion may be filed with the court. Such a motion must contain a memorandum of points and authorities in support of each ground alleged. The opposing party must have ten days to file a motion in opposition. D.C.R. 13(3). The initial moving party has five days after the opposing party files his opposition to file a reply and only then can a matter be submitted to the court for consideration. D.C.R. 13(4). The Petitioner simply skipped the second and third steps

1 in the motion practice by submitting the Motion without giving the State of Nevada the opportunity
2 to respond. For this reason the Motion shall be denied.

3 The Petitioner should not take the foregoing as an indication that he should re-file the Motion
4 and allow the State of Nevada the opportunity to respond. A future motion raising the same issues
5 addressed in the Motion will be denied. D.C.R. 13(7) states a court may grant a party leave to renew
6 a matter previously resolved. The Court has reviewed the Motion and finds that the issues raised are
7 neither new nor compelling. The Court specifically finds that the previous ORDER is not clearly
8 erroneous.
9

10 For all the foregoing reasons the MOTION FOR RECONSIDERATION is DENIED.
11

12 DATED this 25 day of February, 2014.

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14 _____
15 ELLIOTT A. SATTLER
16 District Judge
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3 **CERTIFICATE OF MAILING**

4 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District
5 Court of the State of Nevada, County of Washoe; that on this 25 day of February, 2014, I
6 deposited in the County mailing system for postage and mailing with the United States Postal
7 Service in Reno, Nevada, a true copy of the attached document addressed to:

8 Ferrill J. Volpicelli, #79565
9 Lovelock Correctional Center
10 1200 Prison Road
11 Lovelock, NV 89419

12 **CERTIFICATE OF ELECTRONIC SERVICE**

13 I hereby certify that I am an employee of the Second Judicial District Court of the State of
14 Nevada, in and for the County of Washoe; that on the 25 day of February, 2014, I electronically
15 filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of
16 electronic filing to the following:

17 TERRENCE McCARTHY, ESQ.
18
19

20 
21 Administrative Assistant
22
23
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28

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/18/03

ARRAIGNMENT

HONORABLE

JAMES W.

HARDESTY

DEPT. NO. 9

C. Wynn

(Clerk)

D. Davidson

(Reporter)

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

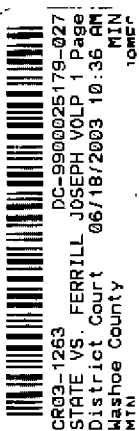
Confirm

10/06/03

8:30 a.m.

Jury Trial

(4 days)



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 DC-9900025179-026
STATE VS FERRILL JOSEPH VOLP 1 Page
District Court 09/24/2003 10:35 AM
Hatch County
nmr

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
11/10/2003 10:35 AM
MTN
10MCP

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.

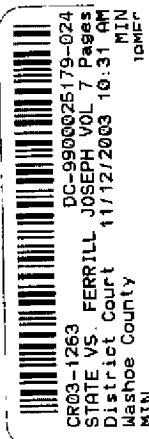
Counsel for Defendant moved to invoke the rule of exclusion; **SO ORDERED.**

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.
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, CONT

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, CONT

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, 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.

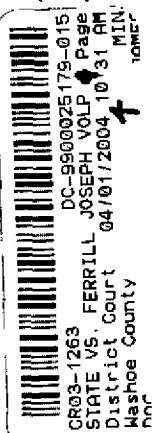
During the argument, counsel for Defendant marked and moved for the admission of exhibits 6 and 7; no objection by counsel for State. COURT ORDERED: Defendant's exhibits 6 and 7 are hereby admitted.

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

HONORABLE

STEVEN P.

ELLIOTT

DEPT. NO. 10

M. Merkouris

(Clerk)

J. Schonlau

(Reporter)

PETITION FOR POST CONVICTION/EVIDENTIARY HEARING

Deputy District Attorney Terrence McCarthy represented the State.

Petitioner was present with counsel, Kay Armstrong, Esq.

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

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

State called Deputy District Attorney Tammy Riggs who was sworn 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.



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

HONORABLE

STEVEN P.

ELLIOTT

DEPT. NO. 10

C. Wynn

(Clerk)

J. Schonlau

(Reporter)

HEARING RE: PETITION FOR POST CONVICTION

CONTINUATION OF WRIT OF HABEAS CORPUS HEARING

Deputy District Attorney Terry McCarthy represented Respondent, State of Nevada. Kay Armstrong, Esq. represented Petitioner, Ferrill Joseph Volpicelli who was not present.

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

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.

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.

1 **Code 1350**

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3
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5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **STATE OF NEVADA,**

9 **Plaintiff,**

10 **vs.**

Case No. CR03-1263

11 **FERRILL J VOLPICELLI,**

Dept. No. 10

12 **Defendant.**

13 _____ /
14
15 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of
17 Nevada, County of Washoe; that on the 12th day of March, 2014, I deposited in the
18 Washoe County mailing system for postage and mailing in the United States Postal
19 Service in Reno, Nevada, a copy of the Notice of Appeal documents addressed to the
20 Nevada Supreme Court 201 S. Carson Street, Suite 201, Carson City, Nevada 89701.

21 I further certify that the transmitted documents are true and correct copies of the
22 original pleadings on file with the Second Judicial District Court.

23 Dated this 12th day of March, 2014.

24 **JOEY ORDUNA HASTINGS**
CLERK OF THE COURT

25 By /s/Annie Smith
26 Annie Smith
27 Deputy Clerk
28