

FILED (A)

CASE No. CRO3-1263

DEPT. No. 10

APR - 1 2016

JACQUELINE BRYANT, CLERK

DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT

IN AND FOR THE COUNTY OF WASHOE

Electronically Filed
Apr 11 2016 02:18 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

X X X X X

FERRILL J. VOLPICELLI,
APPELLANT,

VS-

STATE OF NEVADA,
APPELLEE,

NOTICE OF APPEAL
WITH ACCOMPANYING
POINTS AND AUTHORITIES
AND ATTACHMENT*
(NRAP 4)

NOTICE IS GIVEN THAT APPELLANT, FERRILL J. VOLPICELLI,
IN PRO SE, HEREBY APPEALS TO THE NEVADA SUPREME
COURT THE ORDER DISMISSING THE 2013 WRIT
OF HABEAS CORPUS GROUNDS 1 THROUGH 22 AS
SUCCESSIVE AND DENYING RELIEF IN GROUND 23,
AS FILED/ENTERED ON THE 8 DAY OF MARCH,
2016, IN THE ABOVE-ENTITLED CASE AND COURT.

DATED THIS 31 DAY OF
MARCH, 2016

FERRILL J. VOLPICELLI
APPELLANT IN PRO SE

* ATTACHMENT IS 2013 STATE HABEAS PETITION

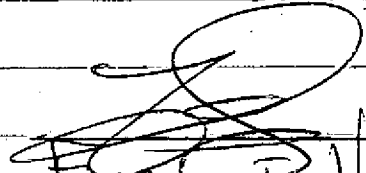
DC-09900075777-006
STATE VS. FERRILL JOSEPH VOL 2 Pages
District Court 04/01/2016 02:22 PM
Washoe County 2515
ACMTTL

CERTIFICATE OF SERVICE

I DO CERTIFY THAT I MADE A TRUE AND CORRECT COPY OF THE FOREGOING NOTICE OF APPEAL WITH ACCOMPANYING POINTS AND AUTHORITIES, AND ATTACHMENT TO THE BELOW ADDRESS(ES) ON THIS 31 DAY OF MARCH, 2016, BY PLACING SAME IN THE U.S. MAIL VIA PRISON LAW LIBRARY STAFF:

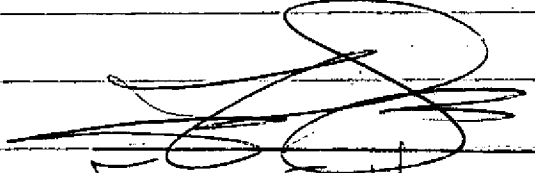
WASHOE COUNTY
DISTRICT ATTORNEY
75 COURT ST
RENO, NV 89501

NEVADA ATTORNEY GENERAL
100 N. CARSON ST
CARSON CITY, NV
89701


FERRIN J. VOLPEREI
APPELLANT IN PRO SE

AFFIRMATION PURSUANT TO NRS 239B.030
THE UNDERSIGNED DOES HEREBY AFFIRM THAT THE PRECEDING NOTICE OF APPEAL FILED IN CASE CRO3-1263 DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY PERSON.

DATED THIS 31 DAY OF
MARCH, 2016


FERRIN J. VOLPEREI
APPELLANT IN PRO SE

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 **FERRILL J. VOLPICELLI,**

9 **Petitioner,**

Case No. CR03-1263

10 **vs.**

Dept. No. 10

11 **THE STATE OF NEVADA,**

12 **Respondents.**

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

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

- 17 1. Appellant is Ferrill J. Volpicelli.
- 18 2. This appeal is from an order entered by the Honorable Judge Elliott Sattler.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
20 address is:
21 Ferrill J. Volpicelli #79565
22 Lovelock Correctional Center
23 1200 Prison Road
24 Lovelock, Nevada 89419
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
26 County District Attorney's Office:
27 Terrance McCarthy, Esq., SBN: 2745
28 P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant was 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 filed on October 17, 2007.
9. Proceeding commenced by the filing of an Indictment on June 11, 2003.
10. This is a criminal proceeding and the Appellant is appealing Order filed on March 8, 2016.
11. The case has been the subject of a previous appeal to the Supreme Court:
Supreme Court No: 43203, 51622, 61142, 63554 and 65212.
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 8th day of April, 2016.

Jacqueline Bryant
Clerk of the Court

By: /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk

CR03p1263
DC-9900001841-220
FERRILL J. VOLPICELLI 3 Pages
POST: 10/17/2007 02:29 PM
District Court 3035
Washoe County

3035

ORIGINAL

FILED

OCT 17 2007

HOWARD W. CONYERS, CLERK
By: *[Signature]*
DEPUTY CLERK

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

FERRILL J. VOLPICELLI,

Case No. CR03p1263

Petitioner,

vs.

Dept. No. 10

STATE OF NEVADA,

Respondent.

ORDER

Having read Petitioner FERRILL J. VOLPICELLI's "Motion for Leave to Proceed in Forma Pauperis," his "Petition for Writ of Habeas Corpus," and his "Certificate of Inmate's Institutional Account," this Court finds that Petitioner has properly filed for propria persona status.

IT IS HEREBY ORDERED, pursuant to NRS 12.015, Petitioner's Motion to Proceed in Forma Pauperis is GRANTED.


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, with the exception of juror fees.

//

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

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

3
4 Dated this 16th day of October, 2007.

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6 JEROME M. POLAHA
7 CHIEF DISTRICT JUDGE
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FERRILL J. VOLPICELLI, #79565
Lovelock Correctional Cent
P.O. Box 359
Lovelock, Nevada 89419

Jerrine Ullesch

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03-1263

DEPT. D10

HON. ELLIOTT A. SATTLER

Report Date & Time

4/8/2016

8:50:18AM

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	Katherine H. Lyon, Esq. - 7070
DA	Terrence P. McCarthy, Esq. - 2745
AG	Frederick J. Perdomo, Esq. - 10714
DEFT	FERRILL JOSEPH VOLPICELLI - @67988
CAA	Kay Armstrong - 715

Charges

Charge No.	Charge Code	Charge Date	Charge Description	
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

Charge No.	Plea Code	Plea Date	Plea Description
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

Date	Charge No.	Charge Desc	Time Served	Sentence Text
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Report Does Not Contain Sealed Cases or Confidential Information

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

Department	Event Description	Sched. Date & Time		Disposed Date
1 D9	ARRAIGNMENT	6/18/2003	08:30:00	6/18/2003
Event Extra Text: ON INDICTMENT		Disposition: D725 6/18/2003 INDICTMENT		
Department	Event Description	Sched. Date & Time		Disposed Date
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		
Department	Event Description	Sched. Date & Time		Disposed Date
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	
	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**

<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		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
21	D10 Request for Submission	7/17/2014	16:25:00	8/28/2014
Event Extra Text: MOTION TO COMPEL		Disposition: S200 8/28/2014		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
22	D10 Request for Submission	12/16/2014	16:50:00	1/16/2015
Event Extra Text: MOTION TO COMPEL (NO PAPER ORDER PROVIDED)		Disposition: S200 1/16/2015		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
23	D10 Request for Submission	3/5/2015	09:34:00	3/20/2015
Event Extra Text: MOTION TO TAKE JUDICIAL NOTICE & COMPEL (NO PAPER ORDER)		Disposition: S200 3/20/2015		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
24	D10 Request for Submission	3/19/2015	09:32:00	4/1/2015
Event Extra Text: JUDICIAL NOTICE		Disposition: S200 4/1/2015		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
25	D10 Request for Submission	1/25/2016	08:22:00	3/8/2016
Event Extra Text: MOTION FOR JUDICAL ACTION SPECIFIC TO GROUP 23 OF 2ND HABEAS (PAPER ORDER NOT PROVIDED)		Disposition: S200 3/8/2016		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
26	D10 Request for Submission	2/29/2016	15:29:00	3/2/2016
Event Extra Text: SECOND REQUEST - MOTION FOR JUDICIAL ACTION SEPECIFIC TO GROUND TWENTY-THREE (23) OF 2005 HABEAS PETITION (NO PAPER ORDER PROVIDED)		Disposition: S200 3/2/2016		

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

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
SC	Supreme Court		SCN 43203	
SC	Supreme Court		SCN 61142	
SC	Supreme Court		SCN 63554	
SC	Supreme Court		SCN 65212	

Actions			
Action Entry Date	Code	Code Description	Text
7/7/2000	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	1300	Bench Warrant Filed-Case Clsd	
6/17/2003	1325	** Case Reopened	
6/17/2003	3897	Return	BENCH WARRANT
6/18/2003	MIN	***Minutes	
6/18/2003	1280	** 60 Day Rule - Waived	
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	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
9/4/2003	2650	Opposition to ...	
9/12/2003	3860	Request for Submission	
9/12/2003	1930	Letters ...	FROM DEFENDANT
9/17/2003	3795	Reply...	REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
9/24/2003	MIN	***Minutes	
10/7/2003	1810	Inmate Request Form Filed	NO DOCUMNET IN FILE TO IMAGE - LMATHEUS
10/7/2003	4030	Stip & Ord Continue Trial	STIPULATION FOR CHANGE OF TRIAL DATE
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
11/7/2003	3370	Order ...	ORDER TRANSFERRING CASE TO D10 FOR TRIAL 11/12/03

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
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 2: 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 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 OF COUNT 9: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY COUNT 10: ULAWFUL POSSESSION, MAKING, OF COUNTERFEITING OF INVENTORY PRIC	
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 INVENT	
11/14/2003	4245	Verdict(s)...	GUILTY COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY	
11/14/2003	1885	Jury Instructions	1 THROUGH 37	
11/14/2003	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1 THROUGH 46	
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	1695	** Exhibit(s) ...	STATE'S EXHIBIT 1-5	
4/1/2004	MIN	***Minutes		
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	1215	Application Appoint Counsel	REQUEST	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
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		
4/27/2004	2840	Ord Denying ...	ORDER DENYING REQUEST FOR APPOINTMENT OF COUNSEL	
4/29/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43203	
4/29/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43203	
5/7/2004	3868	Req to Crt Rptr - Rough Draft		
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	
5/11/2004	2385	Mtn Proceed Forma Pauperis		
5/11/2004	4135	Supreme Court Ord Remanding	SUPREME COURT CASE NO. 43203	
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	3370	Order ...	DECLARING DEFENDANT A HABITUL CRIMINAL	
6/1/2004	2525	Notice of Change of Address		
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	JURY TRIAL 11-13-03 - 11-14-03	
7/2/2004	4185	Transcript	TRIAL 11-12-03	
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	
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	BOTH REQUESTS FOR SUBMISSION FILED 8-26-04: STRUCK FROM RECORD PER ORDER FILED 9-23-04	
8/26/2004	3860	Request for Submission	STRUCK FROM RECORD PER ORDER FILED ON 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	4145	Supreme Court Remittitur	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	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43203	
9/12/2005	2270	Mtn to Compel...	MOTION FOR ORDER TO COMPEL	
9/12/2005	2645	Opposition to Mtn ...	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	1245	Application Ord Show Cause	(2) REQUEST(S) FOR ORDER TO SHOW CAUSE RE: CONTEMPT OF COURT - ORDER TO COMPEL	
12/15/2005	4065	Subpoena Duces Tecum	DOCUMENT NOT IN FILE	
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	1325	** Case Reopened		
12/6/2011	3862	**Criminal Submit	DOCUMENT TITLE: APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER)	
12/6/2011	2385	Mtn Proceed Forma Pauperis	APPLICATION TO PROCEED IN FORMA PAUPERIS	
12/27/2011	NEF	Proof of Electronic Service	Transaction 2668532 - Approved By: NOREVIEW : 12-27-2011:14:15:15	
12/27/2011	3336	Ord Deny in Forma Pauperis	Transaction 2668506 - Approved By: NOREVIEW : 12-27-2011:14:10:47	
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	
2/10/2012	NEF	Proof of Electronic Service	Transaction 2759131 - Approved By: NOREVIEW : 02-10-2012:16:37:50	
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	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	1315	** Case Closed		
5/24/2012	S200	Request for Submission Complet		
6/22/2012	2515	Notice of Appeal Supreme Court		
6/22/2012	1310E	Case Appeal Statement	Transaction 3035933 - Approved By: NOREVIEW : 06-22-2012:09:13:36	
6/22/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3035933 - Approved By: I	
6/22/2012	NEF	Proof of Electronic Service	Transaction 3035938 - Approved By: NOREVIEW : 06-22-2012:09:15:21	
6/28/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 61142/RECEIPT FOR DOCUMENTS - Transaction 3049152 - Approved By: NO	
6/28/2012	NEF	Proof of Electronic Service	Transaction 3049223 - Approved By: NOREVIEW : 06-28-2012:10:53:16	
7/26/2012	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 61142/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 31088	
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	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	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
9/6/2012	NEF	Proof of Electronic Service	Transaction 3196985 - Approved By: NOREVIEW : 09-06-2012:09:01:43	
9/6/2012	NEF	Proof of Electronic Service	Transaction 3196991 - Approved By: NOREVIEW : 09-06-2012:09:03:09	
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	4145	Supreme Court Remittitur	SUPREME COURT NO. 61142/REMITTITUR - Transaction 3689938 - Approved By: NOREVIEW : 04-29-2013:	
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	NEF	Proof of Electronic Service	Transaction 3689973 - Approved By: NOREVIEW : 04-29-2013:08:56:17	
5/14/2013	2490	Motion ...	MOTION TO CORRECT JUDGMENT TO REMOVE DOUBLE JEOPARDY AND ILLEGAL CHARGES	
5/17/2013	3880	Response...	RESPONSE TO DEFENDANT'S MOTION TO CORRECT JUDGMENT OF CONVICTION - Transaction 373258	
5/17/2013	NEF	Proof of Electronic Service	Transaction 3732618 - Approved By: NOREVIEW : 05-17-2013:10:31:23	
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	3105	Ord Granting ...	ORDER GRANTING MOTION TO CORRECT JUDGMENT OF CONVICTION - Transaction 3764809 - Approver	
6/4/2013	S200	Request for Submission Complet		
6/4/2013	NEF	Proof of Electronic Service	Transaction 3764842 - Approved By: NOREVIEW : 06-04-2013:13:24:01	
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	
6/18/2013	1855	Judgment of Conviction-Amended	Transaction 3794602 - Approved By: NOREVIEW : 06-18-2013:08:19:19	
6/18/2013	PAYRC	**Payment Received	A Payment of -\$122.78 was made on receipt DCDC412378.	
6/25/2013	CHECK	**Trust Disbursement	A Disbursement of \$97.78 on Check Number 24967	
7/1/2013	1650	Errata...	ERRATUM NOTICE OF APPEAL ISSUES TO BE RAISE	
7/1/2013	2490	Motion ...	MOTION FOR CONTINUANCE FOR STATE OF PROCEEDINGS WITH PENDING SUCCESSIVE WRIT	
7/1/2013	2515	Notice of Appeal Supreme Court		
7/1/2013	1960	Memorandum ...	MEMORANDUM OF POINTS AND AUTHORITES IN SUPPORT OF NOTICE OF APPEAL ISSUES	
7/9/2013	1310E	Case Appeal Statement	Transaction 3840970 - Approved By: NOREVIEW : 07-09-2013:13:27:32	
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	
7/12/2013	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	4126	Supreme Ct Order Directing...	Supreme Court No. 63554/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 3911654 - Appro	
8/9/2013	NEF	Proof of Electronic Service	Transaction 3911663 - Approved By: NOREVIEW : 08-09-2013:10:02:55	
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	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
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	4128	Supreme Court Order Denying	SUPREME COURT NO. 63554/ORDER DENYING REHEARING - Transaction 4218560 - Approved By: NOREVIEW	
12/24/2013	NEF	Proof of Electronic Service	Transaction 4218585 - Approved By: NOREVIEW : 12-24-2013:14:43:20	
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	S200	Request for Submission Complet		
1/15/2014	NEF	Proof of Electronic Service	Transaction 4259505 - Approved By: NOREVIEW : 01-15-2014:15:06:47	
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	4145	Supreme Court Remittitur	SUPREME COURT NO. 63554/REMITTITUR - Transaction 4274128 - Approved By: NOREVIEW : 01-24-2014:	
1/24/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 63554/ORDER DISMISSING APPEAL - Transaction 4274128 - Approved By: NOREVIEW	
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	S200	Request for Submission Complet		
2/25/2014	2842	Ord Denying Motion	ORDER DENYING MOTION FOR RECONSIDERATION - Transaction 4318794 - Approved By: NOREVIEW : 02-25-2014:14:48:44	
2/25/2014	NEF	Proof of Electronic Service	Transaction 4318797 - Approved By: NOREVIEW : 02-25-2014:14:48:44	
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: NOREVIEW	
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	
3/18/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 65212/RECEIPT FOR DOCUMENTS - Transaction 4347931 - Approved By: NOREVIEW	
3/18/2014	NEF	Proof of Electronic Service	Transaction 4347993 - Approved By: NOREVIEW : 03-18-2014:11:13:55	
4/9/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 65212/ORDER DISMISSING APPEAL - Transaction 4380194 - Approved By: NOREVIEW	
4/9/2014	NEF	Proof of Electronic Service	Transaction 4380198 - Approved By: NOREVIEW : 04-09-2014:13:12:32	
5/8/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 65212/REMITTITUR - Transaction 4424258 - Approved By: NOREVIEW : 05-08-2014:	
5/8/2014	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 65212/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 4424258 - Approved E	
5/8/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 65212/ORDER DISMISSING APPEAL - Transaction 4424258 - Approved By: NOREVIEW	
5/8/2014	NEF	Proof of Electronic Service	Transaction 4424259 - Approved By: NOREVIEW : 05-08-2014:16:19:24	
6/11/2014	4125	Supreme Court Order...	SUPREME COURT NO. 65212/ORDER - Transaction 4471488 - Approved By: NOREVIEW : 06-11-2014:09:30	
6/11/2014	NEF	Proof of Electronic Service	Transaction 4471490 - Approved By: NOREVIEW : 06-11-2014:09:31:43	
6/17/2014	2270	Mtn to Compel...		
7/17/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL	
8/28/2014	S200	Request for Submission Complet		
8/28/2014	3370	Order ...	ORDER REGARDING MOTION TO COMPEL - Transaction 4581639 - Approved By: NOREVIEW : 08-28-2014:	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
8/28/2014	NEF	Proof of Electronic Service	Transaction 4581642 - Approved By: NOREVIEW : 08-28-2014:09:54:16	
9/11/2014	2490	Motion ...	MOTION TO TAKE JUDICIAL NOTICE AND FOR ORDER TO ANSWER MOTION TO COMPEL	
12/16/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL (NO PAPER ORDER PROVIDED)	
1/16/2015	S200	Request for Submission Complet		
1/16/2015	3370	Order ...	ORDER REGARDING MOTION TO TAKE JUDICIAL NOTICE AND FOR ORDER TO ANSWER MOTION TO C	
1/16/2015	NEF	Proof of Electronic Service	Transaction 4777495 - Approved By: NOREVIEW : 01-16-2015:14:04:53	
2/17/2015	2520	Notice of Appearance	LIMITED NOTICE OF APPEARANCE - FREDERICK J. PERDOMO, ESQ - Transaction 4819901 - Approved By	
2/17/2015	NEF	Proof of Electronic Service	Transaction 4820831 - Approved By: NOREVIEW : 02-17-2015:16:46:38	
2/17/2015	3880	Response...	RESPONSE TO MOTION TO TAKE JUDICIAL NOTICE AND FOR ORDER TO ANSWER MOTION TO COMPE	
2/18/2015	NEF	Proof of Electronic Service	Transaction 4820993 - Approved By: NOREVIEW : 02-18-2015:08:20:50	
3/4/2015	3790	Reply to/in Opposition	REPLY TO PLAINTIFF'S RESPONSE TO MOTION TO TAKE JUDICIAL NOTICE FOR ORDER TO ANSWER M	
3/4/2015	FIE	**Document Filed in Error	FIE	
3/4/2015	3860	Request for Submission	DOCUMENT TITLE: MOTION TO TAKE JUDICIAL NOTICE & COMPEL (NO PAPER ORDER)	
3/19/2015	FIE	**Document Filed in Error	FIE-asmith 03/20/15	
3/19/2015	2610	Notice ...	JUDICIAL NOTICE	
3/19/2015	3860	Request for Submission	DOCUMENT TITLE: JUDICIAL NOTICE	
3/20/2015	2840	Ord Denying ...	ORDER DENYING MOTION TO COMPEL - Transaction 4871235 - Approved By: NOREVIEW : 03-20-2015:14:	
3/20/2015	NEF	Proof of Electronic Service	Transaction 4871241 - Approved By: NOREVIEW : 03-20-2015:14:19:16	
3/20/2015	S200	Request for Submission Complet		
4/1/2015	S200	Request for Submission Complet		
1/7/2016	2490	Motion ...	MOTION FOR APPOINTMENT OF ATTORNEY AY LAW RICHARD CORNELL - Transaction 5310654 - Approv	
1/7/2016	2490	Motion ...	MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUND TWENTY-THREE (23) OF 2005 HABEAS PETITIOI	
1/7/2016	2385	Mtn Proceed Forma Pauperis	APPLICATION TO PROCEED IN FORMA PAUPERIS - Transaction 5310654 - Approved By: KJONES : 01-07-2	
1/7/2016	NEF	Proof of Electronic Service	Transaction 5310698 - Approved By: NOREVIEW : 01-07-2016:16:57:35	
1/7/2016	3862	**Criminal Submit	DOCUMENT TITLE: "NO S1 BUILT"-MOTION TO PROCEED INFORMA PAUPERIS (PAPER ORDER PROVIE	
1/14/2016	2490	Motion ...	MOTION TO TRANSFER CR02-0147 AND TO CR02-0148 TO DEPARTMENT 10 - Transaction 5319885 - Appi	
1/14/2016	2490	Motion ...	MOTION TO TRANSFER CR02-0147 AND CR02-0148 TO DEPARTMENT 10 - Transaction 5319885 - Approve	
1/14/2016	NEF	Proof of Electronic Service	Transaction 5320064 - Approved By: NOREVIEW : 01-14-2016:09:26:44	
1/21/2016	2645	Opposition to Mtn ...	OPPOSITION TO "MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUND TWENTY-THREE (23) OF 2005	
1/21/2016	NEF	Proof of Electronic Service	Transaction 5329329 - Approved By: NOREVIEW : 01-21-2016:09:53:43	
1/22/2016	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUP 23 OF 2ND HABEAS (PAPER C	
1/25/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO TRANSFER CR02-0147 AND CR02-0148 TO DEPARTMENT 10 - Transaction !	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5333997 - Approved By: NOREVIEW : 01-25-2016:09:53:40	
2/29/2016	3860	Request for Submission	DOCUMENT TITLE: SECOND REQUEST - MOTION FOR JUDICIAL ACTION SEPECIFIC TO GROUND TWE	
3/2/2016	S200	Request for Submission Complet		
3/8/2016	2840	Ord Denying ...	ORDER DENYING 2013 PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)AND GROUND 2	
3/8/2016	NEF	Proof of Electronic Service	Transaction 5404781 - Approved By: NOREVIEW : 03-08-2016:08:19:16	
3/8/2016	S200	Request for Submission Complet		
3/30/2016	2490	Motion ...	MOTION TO CORRECT AN ILLEGAL SENTENCE PURSUANT TO NRS 176.555	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)			
Case ID:	CR03-1263	Case Type:	CRIMINAL
		Initial Filing Date:	6/11/2003
4/1/2016	FIE	**Document Filed in Error	fie-document not filed stamped - asmith 04/05/16
4/1/2016	FIE	**Document Filed in Error	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPEAL
4/1/2016	FIE	**Document Filed in Error	ATTACHMENT IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES FOR APPEAL
4/1/2016	2515	Notice of Appeal Supreme Court	Appellant, FERRILL J VOLPICELLI, proper
4/1/2016	FIE	**Document Filed in Error	fie-document not filed stamped - asmith 04/05/16
4/1/2016	1372	Certification ...	CERTIFICATION OF ISSUES TO BE RAISED ON APPEAL
4/1/2016	4105	Supplemental ...	ATTACHMENT IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES FOR APPEAL
4/1/2016	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPEAL
4/7/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE - Transaction 5454108 - Approved By: MCHO
4/7/2016	NEF	Proof of Electronic Service	Transaction 5454127 - Approved By: NOREVIEW : 04-07-2016:08:31:39
4/8/2016	1310E	Case Appeal Statement	Transaction 5456718 - Approved By: NOREVIEW : 04-08-2016:08:48:15
4/8/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5456718 - Approved By: I
4/8/2016	NEF	Proof of Electronic Service	Transaction 5456720 - Approved By: NOREVIEW : 04-08-2016:08:49:05

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR03P1263

DEPT. D10

HON. ELLIOTT A. SATTLER

Report Date & Time

4/8/2016

8:49:50AM

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
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D10	PETITION FOR POST CONVICTION	9/20/2007	13:30:00	9/20/2007
	Event Extra Text: EVIDENTIARY HEARING		Disposition: D445 9/20/2007		
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D10	Request for Submission	10/25/2007	12:55:00	10/25/2007
	Event Extra Text: PETITION FOR POST-CONVICTION HABEAS CORPUS		Disposition: S200 10/25/2007 ENTERED IN ERROR		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D10	Request for Submission	12/24/2007	12:45:00	1/8/2008
	Event Extra Text: MOTION FOR COURT APPOINTED FEES		Disposition: S200 1/8/2008 ORDER GRANTING MOTION FOR COURT APPOINTED FEES		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D10	PETITION FOR POST CONVICTION	1/23/2008	13:30:00	1/23/2008
	Event Extra Text: EVIDENTIARY HEARING		Disposition: 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.		
	Department	Event Description	Sched. Date & Time		Disposed Date
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		Disposition: D355 2/14/2008		
	Department	Event Description	Sched. Date & Time		Disposed Date
9	D10	Request for Submission	7/7/2008	10:31:00	7/17/2008
	Event Extra Text: MOTION FOR COURET APPOINTED FEES		Disposition: S200 7/17/2008		
	Department	Event Description	Sched. Date & Time		Disposed Date
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		Disposition: 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	3565	Pet Post-Conviction Relief	

Case Description: Consolidated into CR03-1263 (D10)				
Case ID:	CR03P1263	Case Type:	POST CONVICTION	Initial Filing Date: 11/9/2005
11/9/2005	1955	Memorandum Points&Authorities		
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	3860	Request for Submission	DOCUMENT TITLE: RESPONSE TO PETITIONER'S LETTER BRIEF	
3/21/2006	3880	Response...	RESPONSE TO PETITIONER' "LETTER BREIF" FILED IN REPLY TO THE CITY OF RENO'S OPPOSITION TO	
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 ...	QUASHING SUBPOENA DUCES TECUM AND DENYING MOTION TO COMPEL	
8/10/2006	3370	Order ...	APPOINTING KAY ELLEN ARMSTRON AS COUNSEL TO REPRESENT PETITION IN HIS WRIT OF HABEAS	
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	S200	Request for Submission Complet	ORDER GRANTING FEES	
1/30/2007	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES.	
1/30/2007	1315	** Case Closed		
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	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION	
3/5/2007	1325	** Case Reopened		
8/2/2007	T200	Tickle End Code	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND C	
8/2/2007	3370	Order ...	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	2385	Mtn Proceed Forma Pauperis		
10/11/2007	1030	Affidavit in Support...	AFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS	

Case Description: Consolidated into CR03-1263 (D10)			
Case ID:	CR03P1263	Case Type:	POST CONVICTION
			Initial Filing Date: 11/9/2005
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
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	PETITION FOR POST CONVICTION - SEPT 20, 2007
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	EVIDENTIARY HEARING ON PETITION FOR POST CONVICTION - HEARD 9/20/07
11/8/2007	4185	Transcript	9/20/2007 PETITION FOR POST CONVICTION
12/5/2007	3860	Request for Submission	
12/5/2007	3370	Order ...	*SEALED ORDER*
12/5/2007	4270	Waiver of Appearance	
12/21/2007	2610	Notice ...	OF WAIVER OF APPEARANCE
12/21/2007	2490	Motion ...	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT
12/21/2007	3860	Request for Submission	*SEALED*
1/8/2008	S200	Request for Submission Complet	ORDER GRANTING MOTION FOR COURT APPOINTED FEES
1/8/2008	3060	Ord Granting Mtn ...	*SEALED* 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	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.
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	1325	** Case Reopened	
7/7/2008	3860	Request for Submission	*SEALED*

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	S200	Request for Submission Complet	
7/17/2008	1315	** Case Closed	
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	Ord Approving ...	*SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES
12/4/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1189844 - Approved By: NOREVIEW : 12-04-2009:15:16:0
12/4/2009	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 : 12-30-2009:16:36:2
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	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:2
12/30/2009	NEF	Proof of Electronic Service	Transaction 1235684 - Approved By: NOREVIEW : 12-30-2009:16:38:06
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	Ord 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	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR CONTINUANCE OR STAY OF PROCEEDINGS WITH PENDING SUCCES
8/29/2013	1325	** Case Reopened	
9/24/2013	3105	Ord Granting ...	ORDER GRANTING MOTION TO STAY - Transaction 4017249 - Approved By: NOREVIEW : 09-24-2013:12:14
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
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 J. VOLPICELLI,

Petitioner,

Case No.: CR03-1263

vs.

Dept. No.: 10

THE STATE OF NEVADA,

Respondents.

ORDER

Presently before the Court is a MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUND TWENTY-THREE (23) OF 2005 HABEAS PETITION ("the Motion") filed by the Petitioner FERRILL J. VOLPICELLI ("the Petitioner") on January 7, 2016. The STATE OF NEVADA ("the State") filed an OPPOSITION TO "MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUND TWENTY-THREE (23) OF 2005 HABEAS PETITION" ("the Opposition") on January 21, 2016. The Petitioner submitted the matter for the Court's consideration on January 25, 2016.

The Petitioner was found guilty, pursuant to a jury verdict, of one count of conspiracy to commit a crime against property, eight counts of burglary, and one count of unlawful possession, making, forgery, or counterfeiting of inventory pricing labels on November 14, 2003. The Court found the Petitioner to be a habitual criminal pursuant to NRS 207.010, and the Petitioner was sentenced to imprisonment in the Nevada Department of Corrections for a term of 12 months for the conspiracy conviction, concurrent life sentences for each burglary conviction, and a consecutive life sentence for the counterfeiting conviction on April 1, 2004. The Court ordered the Petitioner to pay

1 restitution in the amount of \$10,339.16. The Supreme Court of the State of Nevada (“the Supreme
2 Court”) affirmed the convictions on June 29, 2005. Order of Affirmance No. 43203 (“the June
3 Order”).

4 The Petitioner filed a 2005 PETITION FOR WRIT OF HABEAS CORPUS (POST
5 CONVICTION) (“the 2005 Petition”) on November 9, 2005. The 2005 Petition alleged 22 grounds
6 for relief. The Petitioner filed a SUPPLEMENTAL MEMORANDUM OF POINTS AND
7 AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (POST-
8 CONVICTION) (“the Supplement”) alleging Ground 23 for relief on March 22, 2006. Ground 23
9 alleges counsel failed to protect the Petitioner from the habitual criminal enhancement by failing to
10 insure the validity of the prior convictions. The Petitioner was subsequently appointed counsel and
11 filed a SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION
12 (“the Second Supplement”) on November 21, 2006.

13 The State filed a MOTION FOR PARTIAL DISMISSAL OF PETITION AND
14 SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (“the
15 Motion for Partial Dismissal”) on February 5, 2007. The Motion for Partial Dismissal sought to
16 dismiss Grounds 1 through 22; Ground 23 was not addressed. The Court¹ granted the Motion for
17 Partial Dismissal, dismissing all grounds save Grounds 7, 11, 12, and 14. The Court held a hearing
18 for Grounds 7, 11, 12, and 14 on September 20, 2007, and February 14, 2008. The Court denied the
19 remaining grounds in a written ORDER filed April 14, 2008 (“the April Order”). No written order
20 or oral argument specifically addressed Ground 23. The Defendant appealed the Court’s decision
21 and the Supreme Court affirmed the Court’s decision on December 3, 2009. Order of Affirmance
22 No. 51622 (“the December Order”).

23 The Petitioner filed a PETITION FOR WRIT OF HABEAS CORPUS (POST-
24 CONVICTION) (“the 2013 Petition”) on April 23, 2013. The Petitioner filed a MOTION FOR
25 CONTINUANCE OR STAY OF PROCEEDINGS WITH PENDING SUCCESSIVE WRIT (“the
26

27 ¹ The Honorable Steven P. Elliott (“Judge Elliott”) conducted the evidentiary hearing. Judge Elliott retired in March of
28 2013.

1 Motion to Stay”) on July 1, 2013. The Court granted the stay on September 24, 2013. The 2013
2 Petition has not been addressed. Accordingly, the Court will address the 2013 Petition within this
3 Order.

4 A post-conviction petition for writ of habeas corpus that challenges a conviction based on a
5 jury verdict is limited to claims that could not have been raised in a prior proceeding, such as at
6 trial, or on direct appeal. NRS 34.810(1)(b). Claims that could have been considered in a prior
7 proceeding are waived, and the district court must dismiss any such claims unless it finds: (1) cause
8 for the procedural default and actual prejudice to the Petitioner, NRS 34.810(1)(b); or (2) that
9 failure to consider the claims would result in a fundamental miscarriage of justice. *Pellegrini v.*
10 *State*, 117 Nev. 860, 887, 34 P.3d 519, 537 (2001). The Petitioner has the burden of pleading and
11 proving specific facts to demonstrate good cause and prejudice.² NRS 34.810(3).

12 The Supreme Court has recognized that ineffective assistance of counsel claims are
13 appropriate where the defendant has a constitutional or statutory right to the appointment of counsel.
14 *McKague v. Warden*, 112 Nev. 159, 164, 912 P.2d 255, 258 (1996). Claims of ineffective assistance
15 of counsel require the petitioner to demonstrate two components: (1) that counsel’s performance was
16 deficient, and (2) that the deficient performance resulted in prejudice to the petitioner. *Strickland v.*
17 *Washington*, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064 (1984). *See also Kirksey v. State*, 112 Nev.
18 980, 987, 923 P.2d 1102, 1107 (1996). “[D]eficient assistance requires a showing that counsel’s
19 representation fell below an objective standard of reasonableness.” *Dawson v. State*, 108 Nev. 112,
20 115, 825 P.2d 593, 595 (1992). “In order to eliminate the distorting effects of hindsight, courts
21 indulge in a strong presumption that counsel’s representation falls within the broad range of
22 reasonable assistance.” *Id.*

23
24
25 ² “Good cause” is established when the petitioner demonstrates that an impediment external to the defense prevented him
26 from complying with the procedural requirements, e.g. failing to raise a claim in a prior proceeding. *State v. Dist. Court*
27 *(Riker)*, 121 Nev. 225, 232, 112 P.3d 1070, 1074-75 (2005), *Pellegrini*, 117 Nev. at 886, 34 P.3d at 537. Ineffective
28 assistance of counsel at trial and on direct appeal may constitute good cause. *See id.* at 887-88, 34 P.3d at 537-38. To
demonstrate prejudice, the petitioner must show not just that the claimed errors “created a possibility of prejudice, but
that they worked to his actual and substantial disadvantage, infecting his entire trial with error of constitutional
dimensions.” *Riker*, 121 Nev. at 232, 112 P.3d at 1075 (quoting *United States v. Frady*, 456 U.S. 152, 170 (1982)); *see*
also Hogan v. Warden, 109 Nev. 952, 960, 860 P.2d 710, 716 (1993).

1 An evidentiary hearing is warranted if the claims are supported by specific factual
2 allegations, the factual allegations are not belied by the record, and the factual allegations, if true,
3 would entitle the petitioner to relief. *Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225
4 (1984). An evidentiary hearing may be required on the substantive claims, good cause to overcome
5 a procedural bar, or a claim of fundamental miscarriage of justice to overcome a procedural bar.
6 *Pellegrini*, 117 Nev. at 883-87, 34 P.3d at 535-37. When the district court determines that an
7 evidentiary hearing is required, it shall grant the writ and schedule a date for the hearing. NRS
8 34.770(3).

9 The Court has reviewed the record in its entirety. The Court finds Grounds 1 through 22 of
10 the 2013 Petition are successive and do not overcome the procedural bars that would permit this
11 Court to consider the Petitioner's allegations. The only ground the Court will consider is Ground 23.

12 Ground 23 alleges trial counsel was ineffective for failing to insure the validity of prior
13 convictions and permitting the Court to consider improper evidence at sentencing. The Petition
14 alleges the prior conviction from February 11, 2004, was not a valid conviction upon which the
15 Court could rely for the habitual criminal enhancement. This contention has been addressed by the
16 Supreme Court. The Supreme Court held the 2004 conviction was not properly used as a prior
17 conviction for finding the Petitioner a habitual criminal. The Court noted, however, "any error was
18 harmless because a sufficient number of convictions [were] presented." The December Order.
19 Accordingly, the contention that the Petitioner was prejudiced by the use of the 2004 conviction has
20 previously been addressed on appeal and is barred from further review.

21 Ground 23 argues counsel was ineffective for failing to object or otherwise protect Petitioner
22 from application of NRS 207.010. Ground 23 asserts the Court erred in relying on the prior
23 convictions because the evidence relied on by the Court was not introduced or proven beyond a
24 reasonable doubt. Ground 23 further argues the application of NRS 207.010 in his case was a
25 violation of his equal protection rights because NRS 207.010 is not imposed upon all similarly
26 situated defendants.

27 The Court finds the Petitioner's claims are belied by the record or have been addressed by
28 the Supreme Court in the June or in the December Order. The 1997 and 1998 prior convictions

1 used for the habitual criminal enhancement pursuant to NRS 207.010 were introduced at the
2 sentencing hearing. Counsel for the Petitioner acknowledged having reviewed the presentence
3 investigation report with the Petitioner and did not dispute the prior convictions. Argument
4 progressed and Petitioner's counsel cross examined the State's witnesses. The 2013 Petition does
5 not allege how trial counsel's performance fell below the objective standard of reasonableness. *See*
6 *generally Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052 (1984); *Warden v. Lyons*, 100
7 Nev. 430, 683 P.2d 504 (1984). The Court stated it had reviewed the records and found "in each
8 case Mr. Volpicelli was afforded appropriate constitutional rights and the record here [meets] all
9 constitutional requirements for use to prove the prior conviction at this type of hearing." Sentencing
10 Trans., April 1, 2004, 43:15-18. Further, on direct appeal, the Supreme Court affirmed the habitual
11 criminal enhancement, noting the Court adequately considered the nature of Petitioner's prior
12 convictions and the impact of his crimes on law enforcement and society as a whole. The Court
13 finds the Petitioner has failed to demonstrate any prejudice he may have suffered. The Supreme
14 Court concluded the Court did not abuse its discretion in declaring Petitioner a habitual criminal.
15 The June Order.


16 The Petition relies on *Apprendi v. New Jersey*, 530 U.S. 466, 120 S.Ct. 2348 (2000), to argue
17 prior convictions used for a habitual criminal enhancement must be submitted to a jury and proved
18 beyond a reasonable doubt. The Supreme Court of the United States held facts used to increase a
19 penalty for a crime must be submitted to a jury and proved beyond a reasonable doubt "[o]ther than
20 the fact of a prior conviction." *Id.*, at 490, 120 S.Ct. at 2362. The Petitioner was not entitled to a
21 jury trial for the habitual criminal enhancement because the Court only looked to prior convictions.

22 Ground 23 further argues the application of NRS 207.010 in his case was a violation of his
23 equal protection rights because NRS 207.010 is not imposed upon all similarly situated defendants.
24 Pursuant to NRS 207.010, it is "within the discretion of the prosecuting attorney whether to ... file a
25 notice of habitual criminality." NRS 207.010 "does not require or even authorize additional judicial
26 factfinding to determine whether a defendant is a habitual criminal." *Tilcock v. Budge*, 538 F.3d
27 1138, 1144 (9th Cir. 2008). "The plain language of NRS 207.010(2) grants the district court
28 discretion to dismiss a count of habitual criminality, not the discretion to impose such an

1 adjudication based on factors other than prior convictions.” *O’Neill v. State*, 123 Nev. 9, 12, 153
2 P.3d 38, 40 (2007). The Supreme Court concluded “NRS 207.010 on its face does not violate
3 *Apprendi*’s mandate.” *Id.*, 153 P.3d at 40. Accordingly, the Court finds the Petition’s due process
4 arguments to be without merit.

5 IT IS HEREBY ORDERED the 2013 PETITION FOR WRIT OF HABEAS CORPUS
6 (POST-CONVICTION) and Ground 23 raised in the SUPPLEMENTAL MEMORANDUM OF
7 POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
8 (POST-CONVICTION) are DENIED. All issues regarding the habitual criminal enhancement have
9 been thoroughly analyzed by the Supreme Court and are the law of the case.

10 DATED this 8 day of March, 2016.

11 
12 ELLIOTT A. SATTLER
13 District Judge
14
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1
2
3 CERTIFICATE OF MAILING


4 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court
5 of the State of Nevada, County of Washoe; that on this 8 day of March, 2016, I deposited in the
6 County mailing system for postage and mailing with the United States Postal Service in Reno,
7 Nevada, a true copy of the attached document addressed to:

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

13 CERTIFICATE OF ELECTRONIC SERVICE

14
15 I hereby certify that I am an employee of the Second Judicial District Court of the State of
16 Nevada, in and for the County of Washoe; that on the 8 day of March, 2016, I electronically
17 filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of
18 electronic filing to the following:

19 TERRENCE P. MCCARTHY, ESQ.

20 
21 Sheila Mansfield
22 Administrative Assistant
23
24
25
26
27
28

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
TOWER

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
MTN
11/10/2003 10:35 AM
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

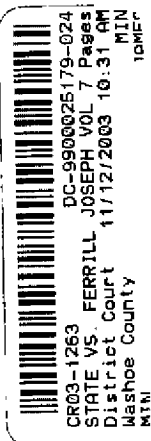
Deputy D.A. Tammy Riggs represented the State.
Defendant was present with counsel, Bradley Van Ry.
Introductions of Court, counsel, Court personnel and respective parties were made to the prospective jurors.
All prospective jurors were sworn to answer questions touching upon their qualifications to serve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

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.

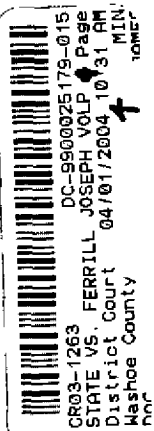
During the argument, counsel for Defendant marked and moved for the admission of exhibits 6 and 7; no objection by counsel for State. COURT ORDERED: Defendant's exhibits 6 and 7 are hereby admitted.

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.



CASE NO. CR03P1263

POST: FERRILL J. VOLPICELLI

DATE, JUDGE
OFFICERS OFCOURT PRESENTAPPEARANCES-HEARINGCONTINUED 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

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.

1 **Code 1350**

2
3
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **FERRILL J. VOLPICELLI,**

Case No. CR03-1263

7
8 **Petitioner,**

Dept. No. 10

9 **vs.**

10 **THE STATE OF NEVADA,**

11 **Respondents.**

12
13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
15 County of Washoe; that on the 8th day of April, 2016, I electronically filed the Notice of Appeal in
the above entitled matter to the Nevada Supreme Court.

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

18 Dated this 8th day of April, 2016

19 Jacqueline Bryant
20 Clerk of the Court

21 By /s/ Yvonne Vilorio
22 Yvonne Vilorio
23 Deputy Clerk
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