

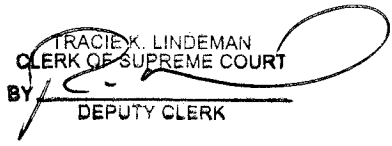
IN THE SUPREME COURT OF THE STATE OF NEVADA

Case No.

70126

FILED

APR 19 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

FERRIN T. VALKENBURG,
~~Appellant,~~
-vs-
STATE of NEVADA

Respondent.

MOTION TO

TAKE JUDICIAL

(TRE 201) NOTICE (NRS 47 et. seq.)

APPELLANT, FERRIN T. VALKENBURG, IN PROPER PERSON, REQUESTS THIS COURT TAKE JUDICIAL NOTICE THAT THE ISSUES PRESENTED ON APPEAL WERE FILED CONCOMITANT WITH THIS NOTICE OF APPEAL ON MARCH 31, 2016; AND THAT SAID ISSUES WILL BE TRANSMITTED BY THE DISTRICT COURT CLERK PURSUANT TO NRS 3(e).

THIS MOTION TO TAKE JUDICIAL NOTICE IS MADE PURSUANT TO THE APPLICABLE NEVADA RULES OF CIVIL PROCEDURE, AS WELL AS THE FEDERAL RULES OF PROCEDURE; AND IT IS FURTHER SUPPORTED BY THE FOLLOWING SUBSTANTIVE CONTENTIONS. (SCR 123)

RECEIVED

APR 18 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

16-12102

SUBSTANTIVE CONTENTIONS.

APPELLANT MOVES THIS COURT TO TAKE JUDICIAL NOTICE THAT A MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THE APPEAL ISSUES, AND AN ERRATA NOTICE OF APPEAL ISSUES TO BE LASEN (CERTIFICATION OF ISSUES) WERE FILED CONTEMPORANEOUS WITH THE TIMELY NOTICE OF APPEAL IN THIS MATTER.

APPELLANT HAS EFFECTIVELY ANNEXED THE ISSUES FOR PRESENTATION AND REVIEW BY THIS COURT FOR AN ORDER AS TO THE CONSTITUTIONAL TRANSGRESSION IN THIS CASE, INSYIENGMA V MORGAN, 403 F3d 657, 664 (9th Cir. 2005). (ANNEXED ISSUES TO BE APPROPRIATELY PROFFERED AND LIE FOR REVIEW).

SUCH A PRESENTMENT OF ISSUES PROVIDES THIS COURT WITH A FULL AND FAIR OPPORTUNITY TO REVIEW ALL GROUNDS, ALONG WITH CITATIONS TO THE REQUISITE AUTHORITY AND RELEVANT PARTS OF THE RECORD. MALLEN V WALDEN, 993 P2d 25, 42 (2000); O'SULLIVAN V BOERCKEL, 119 Sct 1228 (1998).

SUCH AN OPPORTUNITY TO REMEDY ANY ERRORS WOULD EXHAUST SAID ISSUES EVEN IF THIS COURT DOES NOT ACTUALLY TAKE ADVANTAGE

1 OF THAT OPPORTUNITY. PICKARD V. CANADY,
2 92 SCt 509 (1971).

3 ~~APPELLANT~~ ASSERTS THAT THIS COURT HAS PROPER
4 JURISDICTION TO REVIEW HIS MERITORIOUS
5 CLAIMS ON DIRECT APPEAL. BECAUSE HE IS
6 BENEFIT OF COUNSEL, AND, MOST IMPORTANTLY,
7 ALL OF THE CLAIMS OF DUE PROCESS VIOLATIONS,
8 AS WELL AS CLAIMS OF INEFFECTIVE ASSISTANCE
9 OF COUNSEL, ARE ALREADY SUBSTANTIATED
10 BY THE RECORD FROM PREVIOUS LITIGATION
11 STEMMING FROM THE ORIGINAL JUDGMENT
12 OF CONVICTION. THIS, SAID CLAIMS ARE REPE
13 TITIVE FOR REVIEW AND ARE NOT PRECEDENTARILY BARRED;
14 AS THE NEBRASKA COURTS ARE BOUND BY
15 FEDERAL LAW TO APPLY THE NINTH CIRCUIT'S
16 PRECEDENCE IN BURSON - SPECIFICALLY THAT
17 FINALITY FOR LIMITATION PURPOSES IS CALCULATED
18 FROM AN AMENDED JUDGMENT OF CONVICTION
19 AND NOT THE ORIGINAL JUDGMENT OF CONVICTION,
20 COOPER V. HARRINGTON, 2010 US DISTRICT LEXIS
21 39325.

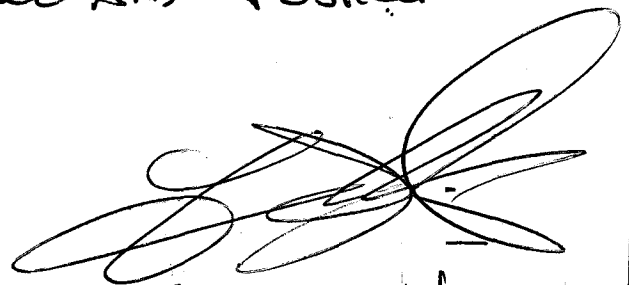
22 MORE SIGNIFICANTLY, THAT THIS COURT HOLDS
23 IN SUMNER DO NOT PRECLUDE PROPER
24 REVIEW ON APPEAL BECAUSE SUMNER'S CASE
25 INVOLVED REVIEW ON A POST CONVICTION HABEAS
26
27
28

1 PETITION. (SPECIFICALLY NRS 34 et seq.)
2 APPELLANT REQUESTS REVIEW OF EACH OF
3 THE GROUNDS CONSIDERED TRANSGRESSORS
4 AND AN ORDER TO INCUR, AT MINIMUM,
5 THAT THIS COURT HAS "CONSIDERED DOCUMENTS
6 SUBMITTED IN THIS MATTER," JUST AS IT
7 DID AT FOOT NOTE 1, CASE NO 63554,
8 FILED DECEMBER 18, 2013, ORDER DENYING REVIEW

10 CONCLUSION

11 BASED ON THE FOREGOING, APPELLANT PRAYS
12 THIS COURT PLEASE TO TAKE A TRUE AND FAIR REVIEW
13 OF THIS GROUNDS ON APPEAL AND GRANT
14 THE NECESSARY REVIEW REQUESTED IN THE
15 INTEREST OF PRUDENCE AND JUSTICE
16

17
18
19 DATED THIS 13 DAY
20 OF APRIL, 2014.



21 Terrence T. Volpescu

22 79565 LCC

23 (2nd PRISON ROAD)

24 CARLETON, NJ 08419

25 APPELLANT IN PRO SE.

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Motion To Take Further Notice to the below address(es) on this 13 day of April, 2016, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

WASHOE COUNTY
DISTRICT ATTORNEY
75 COURT ST
RENO, NV 89501

FERRIN VOUTRACER #79568
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appellant VOUTRACER In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Motion To Take Further Notice filed in District ^{NSE} Court Case No. 170126 does not contain the social security number of any person.

Dated this 13 day of April, 2016.

FERRIN VOUTRACER
Appellant VOUTRACER In Pro Se