

IN THE SUPREME COURT OF THE STATE OF NEVADA
FILED

AUG 01 2016

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TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

FERRILL T. VOLPICELLI

APPELLANT,

Case No: 70646

vs.

D.C No: CR03-1263

STATE OF NEVADA,
RESPONDENTS,MOTION FOR SUBSTITUTION OF APPELLANT'S
MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF APPEAL FOR THE 'INFORMAL BRIEF'
FORM FOR PRO SE PARTIES,APPELLANT, FERRILL T. VOLPICELLI (VOLPICELLI), IN
PRO SE, MOVES THE COURT FOR LEAVE TO SUBSTITUTE
THIS MEMORANDUM OF POINTS AND AUTHORITIES IN
SUPPORT OF HIS APPEAL FOR THE 'INFORMAL BRIEF'
FORM FOR PRO SE PARTIES, (NRS 31(2)(1)).THIS MOTION IS BROUGHT PURSUANT TO THE
APPLICABLE NRS, ALL PAPERS ON FILE
HEREIN, AND THE FOLLOWING POINTS AND AUTHORITIES

RECEIVED

AUG 01 2016

TRACIE K. LINDEMAN

16-23846

POINTS AND AUTHORITIES

STATEMENT OF FACTS

ON MARCH 30, 2016, VOLPICELLI FILED A MOTION TO CORRECT ILLEGAL SENTENCE.

ON OR ABOUT THE SECOND WEEK OF APRIL, 2016, RESPONDENTS FILED AN OPPOSITION TO SAME.

ON APRIL 19, 2016, VOLPICELLI FILED HIS REPLY TO RESPONDENTS OPPOSITION TO CORRECT ILLEGAL SENTENCE.

ON MAY 19, 2016, THE SECOND JUDICIAL DISTRICT COURT ISSUED AN ORDER DENYING THE MOTION TO CORRECT ILLEGAL SENTENCE.

ON JUNE 16, 2016, VOLPICELLI FILED A TIMELY NOTICE OF APPEAL WITH ACCOMPANYING MEMORANDUM OF POINTS AND AUTHORITIES.

ON JUNE 16, 2016, VOLPICELLI FILED AN ACCOMPANYING CERTIFICATION OF ISSUES WITHIN SAID MEMORANDUM OF ISSUES TO BE RAISED ON APPEAL.

ON JUNE 16, 2016, VOLPICELLI FILED THE MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPEAL REQUEST WITH EXHIBITS. (NMR 3)

ON JUNE 23, 2016, THE CLERK OF THE NEVADA SUPREME COURT FILED A RECEIPT FOR DOCUMENTS.

ARGUMENT

VOLPICELLI HAS THEREBY PROVIDED THE NEVADA SUPREME COURT WITH PROPER NOTICE OF HIS APPEAL, AS WELL AS THE ISSUES ON APPEAL, BY WAY OF THE DISTRICT COURT'S CLERK. UPON THE NEVADA HIGH COURT'S REQUEST FOR TRANSMISSION OF THE COURT'S RECORD, ALL DOCUMENTS WILL BE RIPE FOR SCREENING OF VOLPICELLI'S ISSUES.

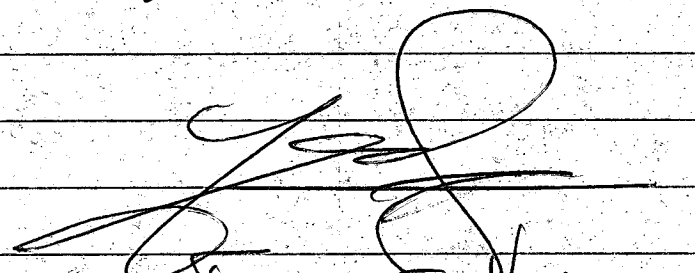
HOWEVER, IN THE INTEREST OF FAIR NOTICE AND SO THAT THERE ARE NO COMPLICATIONS WITH THE NEVADA SUPREME COURT ACKNOWLEDGING VOLPICELLI'S ISSUES ON APPEAL, APPELLANT SEEKS LEAVE FROM THE COURT TO SUBSTITUTE HIS MEMORANDUM OF POINTS AND AUTHORITIES FOR THE 'INFORMAL BRIEF' FOR PRO SE PARTIES. THIS MOTION IS POSED DUE TO THE COMPLEXITIES OF THE NUMEROUS ISSUES ON REVIEW AND IN THE INTEREST OF JURISPRUDENCE. ADDITIONALLY, VOLPICELLI SEEKS AN ORDER FOR THE RESPONDENTS TO REPLY TO THE QUESTIONS PRESENTED ON REVIEW. THIS INCLUDES THE ISSUES REFERENCED AS (A) THROUGH (D).

VOLPICELLI FURTHER REQUESTS THIS COURT LIBERALLY CONSTRUCT HIS PLEADINGS INsofar AS THE CONSTITUTIONAL TRANSGRESSIONS WOULD CONTINUE TO PREJUDICE HIM. (ERICKSON V PARSONS, 551 US 89 (2007))

CONCLUSION

BASED ON THE FOREGOING, THIS COURT
SHOULD GRANT VOLPICELLI'S MOTION FOR
SUBSTITUTION OF APPELLANT'S MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT OF HIS
NOTICE OF APPEAL, FILED JUNE 16, 2016, FOR
THE 'INFORMAL BRIEF FOR PRO SE PARTIES',
AS WELL AS ISSUE SAID ORDER WITH ALL
POSSIBLE CLARITY FOR RESPONDENTS TO
ANSWER TO EACH QUESTION OF LAW POSED IN
SECTIONS (A) THROUGH (D).

DATED THIS 28
DAY OF JULY, 2016



FERRIS V. VOLPICELLI
79565 @LCC
1200 PLESON RD
LOVELOCK, NV 89419

APPELLANT IN PRO SE

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Motion For Substitution to the below address(es) on this 28 day of JULY, 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


Fern Lopez # 7904
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
APPEARED In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Motion For Substitution filed in District Court Case No. 20096 does not contain the social security number of any person.

Dated this 28 day of JULY, 2016.


Fern Lopez
APPEARED In Pro Se

IN THE SUPREME COURT OF THE STATE OF NEVADA

XXXXXXXX

FERRILL T. VOLPICELLI,
Appellant,

CASE No. 70646

vs.

D.C. No. CR03-1263

STATE OF NEVADA,
Respondents,

MOTION FOR APPOINTMENT
OF ATTORNEY AT LAW
RICHARD CORNELL

Appellant, FERRILL T. VOLPICELLI (VOLPICELLI), IN
PRO SE, HEREBY SUBMITS THIS MOTION FOR THE
APPOINTMENT OF ATTORNEY AT LAW RICHARD
CORNELL, AS PRO BONO/COURT-APPOINTED COUNSEL
CONCERNING THE MATTERS PENDING IN THIS APPEAL.
THIS MOTION IS BROUGHT PURSUANT TO NRS 34.750,
ALL PAPERS, PLEADINGS AND DOCUMENTS ON FILE HEREIN,
AND THE FOLLOWING POINTS AND AUTHORITIES.

POINTS AND AUTHORITIES

VOLPICELLI IS UNABLE TO AFFORD COUNSEL AND HIS APPEAL IS EXTRAORDINARILY COMPLEX. HENCE, HE IS MOVING THE COURT FOR RICHARD CORNELL AS COURT-APPOINTED COUNSEL BECAUSE OF HIS FAMILIARITY WITH THE ISSUES IN THE INSTANT CASE.

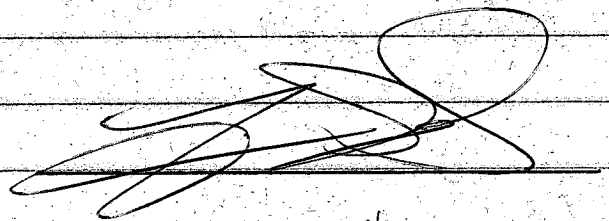
VOLPICELLI ASSERTS THAT IT IS INCUMBENT UPON THE COURT TO ALLOW MR. CORNELL TO FURTHER INVESTIGATE SAID ISSUES WHICH CONTINUE TO DEBATE THE APPELLANT UNCONSTITUTIONALITY.

VOLPICELLI HAS MET THE THRESHOLD ENUMERATED IN NRS 34.700, AND IT WOULD NOT ONLY SATISFY JUSTICE, BUT FUNDAMENTAL FAIRNESS AS WELL.

CONCLUSION

FOR THE REASONS ABOVE, AND IN THE INTEREST OF JURISPRUDENCE, THE COURT SHOULD APPOINT RICHARD CORNELL AS COURT-APPOINTED COUNSEL OF RECORD IN THIS MATTER.

DATED THE 28 DAY
OF JULY, 2016



FERRILL J. VOLPICELLI
79505 @ LCC
APPELLANT IN PRO SE

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Motion For Appointment of Attorney Cornwell to the below address(es) on this 28 day of JULY, 20 16, 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

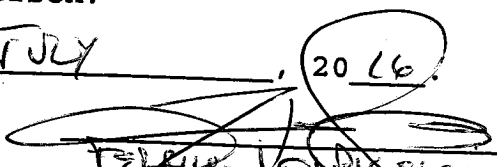

Felicia Volpke # 79526
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Applicant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Motion For Appointment of Cornwell filed in District Court Case No. CR 2016 does not contain the social security number of any person.

Dated this 28 day of JULY, 20 16.


Felicia Volpke
Applicant In Pro Se

IN THE SUPREME COURT OF THE STATE OF NEVADA

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FERRILL J. VOLPICELLI
APPELLANT,

CASE No. 70646

vs.

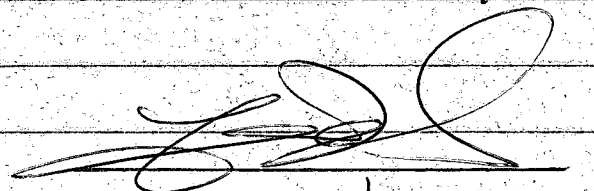
D.C. No. CR03-1263

STATE OF NEVADA,
RESPONDENTS,

MOTION FOR ORDER FOR RESPONDENTS TO REPLY TO
APPELLANT'S QUESTIONS PRESENTED

APPELLANT, FERRILL J. VOLPICELLI, (VOLPICELLI), IN PRO
SE, MOVES THE COURT FOR AN ORDER FOR
RESPONDENTS TO REPLY TO APPELLANT'S QUESTIONS
PRESENTED WITHIN THIS MEMORANDUM OF POINTS AND
AUTHORITIES WHICH WERE SUBMITTED FOR REVIEW
CONCOMITANT WITH THE NOTICE OF APPEAL.

DATED THIS 28 DAY
OF JULY, 2016


FERRILL J. VOLPICELLI
APPELLANT IN PRO SE

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Motion for Respondents to Reply to the below address(es) on this 28 day of JULY, 2016, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

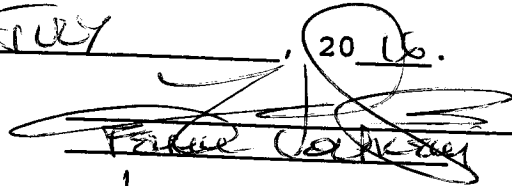
WASHE COUNTY
DISTRICT ATTORNEY
25 COURT ST
RENO NV 89501


Fern Lopez # 7925
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Appellant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Motion for Respondents to Reply filed in District Court Case No. 72645 does not contain the social security number of any person.

Dated this 28 day of JULY, 2016.


Fern Lopez
Appellant In Pro Se