

CR96-1581
STATE VS. STEVEN FLOYD VOSS 2 Pages
District Court 02/05/2018 01:50 PM
Washoe County
DC96F0011

FILED

2018 FEB -5 PM 1:50

JACQUELINE BRYANT
CLERK OF THE COURT

Electronically Filed
Feb 09 2018 11:42 a.m.

Elizabeth A. Brown
Clerk of Supreme Court

1 STEVEN FLOYD VOSS #S2094

2 Northern Nevada Corrections Center

3 Post Office Box # 7000

4 Carson City, Nevada 89702-7000

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

9 THE STATE OF NEVADA,

Case No. CR96-1581

10 Plaintiff,

Dept. No. 3

11 VS.

12 STEVEN FLOYD VOSS,

13 Defendant.

NOTICE OF APPEAL

16 NOTICE IS HEREBY GIVEN that the Defendant STEVEN FLOYD
17 VOSS, hereby appeals to the Nevada Supreme Court, from
18 the Order of the above named Court, in the above named
19 case, entered on January 26, 2018, which denied the
20 Defendant's Pre-Sentencing Motion To Set Aside Jury Verdict
21 filed on October 25, 2017.

22 DATED this 2nd day of February 2018.

23 This document does not contain the social security
24 number of any person.

25 By: 

26 STEVEN FLOYD VOSS,

27 Defendant in pro. per.

CERTIFICATE OF SERVICE VIA U.S. MAIL

I, STEVEN FLOYD VOSS, do hereby certify that
on this 2nd day of February 2018, that I mailed a
true and correct copy of the foregoing Notice of Appeal,
addressed to:

TERRENCE P. MCCARTHY, Esq. (DIA)
% Washoe County District Attorney
Post Office Box # 11130
Reno, Nevada 89526-0027

By: Steven Floyd Voss
STEVEN FLOYD VOSS

///

///

///

1 **Code 1310**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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

8 **THE STATE OF NEVADA,**

9 **Plaintiff,**

Case No. CR96-1581

10 **vs.**

Dept. No. 10

11 **STEVEN FLOYD VOSS,**

12 **Defendant.**

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

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

- 17 1. Appellant is Steven Floyd Voss.
- 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 Steven Floyd Voss #52094
- 22 N.N.C.C.
- 23 P.O. Box 7000
- 24 Carson City, Nevada 89702-7000
- 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 did not file a motion to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information on July 1, 1996.
10. This is a criminal proceeding and the Appellant is appealing the Order filed January 25, 2018.
11. The case has been the subject of a previous appeal to the Supreme Court:
Supreme Court No: 29783, 42307 and 74227
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 6th day of February, 2018.

Jacqueline Bryant
Clerk of the Court

By: /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR96-1581

DEPT. D10

HON. ELLIOTT A. SATTLER

Report Date & Time

2/6/2018

10:44:17AM

Case Description: STATE VS. STEVEN FLOYD VOSS (D10)

Case ID:	CR96-1581	Case Type:	CRIMINAL	Initial Filing Date:	7/16/1996
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Parties

PNP	Div. of Parole & Probation - DPNP
APPL	STEVEN FLOYD VOSS - @47436
RESP	STATE OF NEVADA - STATE
PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Egan K. Walker, Esq. - 4408
DEFT	STEVEN FLOYD VOSS - @47436
PROD	STEVEN FLOYD VOSS - @47436

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	11/7/2017	13:48:00	12/5/2017

Event Extra Text: REQUEST FOR SUBMISSION OF MOTION

Disposition:
S200 12/5/2017

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2 D10	Request for Submission	1/11/2018	16:07:00	1/25/2018

Event Extra Text: PRESENTENCING MOTION TO SET ASIDE JURY
VERDICT

Disposition:
S200 1/25/2018
ORDER OF JANUARY 25, 2018

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D10	Request for Submission	1/12/2018	08:00:00	1/25/2018

Event Extra Text: PROPOSED ORDER OF ACQUITTAL

Disposition:
S200 1/25/2018
ORDER OF JANUARY 25, 2018

Case Description: STATE VS. STEVEN FLOYD VOSS (D10)

Case ID:	CR96-1581	Case Type:	CRIMINAL	Initial Filing Date:	7/16/1996
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Department		Event Description	Sched. Date & Time		Disposed Date
4	D10	Request for Submission	1/24/2018	14:56:00	1/25/2018
Event Extra Text: MOTION TO FORMALLY VACATE JUDGMENT OF CONVICTION AND TO DISMISS ACTION WITH PREJUDICE DUE TO THE STATE'S FAILURE TO PROSECUTE			Disposition: S200 1/25/2018 ORDER OF JANUARY 25, 2018		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 74227
SC	Supreme Court	SCN 29783
SC	Supreme Court	SCN 42307

Actions

Action Entry Date	Code	Code Description	Text
7/16/1996	1800	Information	
7/16/1996	1250	Application for Setting	
7/19/1996	MIN	***Minutes	
7/25/1996	3980	Stip and Order...	
8/2/1996	3700	Proceedings	
8/6/1996	MIN	***Minutes	
8/16/1996	2490	Motion ...	
8/21/1996	3370	Order ...	
9/3/1996	MIN	***Minutes	
9/9/1996	2490	Motion ...	MOTION FOR RELEASE ON OWN RECOGNIZANCE OR REDUCTION IN BAIL
9/9/1996	1250	Application for Setting	
9/10/1996	MIN	***Minutes	
9/16/1996	4185	Transcript	MOTION TO CONFIRM TRIAL 8/06/96
9/24/1996	MIN	***Minutes	
9/25/1996	2490	Motion ...	DEFENDENT'S MOTIONS IN LIMINE
10/2/1996	2645	Opposition to Mtn ...	OPPOSITION TO MOTION IN LIMINE
10/4/1996	4185	Transcript	MOTION TO CONTINUE TRIAL
10/4/1996	4185	Transcript	ARRAIGNMENT 7/19/96
10/10/1996	4235	Unused Verdict Form(s)...	
10/10/1996	4235	Unused Verdict Form(s)...	
10/10/1996	4235	Unused Verdict Form(s)...	
10/10/1996	4235	Unused Verdict Form(s)...	
10/10/1996	4235	Unused Verdict Form(s)...	
10/10/1996	4235	Unused Verdict Form(s)...	
10/10/1996	4245	Verdict(s)...	COUNT 1: BURGLARY
10/10/1996	4245	Verdict(s)...	COUNT I I : UTTERING A FORGED INSTUMENT
10/10/1996	4245	Verdict(s)...	COUNT I I I : UTTERING A FORGED INSTRUMENT
10/10/1996	4245	Verdict(s)...	COUNT IV: FORGERY

Case Description: STATE VS. STEVEN FLOYD VOSS (D10)

Case ID:	CR96-1581	Case Type:	CRIMINAL	Initial Filing Date:	7/16/1996
10/10/1996	4245	Verdict(s)...	COUNT V: FORGERY		
10/10/1996	4245	Verdict(s)...	GUILTY OF COUNT VI: ATTEMPTED THEFT		
10/10/1996	1885	Jury Instructions			
10/10/1996	1890	Jury Question, Court Response			
10/17/1996	2490	Motion ...	MOTION FOR A JUDGMENT OF ACQUITTAL OR A NEW TRIAL		
10/21/1996	4055	Subpoena			
10/21/1996	4055	Subpoena			
10/21/1996	4055	Subpoena			
10/21/1996	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ACQUITTAL OR NEW TRIAL		
10/30/1996	4185	Transcript	MOTION FOR RELEASE ON OR		
11/17/1996	MIN	***Minutes			
11/21/1996	2490	Motion ...	MOTION TO DISMISS		
11/27/1996	4500	PSI - Confidential			
11/27/1996	1850	Judgment of Conviction			
11/27/1996	1315	** Case Closed			
11/27/1996	2645	Opposition to Mtn ...	OPPOSITION TO DISMISS		
12/4/1996	4185	Transcript	SENTENCING		
12/24/1996	1310	Case Appeal Statement			
12/24/1996	2515	Notice of Appeal Supreme Court			
12/26/1996	1350	Certificate of Clerk			
12/26/1996	1365	Certificate of Transmittal			
1/7/1997	2490	Motion ...	MOTION FOR TRIAL TRANSCRIPT AT PUBLIC EXPENSEN AND SPECIFICATION OF ERROR		
1/13/1997	3370	Order ...			
1/29/1997	4185	Transcript	(JURY TRIAL) 10/08/96		
1/29/1997	4185	Transcript	SENTENCING		
1/29/1997	4185	Transcript	(JURY TRIAL) 10/09/96		
1/29/1997	4185	Transcript	JURY TRIAL (APPEAL)		
8/22/1997	2490	Motion ...	MOTION TO RELEASE EVIDENCE		
8/26/1997	3370	Order ...			
8/27/1997	3735	Receipt			
8/28/1997	3735	Receipt			
4/30/1998	2490	Motion ...	MOTION TO SET ASIDE		
5/11/1998	2645	Opposition to Mtn ...	OPPOSITIONB TO MOTION TO SET ASIDE VERDICT		
5/18/1998	3795	Reply...	REPLY TO MOTION TO SET ASIDE VERDICT		
5/20/1998	MIN	***Minutes			
5/21/1998	MIN	***Minutes			
6/16/1998	4185	Transcript	MOTION TO SET ASIDE JURY VERDICT		
6/18/1998	4185	Transcript	MOTION TO SET ASIDE JURY VERDICT		
4/8/1999	4145	Supreme Court Remittitur			

Case Description: STATE VS. STEVEN FLOYD VOSS (D10)

Case ID:	CR96-1581	Case Type:	CRIMINAL	Initial Filing Date:	7/16/1996
4/8/1999	2855	Ord Dismiss Appeal/Remand			
4/8/1999	1350	Certificate of Clerk			
12/13/1999	CMS	**See CMS Prior to 12/13/99			
6/8/2001	MIN	***Minutes			
10/18/2002	PAYRC	**Payment Received	A Payment of -\$43.92 was made on receipt DCDC87451.		
10/22/2002	2645	Opposition to Mtn ...	FOR PARTIAL STAY OF EXECUTION OF SENTENCE		
10/22/2002	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION TO PRODUCE SPECIFICALLY REQUESTED DISCOVERY INFOR		
11/4/2002	3880	Response...	PET'S RESPONSE TO RESPONDENT'S OPPOS TO MOTION FOR PARTIAL STAY OF EXECUTION OF SEN		
11/6/2002	3862	**Criminal Submit	DOCUMENT TITLE: PET'S RESPONSE TO RESPONDENT'S OPPOS		
4/25/2003	3370	Order ...	REQUESTING INMATE FINANCIAL CERTIFICATE		
3/25/2005	2183	Mtn for Rough Draft Transcript	MOTION FOR COMPLETE UN-REDACTED TRIAL TRANSCRIPTS AT PUBLIC EXPENSE		
4/1/2005	2475	Mtn to Strike...	DATED AND PREJUDICIAL PRE-SENTENCING INVESTIGATIONAL REPORT AND SENTENCING RECOMME		
4/7/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR COMPLETE UN-REDACTED TRIAL TRANSCRIPTS		
4/7/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION TO STRIKE DATED AND PREJUDICIAL PRESENTENCING REPORT...		
9/26/2005	2490	Motion ...	FOR CORRECTION OF TRIAL RECORD		
10/10/2005	3860	Request for Submission	DOCUMENT TITLE: CORRECTION OF TRIAL RECORD		
12/13/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR CORRECTION OF TRIAL RECORD		
1/17/2006	2525	Notice of Change of Address			
5/1/2006	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 29783		
5/16/2006	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 29783		
7/6/2006	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 29783		
8/15/2007	1670	Ex-Parte Mtn...	EMERGENCY EX-PARTE MOTION FOR INJUNCTIVE RELIEF, AND APPLICATION FOR TEMPORARY PROT		
1/25/2008	2610	Notice ...			
6/10/2011	3980	Stip and Order...			
10/18/2017	NEF	Proof of Electronic Service	Transaction 6353190 - Approved By: NOREVIEW : 10-18-2017:13:37:44		
10/18/2017	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 74227 / RECEIPT FOR DOCUMENTS - Transaction 6353182 - Approved By: NOREVII		
10/25/2017	3373	Other ...	DEFENDANT'S APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANT'S PRE-SENTENCING MOTION TO :		
10/25/2017	3373	Other ...	DEFENDANT'S APPENDIX OF EXHIBITS IN SUPPORT OF DEFENDANT'S PRE-SENTENCING MOTION TO :		
10/25/2017	2490	Motion ...	PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT		
11/7/2017	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION OF MOTION		
12/5/2017	S200	Request for Submission Complet			
12/5/2017	NEF	Proof of Electronic Service	Transaction 6423153 - Approved By: NOREVIEW : 12-05-2017:10:53:11		
12/5/2017	3370	Order ...	ORDER DIRECTING RESPONSE FROM STATE TO PRESENTENCING MOTION FILED BY VOSS - Transacti		
1/4/2018	2650	Opposition to ...	OPPOSITION TO "PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT" - Transaction 6464638 - App		
1/4/2018	NEF	Proof of Electronic Service	Transaction 6464970 - Approved By: NOREVIEW : 01-04-2018:09:56:00		
1/9/2018	2610	Notice ...			
1/11/2018	1260	Application Produce Prisoner	MOTION FOR ORDER TO PRODUCE PRISONER AT EVIDENTIARY HE4ARING RELATIVE TO MOTION TO :		
1/11/2018	3860	Request for Submission	DOCUMENT TITLE: PRESENTENCING MOTION TO SET ASIDE JURY VERDICT		
1/11/2018	3795	Reply...	DEFENDANT'S REPLY TO STATE'S OPPOSITION TO DEFENDANT'S PRE-SENTENCING MOTION O SET /		

Case Description: STATE VS. STEVEN FLOYD VOSS (D10)				
Case ID:	CR96-1581	Case Type:	CRIMINAL	Initial Filing Date: 7/16/1996
1/11/2018	2490	Motion ...	MOTION FOR EVIDENTIARY HEARING IN REGARD TO THE DEFENDANT'S PRE-SENTENCING MOTION T	
1/12/2018	2490	Motion ...	MOTION TO FORMALLY VACATE JUDGMENT OF CONVICTION AND TO DISMISS ACTION WITH PREJUDIC	
1/12/2018	3860	Request for Submission	DOCUMENT TITLE: PROPOSED ORDER OF ACQUITTAL (Order attached as exhibit 1)	
1/23/2018	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 74227 / ORDER DIRECTING ANSWER - Transaction 6494316 - Approved By: NOREV	
1/23/2018	NEF	Proof of Electronic Service	Transaction 6494331 - Approved By: NOREVIEW : 01-23-2018:14:06:27	
1/24/2018	2610	Notice ...	NOTICE OF STATE'S FAILURE TO FILE POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANT'S MC	
1/24/2018	3860	Request for Submission	DOCUMENT TITLE: MOTION TO FORMALLY VACATE JUDGMENT OF CONVICTION AND TO DISMISS ACT	
1/25/2018	S200	Request for Submission Complet	ORDER OF JANUARY 25, 2018	
1/25/2018	S200	Request for Submission Complet	ORDER OF JANUARY 25, 2018	
1/25/2018	S200	Request for Submission Complet	ORDER OF JANUARY 25, 2018	
1/25/2018	S200	Request for Submission Complet	ORDER OF JANUARY 25, 2018	
1/25/2018	S200	Request for Submission Complet	ORDER OF JANUARY 25, 2018	
1/25/2018	2840	Ord Denying ...	ORDER DENYING PRE-SENTENCE MOTION TO SET ASIDE JURY VERDICT; ORDER DENYING MOTION T	
1/25/2018	NEF	Proof of Electronic Service	Transaction 6499853 - Approved By: NOREVIEW : 01-25-2018:16:20:52	
1/26/2018	NEF	Proof of Electronic Service	Transaction 6502152 - Approved By: NOREVIEW : 01-26-2018:16:21:43	
1/26/2018	2540	Notice of Entry of Ord	Transaction 6502149 - Approved By: NOREVIEW : 01-26-2018:16:20:45	
2/2/2018	2490	Motion ...	MOTION AND DEMAND FOR SPEEDY TRIAL	
2/2/2018	2490	Motion ...	MOTION FOR APPOINTMENT OF TRIAL COUNSEL	
2/5/2018	2515	Notice of Appeal Supreme Court	ORDER; 1/26/18	
2/6/2018	NEF	Proof of Electronic Service	Transaction 6517160 - Approved By: NOREVIEW : 02-06-2018:10:42:12	
2/6/2018	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6517153 - Approved By: N	
2/6/2018	1310E	Case Appeal Statement	Transaction 6517153 - Approved By: NOREVIEW : 02-06-2018:10:41:16	

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

* * *

THE STATE OF NEVADA,

Plaintiff,
vs.

Case No.: CR96-1581
Dept. No.: 10

STEVEN FLOYD VOSS,
Defendant.

ORDER

Presently before the Court is a PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT ("the Motion"). The Motion was filed by Defendant STEVEN FLOYD VOSS ("the Defendant") on October 25, 2017. The Court directed the State of Nevada ("the State") to file a responsive pleading to the Motion in an ORDER DIRECTING RESPONSE filed on December 5, 2017. The State filed an OPPOSITION TO "PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT" ("the Opposition") on January 4, 2018. The Defendant filed his DEFENDANT'S REPLY TO STATE'S OPPOSITION TO DEFENDANT'S PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICTS ("the Reply") on January 11, 2018, and contemporaneously submitted the matter for the Court's consideration.

On November 27, 1996, the Defendant was convicted, pursuant to a jury verdict, of one count of BURGLARY, one count of ATTEMPTED THEFT, two counts of UTTERING A FORGED INSTRUMENT, and two COUNTS OF FORGERY. The Defendant was sentenced to

1 consecutive sentences in the Nevada Department of Corrections for all six offenses.¹ The
2 Defendant's convictions were the subject of a direct appeal to the Nevada Supreme Court ("the
3 Supreme Court"). The Supreme Court entered an ORDER DISMISSING APPEAL, No. 29783 on
4 March 11, 1999 ("the March Order"). The March Order found "sufficient evidence to establish guilt
5 beyond a reasonable as determined by a rational trier of fact." The March Order further found, "the
6 jury's verdict will not be disturbed on appeal where, as here, sufficient evidence supports the
7 verdict."
8

9 The Defendant filed a POST-CONVICTION PETITION FOR WRIT OF HABEAS
10 CORPUS ("the Writ"). The Court conducted an evidentiary hearing regarding the Writ.² The Court
11 entered its FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT ("the FFCLJ") on
12 August 9, 2001. The FFCLJ denied the Writ in all aspects with one exception.³ The Supreme Court
13 affirmed the FFCLJ in the ORDER OF AFFIRMANCE No. 38373 ("the January Order") filed
14 January 17, 2002. Of note, the January Order found:
15

16 [the Defendant] was essentially caught in the midst of the commission of the crime at a Reno
17 bank as he attempted to cash the victim's forged personal check. Although [the Defendant]
18 alleged that he had consent from the victim, there was sufficient evidence to support the
19 jury's finding to the contrary.

20 The January Order, *5. The Defendant has filed numerous motions to file a successive petition for
21 writ of habeas corpus. The Court has denied all of the requests. The denials have been affirmed by
22

23 ¹ The Honorable James A. Stone ("Judge Stone") presided over the trial and sentencing.

24 ² The Honorable Steven P. Elliott ("Judge Elliott") presided over the Writ and all subsequent proceedings in the instant
25 action until March 18, 2013, when the undersigned became the presiding judge in Department X of the Second Judicial
26 District Court.

26 ³ Judge Elliott found the Defendant was entitled to a new sentencing hearing because Judge Stone "based [the
27 Defendant's] onerous sentence, at least in part, on suspect and impalpable ground [sic] that [the Defendant] had
28 murdered Ms. Baxter." The FFCLJ, 6:26 through 7:2. Whether the Defendant has received his re-sentencing is currently
before the Nevada Court of Appeals. *See generally*, ORDER DIRECTING ANSWER No. 74227 filed January 22, 2018.

1 the Nevada Supreme Court. *See generally*, ORDER OF AFFIRMANCE No. 42307 entered July 27,
2 2004; ORDER OF AFFIRMANCE No. 44637 entered April 22, 2005.⁴

3 The Court has reviewed the Motion and the Reply. These pleadings are attempts to re-
4 litigate the Defendant's guilt. The issue of the Defendant's guilt was decided over twenty years ago.
5 That decision has been affirmed by the Nevada Supreme Court and is the law of the case. *Hall v.*
6 *State*, 91 Nev. 314, 535 P.2d 797 (1975); *Hogan v. Warden*, 109 Nev. 952, 860 P.2d 710 (1993);
7 *Lisle v. State*, 131 Nev. Adv. Op. 31, 351 P.3d 725 (2015); *Peck v. State*, 2017 WL 1948575 (Nev.
8 2017). The Defendant may not circumvent this well-established doctrine by merely changing the
9 name of the pleading he files. *See generally*, *Pangallo v. State*, 112 Nev. 1533, 1535, 930 P.2d 100,
10 102 (1996)(overruled on other grounds by *Griffin v. State*, 122 Nev. 737, 137 P.3d 1165
11 (2006)(holding the "procedural label" attached to a motion is "of little importance").
12

13
14 It is hereby **ORDERED** the PRE-SENTENCING MOTION TO SET ASIDE JURY
15 VERDICT is **DENIED**.⁵

16 **DATED** this 25 day of January, 2018.

17
18 
19 ELLIOTT A. SATTLER
20 District Judge
21
22
23
24
25

26 ⁴ These two orders are not intended to be an exhaustive list of the appeals to the Supreme Court filed by the Defendant.
27 He has an extensive history seeking to re-litigate his convictions through various legal mechanisms.

28 ⁵ A Proposed Order of Acquittal was submitted to the Court on January 12, 2018. This was an improper submission and
is DENIED. In addition, a Motion to Formally Vacate Judgment of Conviction and to Dismiss Action with Prejudice
Due to the State's Failure to Prosecute was submitted to the Court on January 24, 2018. This Motion is also DENIED.

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CERTIFICATE OF MAILING

Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 25 day of January, 2018, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

STEVEN FLOYD VOSS, #52094
Northern Nevada Correctional Center
P.O. Box 7000
Carson City, NV 89702-7000

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe; that on the 25 day of January, 2018, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

TERRENCE McCARTHY, ESQ.


Sheila Mansfield
Judicial Assistant

1 CODE: 2540
2
3
4

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

7 ***

8 STEVEN FLOYD VOSS,
9 Petitioner,

CASE NO: CR96-1581

10 vs.

DEPT. NO.: 10

11 STATE OF NEVADA,

12
13 Respondent,
14 _____/

15 **NOTICE OF ENTRY OF ORDER**

16 PLEASE TAKE NOTICE that on the 25th day of January, 2018 the Court entered a
17 decision or order in this matter, a true and correct copy of which is attached hereto.

18 You may appeal to the Supreme Court from the decision or order of the Court. If
19 you wish to appeal, you must file a notice of appeal with the Clerk of this Court within thirty-
20 three (33) days, after the date this notice is mailed to you. This notice was mailed on the
21 26th day of January, 2018.
22

23 JACQUELINE BRYANT
24 Clerk of the Court

25 By /s/ Rosa Rodriguez
26 Deputy Clerk
27
28

1 **CERTIFICATE OF SERVICE**

2 CASE NO. CR96-1581

3 Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial
4 District Court of the State of Nevada, County of Washoe; and that on the 26th day of
5 January, 2018, I electronically filed the Notice of Entry of Order with the Clerk of the Court
6 by using the ECF system which will send a notice of electronic filing to:

7 TERRENCE MCCARTHY ESQ. for STATE OF NEVADA

8 DIV. OF PAROLE & PROBATION
9
10
11
12

13 I further certify that on the 26th day of January, 2018, I deposited in the Washoe County
14 mailing system for postage and mailing with the U.S. Postal Service in Reno, Nevada, a
15 true and correct copy of the Notice of Entry of Order, addressed to:

16 Steven Voss #52094
17 Northern Nevada Correctional Center
18 P.O Box 7000
19 Carson City, NV 89702-7000

20 Attorney General's Office
21 100 N. Carson Street
22 Carson City, NV 89701-4717
23
24
25
26
27
28

/s/ Rosa Rodriguez
Rosa Rodriguez

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

* * *

THE STATE OF NEVADA,

Plaintiff,
vs.

Case No.: CR96-1581
Dept. No.: 10

STEVEN FLOYD VOSS,
Defendant.

ORDER

Presently before the Court is a PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT ("the Motion"). The Motion was filed by Defendant STEVEN FLOYD VOSS ("the Defendant") on October 25, 2017. The Court directed the State of Nevada ("the State") to file a responsive pleading to the Motion in an ORDER DIRECTING RESPONSE filed on December 5, 2017. The State filed an OPPOSITION TO "PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT" ("the Opposition") on January 4, 2018. The Defendant filed his DEFENDANT'S REPLY TO STATE'S OPPOSITION TO DEFENDANT'S PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICTS ("the Reply") on January 11, 2018, and contemporaneously submitted the matter for the Court's consideration.

On November 27, 1996, the Defendant was convicted, pursuant to a jury verdict, of one count of BURGLARY, one count of ATTEMPTED THEFT, two counts of UTTERING A FORGED INSTRUMENT, and two COUNTS OF FORGERY. The Defendant was sentenced to

1 consecutive sentences in the Nevada Department of Corrections for all six offenses.¹ The
2 Defendant's convictions were the subject of a direct appeal to the Nevada Supreme Court ("the
3 Supreme Court"). The Supreme Court entered an ORDER DISMISSING APPEAL, No. 29783 on
4 March 11, 1999 ("the March Order"). The March Order found "sufficient evidence to establish guilt
5 beyond a reasonable as determined by a rational trier of fact." The March Order further found, "the
6 jury's verdict will not be disturbed on appeal where, as here, sufficient evidence supports the
7 verdict."
8

9 The Defendant filed a POST-CONVICTION PETITION FOR WRIT OF HABEAS
10 CORPUS ("the Writ"). The Court conducted an evidentiary hearing regarding the Writ.² The Court
11 entered its FINDINGS OF FACT, CONCLUSION OF LAW AND JUDGMENT ("the FFCLJ") on
12 August 9, 2001. The FFCLJ denied the Writ in all aspects with one exception.³ The Supreme Court
13 affirmed the FFCLJ in the ORDER OF AFFIRMANCE No. 38373 ("the January Order") filed
14 January 17, 2002. Of note, the January Order found:
15

16 [the Defendant] was essentially caught in the midst of the commission of the crime at a Reno
17 bank as he attempted to cash the victim's forged personal check. Although [the Defendant]
18 alleged that he had consent from the victim, there was sufficient evidence to support the
19 jury's finding to the contrary.

20 The January Order, *5. The Defendant has filed numerous motions to file a successive petition for
21 writ of habeas corpus. The Court has denied all of the requests. The denials have been affirmed by
22

23 ¹ The Honorable James A. Stone ("Judge Stone") presided over the trial and sentencing.

24 ² The Honorable Steven P. Elliott ("Judge Elliott") presided over the Writ and all subsequent proceedings in the instant
25 action until March 18, 2013, when the undersigned became the presiding judge in Department X of the Second Judicial
26 District Court.

26 ³ Judge Elliott found the Defendant was entitled to a new sentencing hearing because Judge Stone "based [the
27 Defendant's] onerous sentence, at least in part, on suspect and impalpable ground [sic] that [the Defendant] had
28 murdered Ms. Baxter." The FFCLJ, 6:26 through 7:2. Whether the Defendant has received his re-sentencing is currently
before the Nevada Court of Appeals. *See generally*, ORDER DIRECTING ANSWER No. 74227 filed January 22, 2018.

1 the Nevada Supreme Court. *See generally*, ORDER OF AFFIRMANCE No. 42307 entered July 27,
2 2004; ORDER OF AFFIRMANCE No. 44637 entered April 22, 2005.⁴

3 The Court has reviewed the Motion and the Reply. These pleadings are attempts to re-
4 litigate the Defendant's guilt. The issue of the Defendant's guilt was decided over twenty years ago.
5 That decision has been affirmed by the Nevada Supreme Court and is the law of the case. *Hall v.*
6 *State*, 91 Nev. 314, 535 P.2d 797 (1975); *Hogan v. Warden*, 109 Nev. 952, 860 P.2d 710 (1993);
7 *Lisle v. State*, 131 Nev. Adv. Op. 31, 351 P.3d 725 (2015); *Peck v. State*, 2017 WL 1948575 (Nev.
8 2017). The Defendant may not circumvent this well-established doctrine by merely changing the
9 name of the pleading he files. *See generally*, *Pangallo v. State*, 112 Nev. 1533, 1535, 930 P.2d 100,
10 102 (1996)(overruled on other grounds by *Griffin v. State*, 122 Nev. 737, 137 P.3d 1165
11 (2006)(holding the "procedural label" attached to a motion is "of little importance").
12

13
14 It is hereby **ORDERED** the PRE-SENTENCING MOTION TO SET ASIDE JURY
15 VERDICT is **DENIED**.⁵

16 **DATED** this 25 day of January, 2018.

17
18 
19 ELLIOTT A. SATTLER
20 District Judge
21
22
23
24
25

26 ⁴ These two orders are not intended to be an exhaustive list of the appeals to the Supreme Court filed by the Defendant.
27 He has an extensive history seeking to re-litigate his convictions through various legal mechanisms.

28 ⁵ A Proposed Order of Acquittal was submitted to the Court on January 12, 2018. This was an improper submission and
is DENIED. In addition, a Motion to Formally Vacate Judgment of Conviction and to Dismiss Action with Prejudice
Due to the State's Failure to Prosecute was submitted to the Court on January 24, 2018. This Motion is also DENIED.

1
2 **CERTIFICATE OF MAILING**

3 Pursuant to NRCp 5(b), I certify that I am an employee of the Second Judicial District
4 Court of the State of Nevada, County of Washoe; that on this 25 day of January, 2018, I deposited
5 in the County mailing system for postage and mailing with the United States Postal Service in Reno,
6 Nevada, a true copy of the attached document addressed to:

7
8 STEVEN FLOYD VOSS, #52094
9 Northern Nevada Correctional Center
10 P.O. Box 7000
11 Carson City, NV 89702-7000

12 **CERTIFICATE OF ELECTRONIC SERVICE**

13 I hereby certify that I am an employee of the Second Judicial District Court of the State of
14 Nevada, in and for the County of Washoe; that on the 25 day of January, 2018, I electronically
15 filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of
16 electronic filing to the following:

17
18 TERRENCE McCARTHY, ESQ.
19
20
21

22 
23 Sheila Mansfield
24 Judicial Assistant
25
26
27
28

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

7/19/96

ARRAIGNMENT

HONORABLE

Deputy District Attorney Linda Nordvig represented the State. Defendant

8/6/96

DEBORAH A.

was present with counsel, Deputy Public Defender Cotter Conway.

8:45 a.m.

AGOSTI

Probation Officer David Gould was also present.

Motion to

DEPT. NO. 3

TRUE NAME: STEVEN FLOYD VOSS. Defendant handed a copy of the

Confirm

G. Glide

Information; waived reading.

(Clerk)

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

9/3/96

S. Koetting

COURT ORDERED: Matter continued for trial by jury.

9:00 a.m.

(Reporter)

Defendant remanded to the custody of the Sheriff.

Trial

CR96-1581
STATE VS STEVEN FLOYD VOSS (1 Page
District Court 07/19/1996 01:50 PM
Washoe County
MIN

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/6/96

MOTION TO CONFIRM TRIAL DATE

HONORABLE

DEBORAH A.

AGOSTI

DEPT. NO. 3

G. Glide

(Clerk)

B. Bruch

(Reporter)

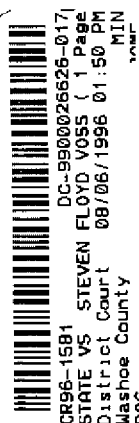
Deputy District Attorney Egan Walker represented the State. Defendant was present with counsel, Deputy Public Defender, Cotter Conway.

Probation Officer Joan Ewald was also present.

Counsel for the Defendant informed the Court that he would be filing a writ and several motions. Court instructed counsel that if anything needs to be heard before she returns, he is to proceed in accordance with the Court Rules.

Counsel for the Defendant informed the Court that his client is prepared to proceed to trial on 9/3/96; no objection; COURT ORDERED: Trial confirmed.

Defendant remanded to the custody of the Sheriff.



DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

9/3/96

MOTION TO CONTINUE TRIAL DATE

HONORABLE

Deputy District Attorney Elliott Sattler represented the State. Defendant was present with counsel, Deputy Public Defender Maizie Pusich.

9/24/96

DEBORAH A.

Probation Officer Wayne Diek was also present.

8:45 a.m.

AGOSTI

DEPT.NO. 3

Counsel for the Defendant moved to continue the trial date stating that Mr.

Motion to

G. Glide

Conway had received a significant amount of discovery last week and

Confirm

(Clerk)

after a discussion with Mr. Walker, counsel had stipulated to a

S. Koetting

continuance. Court inquired of the Defendant as to his right to a speedy

10/7/96

(Reporter)

trial, and the Defendant had no objection to this continuance.

9:00 a.m.

COURT ORDERED: matter continued for trial by jury.

Trial

Defendant remanded to the custody of the Sheriff.

CR96-1581
STATE VS STEVEN FLOYD VOSS
District Court
Washoe County
DC-95062626-016
(1 Page
09/03/1996 01:45 PM
MIN

CASE NO. CR96-1581

STATE OF NEVADA VS. STEVEN FLOYD VOSS

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

9/10/96

MOTION FOR RELEASE ON O.R./BAIL REDUCTION

HONORABLE

Deputy District Attorney Egan Walker represented the State. Defendant was present with counsel, Deputy Public Defender Cotter Conway.

DEBORAH A.

Probation Officer Wayne Diek was also present.

AGOSTI

DEPT.NO. 3

Counsel for the Defendant informed the Court that he would like to submit the matter; objection by counsel for the State.

G. Glide

(Clerk)

COURT ORDERED: Motion for O.R. denied; bail reduced to the amount of \$20,000.00 bondable.

S. Koetting

(Reporter)

Defendant remanded to the custody of the Sheriff.

CR96-1581
STATE VS STEVEN FLOYD VOSS
District Court
Washoe County
DC-9900026626-015
09/10/1996 01:47 PM
MIN

CASE NO. CR96-1581

STATE OF NEVADA VS. STEVEN FLOYD VOSS

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

9/24/96

MOTION TO CONFIRM TRIAL DATE

HONORABLE

Deputy District Attorney Egan Walker represented the State. Defendant was present with counsel, Deputy Public Defender Cotter Conway.

DEBORAH A.

Defense counsel confirmed the trial scheduled for 10/7/96 for four (4) days.

AGOSTI

DEPT.NO. 3

O. Krahn

COURT ORDERED: Trial confirmed.

(Clerk)

Defendant remanded to the custody of the Sheriff.

S. Koetting

(Reporter)

CR96-1581
STATE VS. STEVEN FLOYD VOSS (1 Page
District Court 09/24/1996 01 47 PM
Washoe County
NAC

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

11/17/96

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

HONORABLE

Deputy D.A. Dave Stanton was present for the State.

JAMES A.

The Defendant was present with counsel, Deputy P.D.

STONE

Cotter C. Conway. William Lorang was present for

DEPT. NO. 10

the State Dept of Parole and Probation.

J. Eyheralde

Respective counsel and parties addressed the Court.

(Clerk)

COURT ORDERED: The Defendant is sentenced to a

R. Walker

maximum term of one hundred twenty (120) months with

Reporter

a minimum term of forty-eight (48) months on Count I

Burglary; Count II Uttering A Forged Instrument to a

term of a maximum term of forty-eight (48) months

with a minimum term of sixteen (16) months,

consecutive to Count I; Count III Uttering A Forged

Instrument to a term of a maximum of forty-eight

(48) months with a minimum term of sixteen (16)

months, consecutive to Count I, II and III; Count V

Forgery to a term of a maximum term of forty-eight

(48) months with a minimum term of sixteen (16)

months consecutive to Count's I, II, III and IV;

Count VI Attempted Theft to a term maximum of forty-

eight (48) months with a minimum term of sixteen

(16) months, consecutive to all Counts in the Nevada

State Prison, and is to pay Seven Hundred Fifty

Dollars (\$750.00) attorney fees and the statutory

Twenty Five Dollar (\$25.00) administrative

assessment fee. The Defendant is to be given credit

for one hundred thirty-seven (137) days time served.

Defendant remanded to the custody of the Sheriff.



CASE NO. CR96-1581

STATE OF NEVADA VS. STEVEN FLOYD VOSS

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

05/20/98

HONORABLE

DEBORAH A.

AGOSTI

DEPT. NO. 3

C. McMahon

(Clerk)

D. Davidson

(Reporter)

MOTION TO SET ASIDE JURY VERDICT

Deputy District Attorney Egan Walker was present on behalf of the State. The Defendant was not present but represented by Deputy Public Defenders Maizie Pusich and Cotter Conway. Barbara Jewett was present on behalf of the Division of Parole and Probation.

Counsel Pusich for the Defendant addressed the Court advising that the Defendant had not been transported by NSP and moved for a continuance. Counsel for the State addressed the Court indicating he would contact NSP to confirm transport for tomorrow; Counsel Pusich will do the same. Counsel Pusich also addressed the Court with concerns over access to the Defendant. Counsel for the State further addressed the Court advising that investigative reports provided to the Defense involve additional prior bad acts, but the State will not refer to those in opening argument (in the companion case CR97-2077 set for trial 5/26/98) until the Court has made its ruling.

COURT ORDERED: Matter continued until tomorrow. Defendant to remain in the County Jail over the weekend pending trial.

05/21/98

8:30 a.m.

Cont'd Motion

To Set Aside

Jury Verdict

CR96-1581
STATE VS. STEVEN FLOYD VOSS
District Court
Washoe County
DC-9900026626-012
{ 1 Page
05/20/1998 01:46 PM
MTN
TONE

CASE NO. CR96-1581 STATE OF NEVADA VS. STEVEN FLOYD VOSS

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

5/21/98

HONORABLE

DEBORAH A.

AGOSTI

DEPT. NO. 3

B. Walker

(Clerk)

D. Davidson

(Reporter)

MOTION TO SET ASIDE JURY VERDICT

Deputy District Attorney Egan Walker represented the State.

Defendant was present with counsel, Deputy Public Defender Cotter C.

Conway and Deputy Public Defender Maizie Pusich. Erin Gallagher was present on behalf of the Division of Parole and Probation.

Deputy Public Defender Conway addressed the Court regarding the testimony of Edward Vilardi stating it was material to the defense because the evidence against Defendant Voss was circumstantial and the credibility of the detectives who testified at the trial was impeachable to the extent that the defense could have used the undisclosed information to challenge the methods of the police investigation and argued in support; response and argument by Deputy District Attorney Walker.

COURT ORDERED: State's failure to produce information violates the discovery rules and took the matter under advisement. The State will not be permitted to refer to prior convictions.

Defendant is to be maintained in custody at the Washoe County Jail until and through his trial on May 26, 1998.

CR96-1581
STATE VS. STEVEN FLOYD VOSS (1 Page
District Court 05/21/1998 01:41 PM
Washoe County
MIN

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

6/8/01
HON. STEVEN
ELLIOTT
DEPT. NO. 10
L. Lopez
(Clerk)
D. Vieira
(Reporter)

EVIDENTIARY HEARING

Petitioner present with counsel, Scott Edwards.
Deputy D.A. Gary Hatlestad represented the State.
Counsel for Petitioner addressed the Court and invoked the rule
of exclusion; SO ORDERED.
Respective counsel presented opening statements.
The following witnesses were called by counsel for Petitioner,
sworn, testified and cross-examined:

Steven Floyd Voss
Mary Duplin
Gary Clifford

The following witnesses were called by counsel for State, sworn,
testified and cross-examined:

Stacey Hill
Larry Canfield
John Yarhan
Cotter Conway

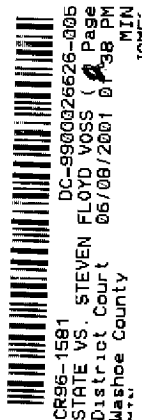
Closing arguments were waived by respective counsel.
The Court addressed Petitioner's claims and stated findings as
follows:

Regarding Petitioner's claim that prospective jurors were
exposed to Petitioner in prison clothing and/or during in-custody
transportation, the Court finds no credibility to Petitioner's
testimony and indicated that no corroborating testimony existed.
COURT ORDERED: The Petition is hereby denied as to this
claim.

Regarding Petitioner's claim of ineffective assistance of counsel
at trial, the Court finds that no credible evidence exists to
support this claim.

COURT ORDERED: The Petition is hereby denied as to this
claim.

Regarding Petitioner's claim that the State failed to properly
disclose Edward Villardi's witness statement, the Court finds that
the State did fail to properly disclose said information. The



DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

6/8/01
HON. STEVEN
ELLIOTT
DEPT. NO. 10
L. Lopez
(Clerk)
D. Vieira
(Reporter)

EVIDENTIARY HEARING (cont'd.)

Court does not find that the witness's statement would have impacted the issue of guilt; however, the Court does find that by the State not properly disclosing Edward Villardi's testimony, the State may have impassioned the sentencing court to impose a more severe sentence than which may have been rendered if that court had knowledge of said information.

COURT ORDERED: The Petition is hereby granted as to this claim insofar as it relates to sentencing. The Petitioner shall receive a new sentencing hearing.

The Court directed counsel for State to prepare appropriate findings of fact, conclusions of law and order in accordance with the Court's rulings herein.

Counsel for State expressed concerns with the Court's ruling and how said ruling was reached; further discussion between the Court and counsel for State. Counsel for State discussed the reliance by the sentencing court on the Pre-Sentence Investigation Report as well as the Petitioner's criminal history. The Court confirmed said ruling.

Petitioner remanded to the custody of the Sheriff.

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 **THE STATE OF NEVADA,**

Case No. CR96-1581

7
8 **Plaintiff,**

Dept. No. 10

9 **vs.**

10 **STEVEN FLOYD VOSS,**

11 **Defendant.**

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 6th day of February, 2018, I electronically filed the Notice of Appeal
16 in the above entitled matter to the Nevada Supreme Court.

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

19 Dated this 6th day of February, 2018

20 Jacqueline Bryant
21 Clerk of the Court

22 By /s/ Yvonne Vilorio
23 Yvonne Vilorio
24 Deputy Clerk
25
26
27
28