

1 STEVEN FLOYD VOSS # 52094
2 Northern Nevada Corrections Center
3 Post Office Box # 7000
4 Carson City, Nevada 89702-7000
5

6 IN THE SUPREME COURT OF THE STATE OF NEVADA
7

8 STEVEN FLOYD VOSS,
9 Appellant,
10 VS.
11 THE STATE OF NEVADA,
12 Respondent.
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No. 75064

FILED

MAR 02 2018

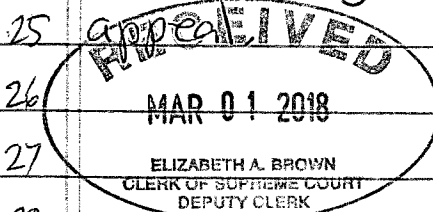
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

14

15 MOTION FOR VOLUNTARY DISMISSAL OF APPEAL
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17 COMES NOW Appellant, STEVEN FLOYD VOSS, by
18 and through his proper person, and hereby
19 submits the instant Motion.
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21 The instant Motion is made and predicated
22 upon the attached memorandum of points and
23 authorities, attached exhibits, and all papers
24 and pleadings on file in the above entitled
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INDEX OF ATTACHED APPENDENCES

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3 Appendix #1: ORDER, second Judicial
4 District Court of The State of
5 Nevada, In And For The County
6 of Washoe, Case No. CR96-1581,
7 dated February 16, 2018
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MEMORANDUM OF POINTS AND AUTHORITIES

I. Nature of Motion:

Through the instant Motion the Appellant seeks the voluntary dismissal of the instant appeal. Where, circumstances subsequent to the docketing of the instant appeal, render the instant appeal moot. See, appended "ORDER".

II. Discussion:

On February 16, 2018; District Court Judge, Elliot A. Sattler, the presiding judge in Department Ten, of the Second Judicial District Court, In And For The County Of Washoe, State of Nevada, did enter an "Order". Wherein, said judge had voluntarily recused himself in regard to the underlying District Court case, No. CR96-1581, and had ORDERED WITHDRAWN the Court's prior "ORDER" (denying the Appellant's Pre-Sentencing Motion To Set Aside Jury Verdicts) entered on January 25, 2018. Such withdrawn "ORDER" which formed the basis of the instant appeal. Therefore, such action by the District Court effectively renders the instant appeal moot. Given such inherent fact, and in the interest of judicial economy and administrative ease, the Appellant

1 in good faith, and for no improper or dilatory
2 purpose, moves this honorable court for a
3 voluntary dismissal of the instant appeal.
4 without prejudice to the filing of a new
5 appeal relative to the underlying claims, should
6 the need to do so arise at a later date.


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8 III. Conclusion:

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10 The Court's granting of the instant Motion
11 is warranted, and is in the best interest of
12 the Court, and would be consistent with the
13 objectives of Judicial Economy and Administrative
14 Ease.

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16 IV. Verification:

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18 Under penalty of perjury, I STEVEN FLOYD
19 VOSS, do hereby verify that I have read the
20 content of the foregoing Motion, and that same
21 is true and correct of my own personal information,
22 knowledge and belief. The foregoing Motion does not
23 contain the personal information or social security number
24 of any person.

25 DATED this 27th day of February 2018.

26 By: 
27 STEVEN FLOYD VOSS
28 Appellant, in pro. per.

CERTIFICATE OF SERVICE VIA U.S. MAIL

2

3 I, STEVEN FLOYD VOSS, do hereby certify that
4 on this 27th day of February 2018, that I
5 mailed a true and correct copy of the foregoing
6 Motion, addressed to:

7 TERREUCE P. MCCARTHY, Esq. (DDA)
8 % Washoe County District Attorney
9 Post office Box # 11130
10 Reno, Nevada 89520-0027

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By: 

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STEVEN FLOYD VOSS

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APPENDIX #1

APPENDIX #1

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

* * *

THE STATE OF NEVADA

Plaintiff,

Case No: CR96-1581

vs.

Dept. No: 10

STEVEN FLOYD VOSS,

Defendant.

ORDER

On February 6, 2018, the Defendant STEVEN FLOYD VOSS ("the Defendant") filed a MOTION FOR DISQUALIFICATION OF DISTRICT JUDGE ELLIOTT A. SATTLER, AND FOR ADMINISTRATIVE REASSIGNMENT OF CASE BY CHIEF JUDGE ("the Motion"). The Court entered an ANSWER TO MOTION FOR DISQUALIFICATION ("the Answer") on February 9, 2018. Upon reflection, the Court voluntarily recuses itself from these proceedings. The Answer is withdrawn. The Court notes the matter should not be assigned to Department 7 because the presiding judge, the Honorable Egan K. Walker, was the trial attorney in the instant proceedings.

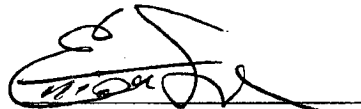
It is hereby **ORDERED** this matter be referred to the Clerk of the Court for random reassignment to a department other than Department 10 or Department 7.

It is further **ORDERED** the ORDER [denying the Defendant's PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT] ("the January Order") entered by the undersigned on January 25, 2018, is hereby **WITHDRAWN**. The January Order disposed of two additional

1 procedural requests made by the Defendant: the Defendant submitted a PROPOSED ORDER OF
2 ACQUITTAL on January 12, 2018, and a MOTION TO FORMALLY VACATE JUDGMENT OF
3 CONVICTION AND TO DISMISS ACTION WITH PREJUDICE DUE TO THE STATE'S
4 FAILURE TO PROSECUTE on January 24, 2018. The Court denied these requests in footnote 5 of
5 the January ORDER. The PRE-SENTENCING MOTION TO SET ASIDE JURY VERDICT; the
6 MOTION TO FORMALLY VACATE JUDGMENT OF CONVICTION AND TO DISMISS
7 ACTION WITH PREJUDICE DUE TO THE STATE'S FAILURE TO PROSECUTE; and the
8 PROPOSED ORDER OF ACQUITTAL shall be re-submitted for consideration after the case is
9 reassigned. The new district judge shall rule on all of these matters.

10 DATED this 16 day of February, 2018.

11 NUNC PRO TUNC to February 9, 2018.

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13 ELLIOTT A. SATTLER
14 District Judge
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CERTIFICATE OF MAILING

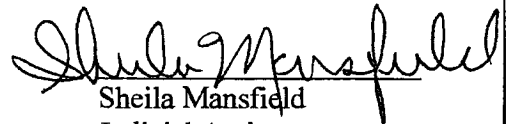
Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 16 day of February, 2018, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true 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 16 day of February, 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