



SUPREME COURT OF NEVADA

OFFICE OF THE CLERK

ELIZABETH A. BROWN, CLERK

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CARSON CITY, NEVADA 89701-4702

Telephone  
(775) 684-1600

December 18, 2018

Steven Floyd Voss  
Inmate ID: 52094  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702-7000

Re: Voss vs. State, Supreme Court Case No. 77504

Dear Mr. Voss:

We are returning, unfiled, the "Appellant's Informal Brief" received in this office on December 17, 2018 in the above-entitled matter.

A decision was filed in this case on December 14, 2018. Therefore, this court no longer has jurisdiction over this matter.

I am enclosing a copy of the decision and the docket sheet for your information.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. Richards".

D. Richards  
Deputy Clerk

Enclosures

18-909386

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

Supreme Court No. 77504  
District Court No. CR96-1581

**RETURNED  
UNFILED**

DEC 18 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

APPELLANT'S INFORMAL BRIEF

**INSTRUCTIONS:** If you are an appellant proceeding pro se ~~BY~~ <sup>without</sup> ~~DEPUTY CLERK~~ attorney) in the Nevada Supreme Court, you must file either (1) a brief that complies with Nevada Rule of Appellate Procedure (NRAP) 28(a), or (2) a completed copy of this informal brief form, see NRAP 28(k), with the Nevada Supreme Court on or before the due date, see NRAP 31. In civil appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court may dismiss your appeal. In postconviction criminal appeals, if you do not file one of these documents by the due date, the Nevada Supreme Court or Nevada Court of Appeals may decide your appeal on the record without briefing.

**HOW TO FILL OUT THIS FORM:** This form must be typed, unless you are incarcerated, in which case it must be clearly handwritten. You do not need to refer to legal authority or the district court record. If you are completing your brief on this form, write only in the space allowed on the form. **Additional pages and attachments are not allowed.** If typing an informal brief, you may either use the lined paper contained in this form or an equivalent number of pages of your own paper. Your brief will be stricken if you fail to follow the directions in this form and the Nevada Rules of Appellate Procedure.

**WHERE TO FILE THE BRIEF:** You may submit your brief for filing in person or by mail.

**To file your brief in person:** Briefs may be submitted for filing Monday through Friday, 8:00 a.m. to 4:00 p.m.

**Carson City:** Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, 89701.

**Las Vegas:** Place your brief in the Clerk's Office Drop Box at the Las Vegas courthouse for the Nevada Appellate Courts, 408 East Clark Avenue, Las Vegas, Nevada, 89101.

**To file your brief by mail:** Mail the brief to the Clerk of the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada 89701. **Your brief must be postmarked on or before the due date.**

You must file the original brief and 1 copy with the clerk of the Nevada Supreme Court. If you want the clerk to return a file-stamped copy of your brief, you must file the original form and 2 copies and include a self-addressed, stamped envelope. Documents cannot be faxed or emailed to the Supreme Court Clerk's Office.

Copies of the brief must be mailed or delivered to the other parties to this appeal or to the parties' attorneys, if they have attorneys. You must also include a proper certificate of service or complete the certificate that is attached to the informal brief form.

**CAUTION:** Pro se parties are prohibited from representing other parties. A pro se party may not complete a brief on behalf of other parties. Pro se parties may collaborate on their briefs, however, provided that if one brief is submitted on behalf of multiple pro se parties, each party must sign and date the brief to confirm that he or she has participated in the preparation of the brief and, by his or her signature, joins in the arguments and representations contained therein.

**Judgment or Order You Are Appealing.** List the judgment or order that you are appealing from and the date that the judgment or order was filed in the district court.

Filed Date	Name of Judgment or Order
November 8, 2018	ORDER DENYING PRE-SENTENCING
	MOTION TO DISMISS ACTION
	UPON WANT OF JURISDICTION

**Notice of Appeal.** Give the date you filed your notice of appeal in the district court: November 29, 2018

**Related Cases.** List all other court cases related to this case. Provide the case number, title of the case and name of the court where the case was filed.

Case No.	Case Title	Name of Court
74227	VOSS v. State	Nev. Ct. of Appeals
38373	VOSS v. State	Nev. Sup. Ct.
29783	VOSS v. State	Nev. Sup. Ct.

**Pro Bono Counsel.** Would you be interested in having pro bono counsel assigned to represent you in this appeal?

☐ Yes

☒ No

**NOTE:** If the court determines that your case may be appropriate for having pro bono counsel assigned, an appropriate order will be entered. Assignment of pro bono counsel is not automatic.

**Statement of Facts.** Explain the facts of your case. (Your answer must be provided in the space allowed.)

The Appellant was sentenced by the Trial Court in Case No. CR96-1581 pursuant to six Jury Guilty Verdicts, on November 27, 1996. The Court imposing maximum and consecutive sentences upon each count. Based, at least in part, upon Judge Stones stated belief

that the Appellant was responsible for the uncharged conduct of the kidnapping and murder of the victim of the crimes charged, and a written judgment was entered on that same day. The Appellant filed a Notice of Appeal from said judgment on December 24, 1996 and a Direct Appeal was docketed in the Nevada Supreme Court, Case No. 29783. An Order of Affirmance was filed on . The Appellant filed a Post-Conviction Petition For writ of Habeas Corpus on . wherein, he raised a claim that his sentences had been based, at least in part on the aforementioned uncharged criminal conduct. An evidentiary hearing was conducted, and the writ was granted relative to the Grawid six claim. said writ ordering a Re-sentencing proceeding to remedy the Appellant's disproportionate sentences. However, for a period of some seventeen years following the issuance of said writ no sentencing proceeding was conducted. Thus, the Appellant filed a Petition For Extraordinary Relief writ in the Nevada Supreme Court, Case No. 74227, the

Appellant therefore requests that he be granted a Judgment of Acquittal. The Nevada Court of Appeals in the context of Case No. 74227, had issued an Order Granting Petition and a Writ of Mandamus directing the District Court to resentence the Appellant and to enter an Amended Judgment of Conviction. Therefore, on August 30, 2018, the Appellant filed the aforementioned Pre-sentencing Motion. The District Court denied said Motion on November 8, 2018 as a fugitive Motion.

**Statement of District Court Error.** Explain why you believe the district court was wrong. Also state what action you want the Nevada Supreme Court to take. (Your answer must be provided in the space allowed.)

The Appellant alleges that it was clear error for the District Court to deny review of the merits of his Pre-Sentencing Motion To Dismiss Action Based Upon Want of Jurisdiction, as a "fugitive document." Due to the Court's unsolicited appointment of Trial Counsel, and where the Appellant had previously filed a Motion For The Withdrawal of previously appointed counsel and to proceed in future

proceedings in Case No. CR96-1581 in his proper person, and where such Motion had been granted by the District Court.

Thus, the Appellant submits that this Court has jurisdiction to consider the instant appeal from the District Court's denial of his jurisdictional challenge. Where, present federal law, as determined by the United States Supreme Court in the case of United States v. Cotton, 535 U.S. 625, 638 (2002), and progeny, provide that a party can challenge state or federal jurisdiction at any time, and at any stage of the proceedings. Further, once a Court's jurisdiction has been challenged, a Court is required to inquire into its jurisdiction. See, Philbrook v. Glodgett, 421 U.S. 707 ( ) and a court must prove jurisdiction on the record. See, Maine v. Thibault, 100 S.Ct. 250; and Lantana v. Hopper, 102 F.2d 188. A court simply does not have discretion to ignore a jurisdictional challenge. See, Joyce v. United States, 474 F.2d 215.

The District Court record clearly reflects that despite the Court's August 9, 2001 entry of its writ of Habeas Corpus, that the Court's November 27, 1996 Judgment of Conviction and Process of Commitment issued thereupon has never been vacated or recalled. Further, the Appellant has appended to his Pre-Sentencing Motion To Dismiss Action Upon Want of Jurisdiction, prima facie evidence, which substantially demonstrates that he has served to completion and discharge each of the six decidedly onerous sentences imposed via the November 27, 1996 Judgment of Conviction.

Therefore, under the operative circumstances involved, the District Court cannot possibly maintain jurisdiction to conduct Re-Sentencing Proceedings or to enter an Amended Judgment of Conviction relative to Case No. CR96-1581. The District Court's jurisdiction is limited to the dismissal of the action with prejudice. Because, such a dismissal will function as a Judgment of Acquittal, there exists



absolutely no meritorious reason to withhold an actual Judgment of Acquittal. Whereas, the decidedly disproportionate November 27, 1996 Judgment of Conviction must be vacated and the District Court lacks jurisdiction to enter an Amended Judgment of Conviction. Where, the entry of a Judgment of Acquittal would be effective upon its face to allow the Appellant to avail himself to a plea of former jeopardy if the need to do so should ever arise, and where prison officials refuse to provide the Appellant a Certificate of Discharge.

DATED this 12th day of December, 2016.



Signature of Appellant

STEVEN FLOYD VOSS

Print Name of Appellant

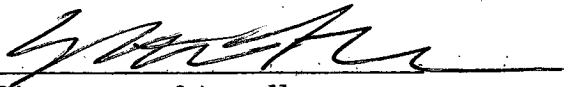
**CERTIFICATE OF SERVICE**

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or  
☐ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

JENNIFER NOBLES, ESQ (DDA)  
% Washoe County District Attorney  
Post Office Box # 11130  
Reno, Nevada 89520-0027

DATED this 12<sup>th</sup> day of December, 2018.

  
Signature of Appellant

STEVEN LLOYD VOSS  
Print Name of Appellant

NNCC, P.O. Box #7000  
Address

Carson City, Nevada 89702-  
City/State/Zip

N/A  
Telephone