

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS
Appellant,

vs.

THE STATE OF NEVADA
Respondent.

Supreme Court No. 77505

District Court No. CR96-1581

FILED

DEC 14 2018

ELIZABETH A. BROWN
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DEPUTY CLERK

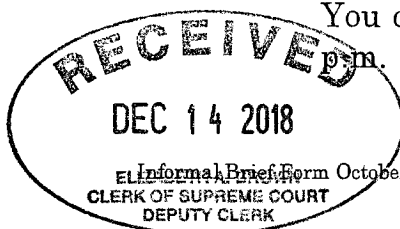
APPELLANT'S INFORMAL BRIEF

INSTRUCTIONS: If you are an appellant proceeding pro se (without an 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 file your brief in person or by mail.

To file your brief in person: Bring the brief to the Clerk's Office at the Supreme Court of Nevada, 201 South Carson Street, Carson City, Nevada, or at the Regional Justice Center Clerk's Office (Drop Box), 200 Lewis Street, 17th Floor, Las Vegas, Nevada. You can file your brief Monday through Friday, 8:00 a.m. to 4:00



18-908840

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
11-08-2018	Order Denying Petition For Writ of Error Caram Nobis

Notice of Appeal. Give the date you filed your notice of appeal in the district court: November 19, 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. Dist. Ct.	Nev. Ct. of App.
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.)

Following a Jury Trial, sentencing proceedings
were conducted in Case No. CR96-1581 on
November 27, 1996, and a written Judgment
of Conviction was entered on said date.
The Appellant appealed said Judgment
to the Nevada Supreme Court, Case No.
29783, that Court entered an Order of Affirmance
on . The Appellant filed a timely

Post-Conviction Petition For Writ of Habeas Corpus
In District Court Case No. CR96-P-1581 The
Post-Conviction Court granted a Writ of
Habeas Corpus relative to the Appellant's
Ground Six habeas claim, and ordered
that the Appellant receive a Resentencing
Proceeding, on August 9, 2001. The District
Court's habeas Judgment was affirmed
by the Nevada Supreme Court in the
Context of Case No. 38373. However,
said Resentencing was not conducted.
Thus, the vitiated November 27, 1996
Judgment of Conviction and the Process
of Commitment issued thereupon were
not vacated. Therefore, the Appellant's
sentences continued to run untolled,
and on March 4, 2016 the Appellant had
served to completion and discharge
by the Nevada Department of Corrections
each of the six decidedly "onerous"
sentences imposed via the November 27, 1996
Judgment of Conviction. Therefore, the
Appellant on _____, filed a Petition
For Writ of Error Coram Nobis in the District
Court. Subsequently, on August 15, 2016
the Nevada Court of Appeals entered an
Order Granting Petition. Therein, said

Court had found that there exists no valid Judgment of Conviction in Case No. CR96-1581. Nonetheless, the District Court on November 8, 2018 had entered its Order Denying Coram Nobis Pleadings. However, the District Court neglected to consider the Appellant's substantive claims of constitutional error in the Trial Proceedings which function to render the Appellant's convictions and sentences infirm and the Jury's Verdicts unworthy of confidence.

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 District Court committed clear error, when the Court denied the Appellant's Petition For Writ of Error Coram Nobis. Based upon the Court's misapprehended finding that the Appellant's coram nobis claims were previously considered by the Court of Appeals in the context of the Appellant's Petition For Extraordinary Relief Writ filed in Case No. 74227, and thus Appellant's claims

are moot. The District Court's factual findings are in contrast to the record of Case No. 74227. Whereas: (1) The Court of Appeals has never ruled upon the merits of the Appellant's jurisdictional claims, that the District Court lacks jurisdiction to conduct Resentencing Proceedings and to enter an Amended Judgment of Conviction, and (2) The Court of Appeals has never ruled upon the Appellant's substantive claims of constitutional errors occurring in the Trial Proceedings. Specifically, the Appellant's *coram nobis* claims that the Jury's Guilty Verdicts are founded upon constitutionally inadmissible evidence, to wit (a) Victim Hearsay Testimony, and (b) evidence obtained in violation of the Fourth Amendment without a duly authorized Search Warrant, in violation of the Fourteenth Amendment, rendering the Trial Proceedings fundamentally unfair and the Jury's Verdicts unworthy of confidence.

The Trial Court record, clearly reveals that (1) the State had admitted at trial Victim Hearsay Testimony

from numerous state witnesses in violation of the Confrontation Clause of the Amendment to the United States Constitution, and the State of Nevada's statutory Hearsay Rule. Where, no exception to the Hearsay Rule is applicable; and (2) the State had admitted at trial evidence obtained from the Appellant's residence without a duly authorized search warrant. To wit, a Personal Check #539, (State's Exhibit #). Where, the Transcript of Sworn Search Warrant Affidavit, recorded on June 17, 1996 in the Reno Justice Court, clearly documents the fact that Justice of the Peace, Edward Danner, did not authorize a search warrant for the Appellant's residence at 815 Nichols Blvd, Room #135, Sparks, Nevada.

Such constitutionally inadmissible evidence which clearly had a substantial impact upon the jury's determinations of guilt, given the miniscule amount of evidence admitted to establish the Appellant's guilt in this case and purely

Circumstantial case, where the evidence of guilt was far from overwhelming.

Absent, the state's admission of said constitutionally inadmissible evidence the state could not have presented its case theory. Nor could the jury have made any determination of guilt. Thus, absent the state's admission of said evidence, the outcome of the trial proceedings surely would have been different.

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)
Yo Washoe County District Attorney
Post Office Box ~~#9200~~ #11130
Reno, Nevada 89520-0027

DATED this 12th day of December, 2018.


Signature of Appellant

STEVEN FLOYD VOSS
Print Name of Appellant

NNCC, P.O. Box #7000
Address

Carson City, Nevada 89702
City/State/Zip

N/A
Telephone