

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

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Elizabeth A. Brown  
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**STATE OF NEVADA,**

**Plaintiff,**

**vs.**

**STEVEN FLOYD VOSS,**

**Defendant.**

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**Sup. Ct. Case No. 77505**

**Case No. CR96-1581**

**Dept. 1**

**RECORD ON APPEAL**

**VOLUME 2 OF 15**

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**APPELLANT**

**Steven Floyd Voss #52094  
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**RESPONDENT**

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FILE

DA #138461

WCSO 129294-96

'96 JUL 16 P3:11

1 Case No. CR 96-1581

2 Dept. No. 3

JUDICIAL CLERK  
B. W. Stewart  
DEPT.

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

INFORMATION

STEVEN FLOYD VOSS,

Defendant.

RICHARD A. GAMMICK, District Attorney within and for  
the County of Washoe, State of Nevada, in the name and by the  
authority of the State of Nevada, informs the above entitled  
Court that STEVEN FLOYD VOSS, the defendant above named, has  
committed the crimes of:

COUNT I. BURGLARY, a violation of NRS 205.060, a  
felony, in the manner following:

That the said defendant on or between the 12th day of  
June A.D. 1996, and the 14th day of June A.D. 1996, or  
thereabout, and before the filing of this Information, at and  
within the County of Washoe, State of Nevada, did willfully and  
unlawfully enter a certain apartment located at 5501 West Fourth

CR96-1581 DC-990002626-001  
STATE VS. STEVEN FLOYD VOSS 5 Pages  
District Court 07/16/1996 03:11 PM  
Washoe County JAMES

1 Street, apartment #1, Reno, Washoe County, Nevada, with the  
2 intent then and there to steal check #4842 in the amount of  
3 \$5,026.00.

4 COUNT II. UTTERING A FORGED INSTRUMENT, a violation of  
5 NRS 205.090 and NRS 205.110, a felony, in the manner following:

6 That the said defendant on or between the 12th day of  
7 June A.D. 1996, and the 14th day of June A.D. 1996, or  
8 thereabout, and before the filing of this Information, at and  
9 within the County of Washoe, State of Nevada, did willfully and  
10 unlawfully, and with intent to defraud, utter and pass, as true  
11 and genuine, a certain false and forged check, dated May 8, 1996,  
12 in the amount of \$5,026.00, made payable to BEVERLY BAXTER, and  
13 written on an account owned by BURGESS NORTH AMERICAN MOVING AND  
14 STORAGE, at 593 East Prater Way, Sparks, Washoe County, Nevada.

15 COUNT III. UTTERING A FORGED INSTRUMENT, a violation  
16 of NRS 205.090 and NRS 205.110, a felony, in the manner  
17 following:

18 That the said defendant on or between the 12th day of June  
19 A.D. 1996, and the 14th day of June A.D. 1996, or thereabout, and  
20 before the filing of this Information, at and within the County of  
21 Washoe, State of Nevada, did willfully and unlawfully, and with intent  
22 to defraud, utter and attempt to pass as true and genuine, a certain  
23 false and forged check number 563 drawn upon CALIFORNIA FEDERAL BANK,  
24 Sparks office, dated June 13, 1996, and made payable to STEVEN VOSS at  
25 593 East Prater Way, Sparks, Washoe County, Nevada, knowing the same to  
26 be false and forged.

1           COUNT IV. FORGERY, a violation of NRS 205.090, a felony, in  
2 the manner following:

3           That the said defendant on or between the 12th day of June  
4 A.D. 1996, and the 14th day of June A.D. 1996, or thereabout, and  
5 before the filing of this Information, at and within the County of  
6 Washoe, State of Nevada, did willfully, unlawfully, and falsely, and  
7 with intent to defraud, endorse and forge a name other than his own, to  
8 wit: that of B. A. BAXTER, upon a check drawn upon an account owned by  
9 BURGESS NORTH AMERICAN MOVING AND STORAGE, dated May 8, 1996, and made  
10 payable to FOR DEPOSIT ONLY B. A. BAXTER at 593 East Prater Way,  
11 Sparks, Washoe County, Nevada.

12           COUNT V. FORGERY, a violation of NRS 205.090, a felony, in  
13 the manner following:

14           That the said defendant on or about the 12th day of June A.D.  
15 1996, and the 14th day of June A.D. 1996, or thereabout, and before the  
16 filing of this Information, at and within the County of Washoe, State  
17 of Nevada, did willfully, unlawfully, and falsely, and with intent to  
18 defraud, endorse and forge a name on a check without the lawful owner's  
19 consent, namely: STEVEN VOSS, upon a check number 563 drawn upon  
20 CALIFORNIA FEDERAL BANK, Sparks, dated June 13, 1996, and made payable  
21 to STEVEN VOSS at 593 East Prater Way, Washoe County, Nevada.

22           COUNT VI. ATTEMPTED THEFT, a violation of NRS 193.330, being  
23 an attempt to violate NRS 205.0832, a felony, in the manner following:

24           That the said defendant on or about the 12th day of June A.D.  
25 1996, and the 14th day of June A.D. 1996, or thereabout, and before the  
26 filing of this Information, at and within the County of Washoe, State

1 of Nevada, did willfully and unlawfully attempt to control the property  
2 of BEVERLY A. BAXTER with the intent to permanently deprive her of that  
3 property in that said defendant attempted to cash a check written on  
4 the personal account of the victim in an amount of \$5,000.00 and made  
5 payable to himself when he had no legal authority to do so.

6  
7 All of which is contrary to the form of the Statute in such  
8 case made and provided, and against the peace and dignity of the State  
9 of Nevada.

10 RICHARD A. GAMMICK  
11 District Attorney  
12 Washoe County, Nevada

13 By:   
14 EGAN WALKER  
15 Deputy District Attorney  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1           The following are the names and addresses of such witnesses  
2 as are known to me at the time of the filing of the within Information:

3  
4 WASHOE COUNTY SHERIFF'S OFFICE

5 DEPUTY LARRY CANFIELD  
6 DEPUTY JOHN YARYAN  
7 DEPUTY ED DIXON  
8 SERGEANT DALE PAPPAS

9 SANDRA CRUMB, 5501 West Fourth, Reno, Nevada

10 ANDREA BUTTERS, 2657 Chapparral, 3490 South Virginia, Reno, Nevada

11 CALIFORNIA FEDERAL BANK, 593 East Prater Way, Sparks, Nevada

12 DUC HAMILTON  
13 TONYA CAMPANILLE  
14 YVONNE KLINE

15 CLAUDETTE ANDREWS 1640 Carol Drive, Sparks, Nevada

16 JOYCE REA, 2300 Harvard Way, #107, Reno, Nevada

17 LINDA WEEKS, 169 Leadfield, Reno, Nevada

18 ED PARKS, 515 South Virginia #421, Reno, Nevada

19 SOPHIA PANTOJA, 950 Nutmeg Place, #I-21, Reno, Nevada

20 DAVE BOYD

21 RICHARD A. GAMMICK  
22 District Attorney  
23 Washoe County, Nevada

24 By   
25 EGAN WALKER  
26 Deputy District Attorney

07164294

V2. 6

CR 96-158H  
No. \_\_\_\_\_

Dept. No. \_\_\_\_\_

3

RJC 79,046

'96 JUL 16 P3:11

## Second Judicial District Court

JUDICIAL CLERK  
*W. Stewart*  
DEPUTY

State of Nevada, Washoe County

STATE OF NEVADA

Plaintiff,

vs.

STEVEN FLOYD VOSS,

Defendant.

APPLICATION FOR  
SETTING

TYPE OF ACTION: CRIMINAL - Burglary; Uttering; Forgery; Attempted Theft

MATTER TO BE HEARD: ARRAIGNMENT

Date of Application: 7-16-96 Made by: PLAINTIFF  
Plaintiff or Defendant

NAME AND ADDRESS OF COUNSEL FOR PLAINTIFF: \_\_\_\_\_

EGAN WALKER, DEPUTY DISTRICT ATTORNEY

NAME AND ADDRESS OF COUNSEL FOR DEFENDANT: \_\_\_\_\_

COTTER CONWAY, DEPUTY PUBLIC DEFENDER

Instructions: Check the appropriate box. Indicate clearly who is requesting the jury.

☐ Jury Demanded By (Name): \_\_\_\_\_

CUSTODY STATUS

Estimated No. of Jurors: \_\_\_\_\_

\_\_\_\_\_ Bail

☐ No Jury Demanded By (Name): \_\_\_\_\_

\_\_\_\_\_ OR

Estimated Duration of Trial: \_\_\_\_\_

\_\_\_\_\_ x \_\_\_\_\_ In Custody

Attorney(s) for Plaintiff

Attorney(s) for Defendant

Motion - No. \_\_\_\_\_ Setting at 9:15 a. m. on the 19 day of July, 19 96

Trial - No. \_\_\_\_\_ Setting at \_\_\_\_\_ m. on the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

V2. 6

CR96-1581  
DC-9900026626-002  
STATE VS. STEVEN FLOYD VOSS ( 1 Page  
District Court 07/16/1996 03:11 PM  
Washoe County  
1250  
TOWER

CASE NO. CR96-1581

STATE OF NEVADA VS. STEVEN FLOYD VOSS

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

7/19/96

ARRAIGNMENT

HONORABLE

DEBORAH A.

AGOSTI

DEPT. NO. 3

G. Glide

(Clerk)

S. Koetting

(Reporter)

Deputy District Attorney Linda Nordvig represented the State. Defendant

was present with counsel, Deputy Public Defender Cotter Conway.

Probation Officer David Gould was also present.

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

Information; waived reading.

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

COURT ORDERED: Matter continued for trial by jury.

Defendant remanded to the custody of the Sheriff.

8/6/96

8:45 a.m.

Motion to

Confirm

9/3/96

9:00 a.m.

Trial

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



FILED

DA # 138461  
Unit MV Walker

'96 JUL 25 AM 10:37

JUDI BAILEY, CLERK

BY C. Decker  
DEPUTYCase No. CR96-1581Dept. No. 3

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

STIPULATION AND ORDER  
RE: DISCOVERY

STEVEN FLOYD VOSS

Defendant.

IT IS HEREBY STIPULATED by and between the WASHOE  
COUNTY DISTRICT ATTORNEY, Attorney for the Plaintiff, and the  
WASHOE COUNTY PUBLIC DEFENDER, Attorney for the Defendant, that  
Discovery be provided as follows, to wit:

1. The State shall provide the Defendant with copies  
of all police reports, witness statements, medical, scientific  
and laboratory reports, and the Defendant's criminal history  
within the custody of the State;

2. The State shall make available to the Defendant for  
inspection, copying and duplication of all photographs, audio and  
video recordings within the custody of the State;

CR96-1581  
STATE VS STEVEN FLOYD VOSS  
District Court  
Washoe County  
DC-9900026626-003  
5 Pages  
07/25/1996 10 37 AM  
3980  
TOMEC

1           3. Neither party is obligated to provide the other  
2 with any work product in the form of memoranda, notes and other  
3 internal documents;

4           4. The State shall provide the Defendant with all  
5 exculpatory material pursuant to Brady v. Maryland, 373 U.S. 83  
6 (1963), and all material related to the impeachment or  
7 credibility of the State's witnesses pursuant to Giglio v. United  
8 States, 405 U.S. 150 (1972) and United States v. Barker, 988 F.  
9 2d 77 (1993).

10           5. The State shall have an on-going and affirmative  
11 duty to inquire of law enforcement regarding any material that  
12 they possess that may not have been disclosed to the State  
13 pursuant to Kyles v. Whitley, 115 S.Ct. 1555 (April, 1995);

14           6. The State is under a continuing obligation to  
15 endorse and provide the Defendant with all witnesses the State  
16 intends to call at trial, including current addresses and/or  
17 employment. The State shall provide a list of trial witnesses no  
18 later than twenty (20) calendar days prior to trial;

19           7. The Defendant shall provide to the State the names,  
20 addresses and area of specialty of all expert witnesses to be  
21 called at trial. The Defendant shall so provide this information  
22 as soon as possible but in no case later than twenty (20)  
23 calendar days prior to trial;

24 ///

25 ///

1           8. The Defendant shall provide to the State copies of  
2 any and all scientific and/or medical reports, books, papers,  
3 documents, tangible objects, and the results of testing of the  
4 Defendant which the Defendant intends to produce at trial or were  
5 used for the basis of an opinion by an expert the defense intends  
6 to call at trial and which are in the possession, custody and  
7 control of the Defendant, as soon as possible but in no case  
8 later than twenty (20) days prior to the commencement of trial;

9           9. The Defendant shall provide the State with the  
10 names and addresses of all alibi witnesses it intends to call at  
11 trial. The names and addresses shall be provided as soon as a  
12 decision is made to call said witnesses but in no event later  
13 than twenty (20) days prior to trial. Not less than ten (10)  
14 days after receipt of the Defendant's list of alibi witnesses,  
15 the State shall file and serve upon the Defendant the names and  
16 last known addresses of the witnesses the State proposes to offer  
17 in rebuttal to discredit the defendant's alibi;

18           10. The Defendant shall provide the State with the  
19 names and addresses of all witnesses it intends to call at trial.  
20 The names and addresses shall be provided no later than twenty  
21 (20) days prior to trial;

22           11. The Discovery Stipulated to herein shall be  
23 furnished to the respective parties forthwith and as received,  
24 but in each case within a reasonable time prior to the  
25 commencement of trial. It is agreed and understood that the time  
26

1 limitations herein may be waived by the parties or Ordered by the  
2 Court upon the showing of good cause therefor;

3 12. Each party shall be responsible for all costs  
4 incident to the copying and duplication of all photographs,  
5 computer medium and computer generated materials, audio and video  
6 tapes and recordings received from the opposing party;

7 13. Both parties shall be under a continuing duty to  
8 disclose said materials as they become known or through the  
9 exercise of due diligence may become known, including materials  
10 and information discovered during the course of trial;

11 14. The parties agree that this Stipulation may be  
12 filed and an Order entered by the Court requiring the Discovery  
13 stipulated hereto, and that the Court may enforce the Order by  
14 any means commonly recognized at law including exclusion of  
15 evidence, cautionary instructions and sanctions;

16 15. It is further agreed and understood that the  
17 purpose of the within Stipulation is to afford each side full and  
18 complete

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

1 Discovery in the interest of justice and to avoid placing either  
2 party at a disadvantage.

3 IT IS SO STIPULATED.

4  
5 Dated this 19<sup>th</sup> day of July, 199 6.

6  
7 RICHARD A. GAMMICK  
8 District Attorney  
9 Washoe County, Nevada

10 By [Signature]  
Deputy District Attorney

MICHAEL SPECCHIO  
Public Defender  
Washoe County, Nevada

11 By [Signature]  
12 Deputy Public Defender

13 [Signature]  
14 Defendant

15 ORDER

16 UPON STIPULATION OF THE PARTIES and good cause  
17 appearing therefore,

18 IT IS HEREBY ORDERED that Discovery be provided in  
19 accordance with the within Stipulation.

20 Dated this 23 day of July, 199 6.

21 [Signature]  
22 DISTRICT JUDGE

CR96-1581 DC-9900026626-004  
 STATE VS. STEVEN FLOYD VOS 134 Pages  
 District Court 08/02/1996 03:34 PM  
 Washoe County 17398  
 JAMES

STATE OF NEVADA V. STEVEN VOSS RJC 79,046 AUGUST 2 19 96

Received of Justice of the Peace of Reno Township Documents to be filed:

TRANSCRIPT OF PRELIMINARY EXAMINATION

CRIMINAL COMPLAINT: AFFIDAVIT IN SUPPORT OF COMPLAINT AND WARRANT OF ARREST: WARRANT OF ARREST

PUBLIC DEFENDER APPLICATION

CERTIFIED COPY OF COURT DOCKET

FELONY COMMITMENT

BR  
 JUDI BAILEY  
 DEPUTY  
 96 AUG -2 P3:34

JUDI BAILEY

County Clerk  
 AUG 02 1996

By

Deputy

RJC-14

CR96-1581

In the Justice Court of Reno Township, County of Washoe,  
STATE OF NEVADA

The State of Nevada

PLAINTIFF

VS.

STEVEN FLOYD VOSS

DEFENDANT

COMPLAINT OF

Egan Walker

AGENCY NO. WCSO 129294-96

DA'S NO. 138461

ATTORNEY FOR PLAINTIFF

DISTRICT ATTORNEY: WALKER

ATTORNEY FOR DEFENDANT

PUBLIC DEFENDER

**CHARGING:** CT. I. BURGLARY, a violation of NRS 205.060, CT. II-III. UTTERING A FORGED INSTRUMENT, a violation of NRS 205.090 and NRS 205.110, CT. IV-V. FORGERY, a violation of NRS 205.090, CT. VI. ATTEMPTED THEFT, a violation of NRS 193.330, being an attempt to violate NRS 205.0832, all felonies.

DATE  
1996

PROCEEDINGS

June 27

Complaint and Affidavit in Support of Warrant filed and Warrant of Arrest issued and later delivered to the Washoe County Sheriff's Department.

July 1

Defendant appeared before the Honorable John J. Kadlic, and was duly arraigned. Bail set at 100,000.00 CASH ONLY. Defendant advised of his rights and informed of the complaint. Preliminary Examination set for July 15, 1996, at 10:00 A.M. Defendant remanded to the custody of the Washoe County Sheriff.

July 2

Defendant requested appointment of the Washoe County Public Defender. Washoe County Public Defender appointed.

WARRANT OF ARREST returned. (EXECUTED).

July 15

Preliminary hearing proceeded before the Honorable Fidel Salcedo. Defendant present with attorney, Cotter Conway, Esq. State represented by Egan Walker, Esq. Witnesses called. Evidence introduced and marked. State rests. Defendant WAIVED right to make statement. Matter argued and submitted.

The evidence indicates that the offenses as set forth in the criminal complaint were committed and that there is probable cause to believe that the Defendant participated as principal in the commission of those offenses. Therefore, Defendant is held to Answer.

ORDERED.

*Fidel Salcedo*  
JUSTICE OF THE PEACE  
DEPARTMENT NO. 1

Commitment issued and Defendant remanded to the custody of Washoe County Sheriff.

I hereby certify this is a true and correct copy of the Original in the Records of the Reno Justices' Court, Reno, Washoe County, Nevada and that the Clerk of the Court is the custodian of the original record and that I am authorized to make this certification.

Dona Jeppson, Clerk, Reno Justices' Court

By

*[Signature]*  
Deputy Clerk of the Court





## I N D E X

STATE'S WITNESSES	DR	CR	REDR	RECR	VOIR DIRE
Duc Hamilton	6	11			
Andrea Butters	13	18			
Tanya Campanile	20	30	36	36	
Yvonne J. Kline	37	43	47	49	
Sandra C. Crumb	51	60			
Claudette Andrews	65	69			
Linda Weeks	75	83			
Ed Park	88	93			
Dale A. Pappas	96	102			
Larry Canfield	109	125	137	138	

STATE'S EXHIBITS	IDENTIFICATION	EVIDENCE
A, Check	7	21
B, Check	7	22
C, Check	108	122
D, Photograph	112	

1 RENO, NEVADA; MONDAY, JULY 15, 1996; 10:00 A.M.

2 --o0o--

3

4 THE COURT: Good morning, everyone. Court is in  
5 session. Please be seated.

6 Case number 79,046, State versus Steven Floyd  
7 Voss. ( The defendant is present, represented by Mr.  
8 Conway. The State is represented by Mr. Walker.

9 Today is scheduled for preliminary examination.  
10 All parties now prepared to proceed?

11 MR. WALKER: I am prepared on behalf of the  
12 State, Your Honor.

13 MR. CONWAY: Defense is ready, Your Honor.

14 THE COURT: How many witnesses do we have here  
15 toto?

16 MR. WALKER: Nine, Your Honor.

17 MR. CONWAY: Rule of exclusion.

18 THE COURT: Will the nine witnesses please  
19 stand.

20 Well, I see a lot more than nine people  
21 standing.

22 MR. WALKER: My math is a bit off today. There  
23 are actually 11 by my count here, Your Honor. I  
24 intend to call certainly at least nine of those  
25 people.

1 THE COURT: That is fine. Let's put it this  
2 way: All potential witnesses please stand.

3 At this time the rule of exclusion has been  
4 requested by the defense. I will grant that rule of  
5 exclusion. And that rule means that only one witness  
6 may remain in the courtroom to give testimony at any  
7 given time.

8 While that witness is here to my left giving  
9 testimony I am going to excuse all the other witnesses  
10 to the outer corridor.

11 While you are there awaiting your turn to  
12 testify I order you not to discuss this case in any  
13 way amongst yourselves.

14 In the course of the morning we may be taking a  
15 break. However, during that break if you wish to talk  
16 to the attorneys, you may talk to the attorneys, if  
17 you wish. You are not required to. However, again  
18 I'm going to order that you talk to the attorneys out  
19 of the presence of any other witness.

20 Is there any question about that?

21 All right. At this time then, Mr. Walker, do  
22 you want to call your first witness.

23 MR. WALKER: Mr. Hamilton, Your Honor.

24 THE COURT: The other witnesses are now excused  
25 to the outer corridor.

1 MR. WALKER: Your Honor, I would simply indicate  
2 for the record that Mrs. Voss, Steven Voss's mother,  
3 is here in the courtroom. She has not been subpoenaed  
4 by the State in this case, but she is a potential  
5 witness in the future.

6 MR. CONWAY: Excuse me, Your Honor.

7 THE COURT: One moment.

8 (A discussion was held off the record.)

9 THE COURT: Mr. Walker, or rather, Mr. Conway,  
10 is she potentially a witness?

11 MR. CONWAY: She is potentially a witness at the  
12 trial level, so I think in order to preserve the  
13 record we will ask her to stand outside just in case.

14 THE COURT: That will be satisfactory. She is  
15 certainly not excluded by the exclusionary rule at  
16 this level, but if you feel more comfortable, that is  
17 satisfactory with me.

18 MR. CONWAY: I do, Your Honor.

19 THE COURT: All right. Sir, if you would please  
20 enter the witness box there. Watch your step. Please  
21 face me, raise your right hand.

22 (The Court administered the oath  
23 to the prospective witness.)

24 THE COURT: Please be seated.

25 ///

1 DUC HAMILTON,  
2 produced as a witness herein, having  
3 been first duly sworn, was examined  
4 and testified as follows:  
5

6 DIRECT EXAMINATION

7 BY MR. WALKER:

8 Q If you would, sir, please state your full  
9 name, spell your last name for the record.

10 A Duc N. Hamilton, H-a-m-i-l-t-o-n.

11 Q How do you spell your first name?

12 A D-u-c.

13 Q Mr. Hamilton, do you have a current  
14 occupation or profession? How are you employed?

15 A Through California Federal Bank.

16 Q What is your current position with  
17 California Fed?

18 A Customer Service Represent.

19 Q Which branch do you work at?

20 A At the Sparks branch.

21 Q And what is the address of the Sparks  
22 branch?

23 A 593 East Prater Way, Sparks, Nevada, 89431.

24 MR. WALKER: Your Honor, may I approach and ask  
25 that two items be marked for identification.

1 THE COURT: State's A and B are now both marked  
2 for identification purposes.

3 MR. WALKER: Thank you, Your Honor.

4 (State's Exhibits A and B were marked.)

5 MR. WALKER: I'm going to hand the witness what  
6 has been marked as State's B for identification.

7 BY MR. WALKER:

8 Q Mr. Hamilton, do you recognize what I'm  
9 handing you, State's Exhibit B for identification?

10 A Yes, I do.

11 Q How do you recognize that?

12 A It was presented to me, and I made a  
13 deposit of this item.

14 Q All right. When was that presented to you?

15 A On June 12th.

16 Q And what time of day?

17 A It was in the afternoon, around 3:00 or so.

18 Q What part of the bank were you working in?

19 A I normally work up at the drive-up teller,  
20 but I move back and forth to help in the lobby as  
21 well.

22 Q Was this presented at the drive-up teller?

23 A No, it was presented in the Lobby.

24 Q Who presented it?

25 A Steven Voss.

1 Q Is Mr. Voss here in the courtroom?

2 A Yes, he is.

3 Q Would you identify him and an item of  
4 clothing he's wearing today, please.

5 A Blue jumper.

6 Q Is that the gentleman here to my left next  
7 to counsel in the charcoal suit, Mr. Conway?

8 A Yes.

9 MR. WALKER: For the record, he's identified Mr.  
10 Voss, the defendant.

11 THE COURT: So reflected.

12 BY MR. WALKER:

13 Q Mr. Hamilton, what account did Mr. Voss try  
14 to or actually deposit that check into?

15 A Beverly Baxter's account.

16 Q Do you know Ms. Baxter?

17 A No, I don't.

18 Q What specifically did Mr. Voss tell you  
19 when he deposited that into the account at your  
20 window?

21 A That he needed immediate credit to her  
22 account, because she had-- was applying for a loan,  
23 and the loan company would be calling in order to  
24 verify that the funds were available.

25 Q What did you tell Mr. Voss when he told you

1 that?

2 A That due to the amount of the check that  
3 the item would be held for two days.

4 Q What does being held mean?

5 A It means that the funds aren't actually  
6 available. It's deposited to your account, and you  
7 get a current balance, but the funds aren't actually  
8 available for withdrawal until the item clears.

9 Q Why was that done in this case?

10 A Because of the amount of the check. It's  
11 our normal-- It was more than what she normally  
12 deposits to her account. And any time we have an item  
13 presented over \$5,000 we are required to place a hold  
14 and possibly an extended hold depending on the nature  
15 of the check.

16 Q What was Mr. Voss's attitude and demeanor  
17 when you told him there would be this hold placed on  
18 the check?

19 A He stated that Beverly would be very upset  
20 if the item wasn't credited to her account because she  
21 needed that verification for the loan.

22 Q What happened after you provided him with  
23 this information?

24 A I told him that the best I could do was try  
25 to contact the company, verify that the check will



1 clear, but until then I wouldn't be able to release  
2 the funds. And I gave him my card, and I also  
3 explained to have Beverly call me regarding the item,  
4 because he's actually doing the deposit for somebody  
5 else.

6 Q When you asked him to have Beverly call  
7 you, what did he say?

8 A He just said that she would be upset about  
9 not having the funds available.

10 Q Did he indicate to you that he would have  
11 her call or anything of that nature?

12 A No, but I gave him my card and specified to  
13 call me in the morning, and I would do the best I  
14 could.

15 Q Did you speak with Mr. Voss at any time  
16 after the afternoon hours of June 12th, 1996?

17 A No, I didn't.

18 Q Did you speak with anyone else about this  
19 particular deposit?

20 A I spoke to Tanya the following day, because  
21 somebody had called to see what the status was on the  
22 check.

23 Q Tanya's last name is?

24 A Campanile.

25 Q Ms. Campanile also works at the bank I take

1 it?

2 A Yes, that is correct.

3 Q Do you recall what time of day it was that  
4 you had this conversation?

5 A It was in the afternoon the following day I  
6 believe.

7 Q How do you know someone had called  
8 inquiring about the deposit?

9 A She was on the phone with the gentleman or  
10 person at the time. I didn't know who it was.

11 Q To your knowledge was it the account owner,  
12 Ms. Baxter, who was on the phone the next day?

13 A I don't know.

14 MR. WALKER: I have no further questions.

15 THE COURT: Mr. Conway, cross-examination.

16

17 CROSS-EXAMINATION

18 BY MR. CONWAY:

19 Q Do you know if Ms. Baxter has an account  
20 with your bank?

21 A Yes, I do.

22 Q And you were able to check that when the  
23 individual made the deposit?

24 A Yes.

25 Q Do you also have signature cards at the

1 bank for this account?

2 A Yes, we do.

3 Q Did you check that signature account on  
4 this day?

5 A It wasn't required for the deposit of the  
6 check.

7 Q So the only thing that was required is you  
8 hold it because it was over \$5,000?

9 A That is correct.

10 Q Was that money to go into Ms. Baxter's  
11 account?

12 A Yes, it was.

13 Q Now, you stated that you had contact with  
14 Mr. Voss on the afternoon of June 12th, 1996?

15 A That is correct.

16 Q That is when he brought the check in?

17 A Yes. He presented the item for deposit.

18 Q You have had no contact with him since that  
19 date, is that correct?

20 A That is correct.

21 Q Now, granted, you can't identify the  
22 signatures, but has everything else been signed on  
23 this? Is this how you recall the check looking when  
24 you received it on June 12th?

25 A That is correct, except the only thing is

1 the endorsement steps, because it has gone through  
2 clearing. But I wrote the account number on the  
3 check.

4 Q Okay.

5 A And the item-- It was already endorsed  
6 when it was presented.

7 MR. CONWAY: I have nothing further.

8 MR. WALKER: Nothing further, your Honor.

9 THE COURT: Mr. Hamilton, you may step down,  
10 please.

11 MR. WALKER: My next witness will be Andrea  
12 Butters, and I will retrieve her from the lobby.

13 THE COURT: Please face, me raise your right  
14 hand.

15 (The Court administered the oath  
16 to the prospective witness.)

17 THE COURT: Please be seated.

18  
19 ANDREA E. BUTTERS,  
20 produced as a witness herein, having  
21 been first duly sworn, was examined  
22 and testified as follows:

23 ///

24 ///

25 ///

## DIRECT EXAMINATION

BY MR. WALKER:

Q If you would, ma'am, please state your full name, spell your last name for the record.

A Andrea Elizabeth Butters, B-u-t-t-e-r-s.

Q How are you employed, ma'am?

A I work at California Federal Bank.

Q Which branch do you work at?

A The Reno branch.

Q All right. What is the address of the Reno branch?

A I believe 3490 South Virginia.

Q All right. How long have you worked there?

A About a year-- between a year and a year and a half.

Q Were you working there on Friday, June 14th, 1996?

A Yes, I was.

Q What position were you working that day there?

A Teller, working at a window.

Q Did you have occasion to speak with a gentleman identified to you as Steven Voss?

A Yes, I did.

Q Is that person here in the courtroom?

1 A Yes, he is.

2 Q Would you identify him and an item of  
3 clothing he's wearing.

4 A He's wearing a blue shirt.

5 Q Is that the gentleman here to my left to  
6 counsel wearing the --

7 A Yes, he is.

8 MR. WALKER: For the record, he's identified Mr.  
9 Voss.

10 THE COURT: So reflected.

11 MR. WALKER: If I may approach, Your Honor.

12 THE COURT: You may.

13 BY MR. WALKER:

14 Q Ms. Butters, I'm handing you what has been  
15 marked State's Exhibit A for identification. Do you  
16 recognize that?

17 A Yes, I do.

18 Q How do you recognize it?

19 A It's the check that Mr. Voss presented me  
20 to cash for him.

21 Q All right. What time did he present that  
22 check to you?

23 A Between about 11:00 a.m. and-- 11 and 12:00  
24 a.m.

25 Q Are you familiar with the account that

1 check is written on?

2 A As far as?

3 Q Owner of the account, for example.

4 A Oh, yes.

5 Q Do you know Ms. Baxter?

6 A Not personally.

7 Q Have you ever helped Ms. Baxter?

8 A I may have in the past, but I don't  
9 remember.

10 Q For lack of a better term what was the home  
11 of that account? Where was that account located at?

12 A It was-- It's a Sparks branch account.

13 Q All right. What happened when Mr. Voss  
14 presented that check?

15 A I told him I wasn't able to cash it for him  
16 because the funds were still on hold.

17 Q What was his response?

18 A He didn't really like it.

19 Q What did he say?

20 A He told me that he knew that the funds were  
21 available.

22 Q And what was his attitude and demeanor when  
23 he was telling you this?

24 A Persistent.

25 Q When you were unable to cash the check for

1 him, what did he say or do?

2 A He tried to find out information on the  
3 account, why I wasn't able to cash it for him.

4 Q Did you speak with anyone at the Sparks  
5 branch while this was going on?

6 A No, I didn't.

7 Q Did Mr. Voss indicate to you that he had  
8 already been to the Sparks branch to talk to people  
9 about this?

10 A Not directly, but I knew that he had been  
11 to the Sparks branch, because I looked up on my  
12 computer where the check had been deposited. So I  
13 knew that.

14 Q You knew that, though, from your own  
15 information, not from anything he had told you?

16 A Correct.

17 Q All right. What happened ultimately? How  
18 did the interaction, if you will, end?

19 A Basically he kept trying to get-- trying to  
20 ask me questions on the account. I kept saying I  
21 couldn't release any information to him because he  
22 wasn't on the account. And I told him if he didn't  
23 like the situation the way I was handling it, he could  
24 go speak to someone at the Sparks branch since her  
25 account was at the Sparks branch.



1 Q Now was this happening inside the bank or  
2 at a drive-up window?

3 A Inside the bank.

4 Q Were there other people present when this  
5 was happening?

6 A Yes, there was a teller next to me.

7 Q And that teller's name was?

8 A Shawna Sissel.

9 MR. WALKER: No further questions.

10 THE COURT: Cross-examination, Mr. Conway.

11 MR. CONWAY: Thank, Your Honor. A moment  
12 please.

13 (A discussion was held off the record.)

14

15 CROSS-EXAMINATION

16 BY MR. CONWAY:

17 Q With respect to Exhibit A, does this appear  
18 exactly as you saw it on the day?

19 A Yes, it does.

20 Q Was the sole reason you were unable to cash  
21 it was because the funds had not cleared on an earlier  
22 deposit?

23 A Correct.

24 Q Do you know how long it normally takes for  
25 funds to clear?

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1           A       It really depends if it was the type of  
2 hold -- if it was a regular or extended hold. It  
3 looks like an extended hold, which is usually seven to  
4 eleven days.

5           Q       An extended hold was probably due to the  
6 fact that check was over \$5,000 that was deposited?

7           A       Correct.

8           Q       There were no other reasons for the hold on  
9 that-- on the account? It was just because there was  
10 not \$5,000 available in order for you to process this  
11 check?

12          A       You mean me not being able to cash it?

13          Q       Correct.

14          A       Correct.

15          MR. CONWAY: Nothing further, Your Honor.

16          MR. WALKER: Nothing further, Your Honor.

17          THE COURT: You may step down, Ms. Butters.

18          MR. WALKER: The next witness I will call, Your  
19 Honor, is Tanya Campanile.

20          THE COURT: Please face me, raise your right  
21 hand.

22                   (The Court administered the oath  
23                   to the prospective witness.)

24          THE COURT: Please be seated.

25          ///

1 TANYA CAMPANILE,  
2 produced as a witness herein, having  
3 been first duly sworn, was examined  
4 and testified as follows:  
5

6 DIRECT EXAMINATION

7 BY MR. WALKER:

8 Q If you would, ma'am, please state your full  
9 name and spell your last name for the record.

10 A Tanya Campanile, C-a-m-p-a-n-i-l-e.

11 Q Ms. Campanile, how are you employed?

12 A I work for California Federal Bank.

13 Q Which branch do you work at?

14 A The Sparks office.

15 Q What is the address there?

16 A 593 East Prater Way.

17 Q Do you have a position or assignment there?

18 A Yes, my title is Operations Supervisor.

19 Q What are some of your duties as Operation  
20 Supervisor?

21 A I supervise the teller line, make sure that  
22 we comply with federal regulations. I work a drawer  
23 myself, so I help customers all day long also.

24 Q I'm going to hand you two items that have  
25 been marked as State's Exhibits A and B for

1 identification and ask if you recognize each of those  
2 items.

3 Please go ahead, refer to them by the exhibit  
4 sticker numbers.

5 A Okay. Yes, I do recognize them. The  
6 Exhibit B -- I only saw the copy. I did not see the  
7 original item.

8 Q With respect to Exhibit A, is that a fair  
9 and accurate duplicate original or copy, if you will,  
10 of the original item that you personally observed?

11 A Yes, it is.

12 MR. WALKER: Move A into evidence.

13 THE COURT: Any objection?

14 MR. CONWAY: No objection to A.

15 THE COURT: A is moved into evidence without  
16 objection.

17 (State's Exhibit A was admitted.)

18 BY MR. WALKER:

19 Q What do you know about the whereabouts of  
20 the original of B?

21 A The original of B was processed by our  
22 branch I believe.

23 Q Are you, for lack of a better term, a  
24 custodian of records at your branch? Are you  
25 responsible to maintain and understand how the records

1 systems work?

2 A I do understand how the records work.

3 Q All right. Is there an indication on the  
4 copy that we see marked as State's Exhibit B there  
5 that that document was processed through California  
6 Federal Bank?

7 A Yes, by the stamps on the back.

8 Q To your knowledge then is that a fair and  
9 accurate copy of the original as it exists in the  
10 archives, if you will, of the bank?

11 A Yes, it is.

12 MR. WALKER: Move B into evidence.

13 THE COURT: Any objection?

14 MR. CONWAY: No objection, Your Honor.

15 THE COURT: B is moved into evidence without  
16 objection.

17 (State's Exhibit B was admitted.)

18 BY MR. WALKER:

19 Q When did you first see Exhibit A, the  
20 5,000-dollar check, for ease of reference?

21 A On Friday, June 14th, I believe it is.

22 Q All right. When was it during the day?

23 A Oh, it was in the morning, probably 10:00  
24 or so.

25 Q Who had possession of the check?

1 A Mr. Voss.

2 Q Is Mr. Voss here in the courtroom?

3 A Yes, he is.

4 Q Please identify him.

5 A In the blue shirt there.

6 Q All right. Where was Mr. Voss at when you  
7 saw him with that check?

8 A He was at my window inside the lobby.

9 Q What was he doing there?

10 A He was attempting to cash the check.

11 Q Who was waiting on him?

12 A I was waiting on him.

13 Q Did you personally wait on him?

14 A Yes. I was the first one to speak with him  
15 regarding this.

16 Q What happened when he presented the check?

17 A Well, we follow normal procedures. We  
18 checked to make sure that the funds were available in  
19 the account. And anything over \$250 we have to check  
20 the maker's signature by comparing it to a signature  
21 card.

22 And that happened to be at our branch, so I  
23 pulled the signature card and checked the signatures  
24 of the maker, and they did not match the check.

25 Q Was there anything else unusual about the

1 check that kind of stuck in your mind based on your  
2 training and experience?

3 A Yes.

4 Q What?

5 A The handwriting styles were different for  
6 the payee compared to the rest of the check. The name  
7 Steven Voss was written in blue ink, and it was  
8 printed. And the rest of the writing was in black  
9 ink, and it was in cursive.

10 Q Did you confront Mr. Voss with this  
11 information?

12 A Yes, I did.

13 Q What was his response?

14 A I guess just objectionable to my inquiries  
15 about the difference in the handwriting. I asked if  
16 the payee had been written in by himself because of  
17 the different handwriting styles. And he said, Yes,  
18 it had. I said, Was the check blank on the payee  
19 line? He said, Yes, it was. I wrote my name in  
20 there.

21 Q Did he tell you why he had written his own  
22 name in on the payee line?

23 A No.

24 Q What other conversation did you have with  
25 Mr. Voss at that time?

1           A       Well, I explained to him that we would not  
2       be able to cash the check because the signature line  
3       did not match the maker's signature. And I said that  
4       I would need to call the customer to verify that  
5       indeed she had intended to write the check to this  
6       person -- to Steven Voss.

7           And I called the number that was on the check  
8       and left a message. There was no-- There was an  
9       answering machine with no message on it, so I left my  
10      message.

11          And then I checked a phone number that we had on  
12      the system, which was different from what was on the  
13      check, and I called that number also. And that number  
14      also was an unknown business who had no knowledge of  
15      Mrs. Baxter.

16          And I explained to him that I could not cash the  
17      check, because I could not reach the customer. And I  
18      asked if he happened to know where she might work, and  
19      he said, No.

20          Q       All right. When you called and left a  
21      message on an answering machine you said with no  
22      message, what did you mean by that?

23          A       There was no person on the recorder  
24      stating, you know, whose message machine it was. It  
25      was just a ring and then a beep, and so I left a



1 message. And I was not even sure if that was her  
2 number.

3 Q All right. When you asked Mr. Voss if he  
4 knew where Ms. Baxter worked, why were you asking him  
5 that?

6 A I was going to attempt to call her at her  
7 place of employment. We did not have that on our  
8 signature card. We usually request that information,  
9 but it was not on the card. And I asked if he would  
10 know where she worked, and he said, No.

11 Q Did he indicate to you what the purpose was  
12 for the check which he was trying to cash?

13 A Yes, he did. He stated that it was a loan  
14 that he had made to her and that was repayment of that  
15 loan.

16 Q That the \$5,000 on her account was  
17 repayment of a loan he had already given her?

18 A Correct.

19 Q Were you aware that Mr. Voss had been to  
20 the Reno branch already?

21 A No, I was not aware of that.

22 Q Did he ever indicate that to you in his  
23 conversation?

24 A No.

25 Q What happened next in the sequence of

1 events?

2 A I also asked Mr. Voss if he happened to  
3 know any of her friends so that maybe I could contact  
4 Mrs. Baxter through a friend. He said, No.

5 I told him that we would not be able to cash it.  
6 He was-- He objected to that and said, I don't  
7 understand why not. I have plenty of ID. And I again  
8 explained to him it wasn't the fact that he did or did  
9 not have ID, it was that the maker's signature did not  
10 match what we had on the signature card.

11 And I referred him to-- well, actually went over  
12 and spoke to my manager --

13 Q Who is?

14 A Yvonne Kline.

15 Q All right.

16 A --and went back to him at the teller window  
17 and stated that she agreed with my decision and that  
18 we were not able to cash the check. And at which time  
19 he requested to speak with her.

20 Q Had you spoken with Mr. Voss at any time  
21 prior to Friday, the 14th?

22 A Yes, on a phone call.

23 Q When was that?

24 A That was the day prior.

25 Q That would be June 13th?

1           A     Yes, Thursday, and it was in the afternoon,  
2 approximately two, 2:30.

3           Q     How do you know that it was Mr. Voss?

4           A     Well, he had -- He did not state his name,  
5 but he did state that he had deposited a check for a  
6 customer that we had placed on hold through the drive-  
7 up window.

8                     And he wanted to see if the funds were available  
9 on that check. And he stated that the person who  
10 helped him was going to try and get the funds  
11 available sooner on the check by calling the issuing  
12 bank to make sure that the funds were available, et  
13 cetera. And he wanted to see if he could cash a check  
14 that he had in his possession against that account.

15          Q     And were you present Wednesday when Mr.  
16 Voss spoke with Mr. Hamilton at the bank?

17          A     No, I was not. I was there at work, but I  
18 was not aware of that transaction.

19          Q     All right. How did your meeting or  
20 conversation, if you will, with Mr. Voss on Friday  
21 end?

22          A     Basically I had referred it to Yvonne  
23 Kline, and I introduced him to her. And he sat down  
24 at her desk, and that really was all that was said at  
25 the end of the conversation.

1 Q Did you see him leave the bank after he had  
2 whatever conversation he had with Ms. Kline?

3 A Yes, I did.

4 Q What time was it that he left, do you  
5 recall?

6 A It probably would have been a half hour  
7 after he entered the branch at the most. He probably  
8 spoke with Yvonne for five, ten minutes at the most,  
9 and was agitated with her and was speaking very loudly  
10 and stood up and said something to her, which I'm not  
11 sure what, and exited the building.

12 Q Did you see Mr. Voss at any time  
13 thereafter?

14 A Yes, he came back in the branch a couple  
15 times that day that I saw.

16 Q When, and be as specific as you can, did he  
17 come back into the branch that day?

18 A Okay. He came into the branch and stood at  
19 the front door. He caught Yvonne Kline as she was  
20 leaving for lunch, which would have been about 1:30,  
21 and spoke with her at the front door and was calm and  
22 seemed to have a much different disposition.

23 He was smiling, and they were smiling, and they  
24 were talking. And she left for lunch, and he left as  
25 far as I know also at that time and then also came in

1 later that afternoon, approximately 4:00 or so.

2 And I was in the break room. I did not see him  
3 come into the building. I was in the break room and  
4 came out. He was sitting at Yvonne's desk at that  
5 time.

6 Q What was his attitude and demeanor at that  
7 time?

8 A Also calm and pleasant. They seemed to be  
9 talking in conversational tones and were-- They sat  
10 there at her desk for sometime as I was back on the  
11 teller line, and it seemed that it was very calm and  
12 normal.

13 MR. WALKER: No further questions.

14 THE COURT: Mr. Conway, cross-examination.

15 MR. CONWAY: Thank you, Your Honor.

16

17 CROSS-EXAMINATION

18 BY MR. CONWAY:

19 Q You stated that the first time you ever  
20 spoke with Mr. Voss was on June 13th?

21 A On Thursday on the phone, correct.

22 Q And did you at that time tell him that you  
23 couldn't give him information over the phone, and he  
24 would have to come down and talk to you personally?

25 A Not regarding that. He was inquiring about

1 the specific hold on the check, and I had not helped  
2 him, so I wasn't really sure about the situation at  
3 that time.

4 And before our conversation was finished I  
5 referred the call to Doug Hamilton, who had taken the  
6 transaction. He spoke-- Mr. Voss--

7 Q Did you at any time during the conversation  
8 advise him to come down personally to the bank?

9 A If I did say that, I would have said, You  
10 would need to bring the check down to us. But I don't  
11 remember specifically saying that that day.

12 Q Okay. But then on June 14th he did  
13 personally come to the bank?

14 A Correct, with the check.

15 Q Referring your attention to State's Exhibit

16 A--

17 A Yes.

18 Q --you stated that is the check that you saw  
19 at about ten a.m.

20 A Yes, Friday morning.

21 Q Now, that particular exhibit doesn't have  
22 the back of the check?

23 A No.

24 Q He hadn't endorsed this check, had he?

25 A I believe he endorsed it in my presence on

1 the back.

2 Q But it's not present here so we have no way  
3 of knowing whether it was endorsed, is that correct?

4 A On the back of the check.

5 Q Is the back of the check present on Exhibit  
6 A?

7 A No.

8 Q Now you stated that he asked-- He was  
9 there to cash the check, is that correct?

10 A Yes, he was.

11 Q So he wasn't there just to verify whether  
12 the funds had finally been deposited?

13 A No, he was there to cash the check.

14 Q Okay. But you stated that the day before  
15 he had already called to see if the funds had been  
16 deposited, correct?

17 A He knew they had been deposited, but they  
18 were still on hold at that time.

19 Q I misspoke. I apologize.

20 He knew they were on hold, and he had checked on  
21 June 13th pursuant to your testimony to determine  
22 whether or not they had cleared?

23 A Correct.

24 Q And you, of course, advised him at that  
25 time they had not cleared?

1 A Correct.

2 Q So he already knew that when he came in on  
3 June 14th, correct?

4 A On Friday-- We told him the funds would be  
5 available on Friday. That was the end of the two-day  
6 hold that we had placed on the deposited check.

7 Q Okay. So you then checked the signature on  
8 this Exhibit A check with the signature card that you  
9 had in your branch?

10 A At our branch, uh-huh.

11 Q Is that the normal procedure?

12 A Yes, it is.

13 Q For any check?

14 A Anything over 250.

15 Q Okay. Now, in your opinion at that time --  
16 Do you have that signature card?

17 A No, I don't have it here.

18 Q Did you turn that into the police or a copy  
19 of that into the police?

20 A I'm sure a copy was turned in, yes.

21 Q Now, based on your opinion when you  
22 compared the two signatures you felt that they were  
23 different, is that correct?

24 A Yes, they were.

25 Q Okay. You also noted on this exhibit, on



1 this check, that there were two different  
2 handwritings?

3 A Yes.

4 Q All right. And when you questioned  
5 Mr. Voss concerning those, he admitted that he wrote  
6 on the payee line, isn't that correct?

7 A Yes.

8 Q But the handwriting on the payee line is  
9 different from the writing on the rest of the check,  
10 isn't that correct?

11 A Yes, it is. It's a different style.

12 Q Because of your concern about the signature  
13 line you then tried to contact Ms. Baxter, isn't that  
14 correct?

15 A Correct.

16 Q And you were unable to reach her at her  
17 home number?

18 A Yes, I was not able to speak with her at  
19 her home.

20 Q And then you asked Mr. Voss pursuant to  
21 your testimony whether he knew where she worked,  
22 correct?

23 A Correct.

24 Q All right. Didn't you actually ask him for  
25 her phone number at her place of work? I mean you

1 weren't going to go down to her place of work to ask  
2 her. You were going the try to call her?

3 A Right. I said, Do you know where she  
4 works? And then I was going to get the phone number  
5 out of the phone book or whatever.

6 Q But did you ask him for the phone number  
7 first of her place of business?

8 A I believe I asked him first, Do you know  
9 where she works.

10 Q But either way he was unable to give you  
11 the information you requested, is that correct?

12 A Correct.

13 Q Now you also testified that he gave you a  
14 reason why those funds were being given to him?

15 A Yes.

16 Q All right. And did he say to you at that  
17 time that that was a loan to him to pay for a mobile  
18 home or to purchase a residence, do you recall?

19 A I do not recall that. I recall that this  
20 was a loan that he had made to Mrs. Baxter, and this  
21 was repayment of that loan.

22 Q But it did concern a loan, correct?

23 A Correct.

24 Q And so you are positive that it was a loan  
25 that he was being repaid and not a loan to him?



1 A According to what he said, yes.

2 MR. CONWAY: Nothing further, Your Honor.

3 THE COURT: Any redirect?

4

5 REDIRECT EXAMINATION

6 BY MR. WALKER:

7 Q As I understood, there were also different  
8 colored inks on the checks?

9 A Yes, there was. The payee line was blue,  
10 and the rest of the check was written in black ink.

11 THE COURT: Anything further?

12 MR. WALKER: Nothing further.

13 THE COURT: Any recross?

14

15 RECROSS-EXAMINATION

16 BY MR. CONWAY:

17 Q Again he did inform you that he was the one  
18 that filled in the payee line, and that would have  
19 been blue?

20 A Yes.

21 Q The rest of the check was all -- The check  
22 was all in black ink all in the same handwriting?

23 A Yes.

24 MR. CONWAY: Nothing further.

25 THE COURT: Anything further?

1 MR. WALKER: No.

2 THE COURT: Ms. Campanile, you may step down.  
3 Please face me and raise your right hand.

4 (The Court administered the oath  
5 to the prospective witness.)

6 THE COURT: Please be seated.

7  
8 YVONNE J. KLINE,  
9 produced as a witness herein, having  
10 been first duly sworn, was examined  
11 and testified as follows:

12  
13 DIRECT EXAMINATION

14 BY MR. WALKER:

15 Q If you would, ma'am, please state your full  
16 name, spell your last name for the record.

17 A Yvonne J. Kline, K-l-i-n-e.

18 Q Ma'am, are you employed?

19 A I work at California Federal Bank.

20 Q Which branch?

21 A Sparks branch on Prater Way in Sparks,  
22 Nevada.

23 Q Thank you. What is your position there?

24 A Operations Manager.

25 Q On Friday, June 14th, 1996 did you have

1 occasion to deal with a person identified to you as  
2 Steven Voss as he attempted to cash a 5,000-dollar  
3 check?

4 A Yes, I did.

5 Q What time of day was it that you first  
6 became aware of this sequence of events?

7 A It was before noon. I'm not exactly sure  
8 what time it was the first time.

9 Q What happened to your recollection?

10 A He had brought a check into the branch to  
11 cash, and Tanya waited on him. And she felt that --  
12 She didn't feel comfortable cashing the check because  
13 the signature didn't match what we had on file and --

14 Q How did you get involved?

15 A After Tanya refused the transaction Mr.  
16 Voss was pretty insistent, so Tanya came over to  
17 review the transaction with me, and I agreed with  
18 Tanya's decision that we shouldn't cash the check at  
19 that time.

20 Q What did you do?

21 A Suggested that we try to call Beverly  
22 Baxter and see if she had issued the check and see if  
23 it was okay to go ahead and cash it.

24 Q Were you able to reach Ms. Baxter?

25 A No, we were not.

1 Q What happened next?

2 A Then Steven Voss came over to my desk, and  
3 he was a little bit agitated. And he was kind of  
4 loud, and his attitude was that we were denying him  
5 money that he was entitled to and that we had no right  
6 to refuse to give him the money.

7 Q All right. What did you do?

8 A I told him I was making my decision based  
9 on the information I had in front of me. I had the  
10 signature card and the check, and the signature card  
11 didn't match the signature on the check, and the payee  
12 line was filled in with different ink.

13 And so I told him, Based on the evidence I have  
14 in front of me I will be unable to cash the check at  
15 this time, and we really need to wait to hear from Ms.  
16 Baxter before we can proceed.

17 Q Did you attempt to pursue alternative ways  
18 to contact Ms. Baxter with Mr. Voss?

19 A Yes, I did. I asked if he knew of any way  
20 that he could get a hold of her or if he could tell us  
21 a work number where she could be reached, that we  
22 would be happy to try to contact her.

23 Q What was his response?

24 A He said he didn't know where she worked.

25 Q All right.

1           A       I also asked him if he might know some of  
2 her friends that might know where she worked, and he  
3 said he didn't know where any of them could be reached  
4 either.

5           Q       How long did this first interaction with  
6 Mr. Voss last?

7           A       Oh, probably about 10 or 15 minutes.

8           Q       Did you see him later that day?

9           A       Yes, I did.

10          Q       When was that?

11          A       The first time after that was just a few  
12 minutes after he left. He came back in quite soon.

13          Q       And what happened then?

14          A       He was asking me if we couldn't order  
15 copies of checks that had been written on her account,  
16 because he said he knew that she often changed her  
17 signature. Sometimes she spelled her name all the way  
18 out. Sometimes she used initials only.

19                 And he thought it might be helpful if we could  
20 have check -- signatures on checks that had already  
21 cleared her account.

22          Q       How long did this second conversation last?

23          A       Just a few minutes.

24          Q       How did it end?

25          A       More quietly than the other time. The



1 first time when he left, he was quite angry, and he  
2 was yelling at me that Ms. Baxter would be really mad  
3 at us because we didn't cash the check. The second  
4 time he was much calmer.

5 Q Did you see him thereafter?

6 A Yes, I did.

7 Q When was that?

8 A As I was leaving the building on my lunch  
9 break. I would guess it was probably about 2:00. He  
10 was entering the building, and he approached me and  
11 asked me some questions. And I told him that I was on  
12 my lunch break and that I would be back a little  
13 later.

14 Q What did he ask you when he approached you?

15 A He asked me if we had gotten copies of the  
16 checks that-- the other checks that she had written.  
17 He also asked me if he might be able to transact that  
18 check at a different bank, that he might be having and  
19 account at another bank.

20 Q If he had an account or if she did?

21 A If he did.

22 Q How long was that conversation?

23 A Oh, it was very brief, because I was  
24 leaving the building, and I didn't want to be  
25 interrupted on my lunch break.

1 Q Did you see him thereafter?

2 A Yes, I did. He came back in about 4:00.

3 Q All right. And what happened that time?

4 A He came to my desk and sat down, and he  
5 asked me if we were able to get copies of any of the  
6 checks that Ms. Baxter had written. And he was asking  
7 me if the funds would be available on the check that  
8 had been deposited a few days earlier.

9 There was a lot of interest in that deposited  
10 check. As a matter of fact, I had ordered a copy of  
11 it from our Research Department, thinking that if Ms.  
12 Baxter ever called us to say that the check was-- it  
13 was okay to cash the check drawn on her account, I  
14 wanted to double check on the deposit to make sure  
15 that it was a valid check and wasn't going to be  
16 returned to us unpaid.

17 Q All right. What was Mr. Voss's attitude  
18 and demeanor the fourth time you talked with him on  
19 June 14th?

20 A Well, he was anxious, and he was really  
21 determined to get the money. He said that he had some  
22 kind of a deal on a place to live and the deadline was  
23 5:00. He needed the money by five. He was real  
24 anxious to get the money.

25 Q All right. Incidentally is the same Mr.

1 Voss that you saw four times on June 14th here in the  
2 courtroom today?

3 A Yes, he is.

4 Q Would you identify him and an item of  
5 clothing he's wearing right now today, please.

6 A He's wearing a blue shirt, and I can see  
7 red sneakers on his feet.

8 Q All right. The gentleman to my left here  
9 next to counsel in the charcoal gray suit?

10 A Yes.

11 MR. WALKER: For the record, Your Honor, she has  
12 identified the defendant, Mr. Voss.

13 THE COURT: The record will so reflect.

14 MR. WALKER: No further questions.

15 THE COURT: Cross-examination, Mr. Conway.

16 MR. CONWAY: Thank you, Your Honor.

17

18 CROSS-EXAMINATION

19 BY MR. CONWAY:

20 Q You stated that the first time you saw Mr.  
21 Voss was on June 14th. Is that the day you saw him?

22 A Yes, I did.

23 Q All right. When he left at that time, he  
24 took the check with him, is that correct?

25 A Yes, he did.

1 Q And he was quite agitated that he was  
2 unable to conduct the transaction at that time?

3 A Yes.

4 Q Now that is not the first person you have  
5 ever had in your bank that was a little agitated by a  
6 bank transaction?

7 A That is correct.

8 Q So there are a lot of people who probably  
9 get upset about a transaction they are unable to  
10 complete?

11 A They do.

12 Q Okay. That is probably one of your jobs,  
13 is to deal with those situations where there is a  
14 problem with a transaction?

15 A Yes.

16 Q Now, did you also look at the signature  
17 card of Ms. Baxter on the account she had at your  
18 bank?

19 A Yes, I did.

20 Q So you compared those signatures to them?

21 A Yes, I did.

22 Q Did you ever pull those other checks of Ms.  
23 Baxter's as requested by Mr. Voss?

24 A Not before he was-- Not before he left,  
25 no.

1 Q Not before the end of June 14th?

2 A Right.

3 Q And did you have an opportunity to compare  
4 those?

5 A Yes.

6 Q Now, Mr. Voss left -- he left with the  
7 check. You stated that the next time you saw him was  
8 a few minutes later when he came back in, and that is  
9 when he made the suggestion that you get the other  
10 checks?

11 A Correct.

12 Q And he was much more calmer at this point,  
13 trying to cooperate with you?

14 A Yes, he was.

15 Q Now, prior to him leaving that first time  
16 you had informed him, had you not, that you felt that  
17 this signature was different than the signature card  
18 signature?

19 A I did, yes.

20 Q He was aware of that?

21 A Yes, he was.

22 Q And he was trying to I guess assist the  
23 bank or show that-- make sure that signature was in  
24 fact different and not Ms. Baxter's, isn't that  
25 correct?

1 A I'm sorry.

2 Q He was trying to show in fact that was Ms.  
3 Baxter's signature, and that is why he had asked you  
4 to pull other checks?

5 A I'm not sure what his intent was.

6 Q Okay. But then he left after that second  
7 brief conversation. You saw him again just before  
8 your lunch hour?

9 A Right.

10 Q And again at that time he was just asking  
11 you again whether you had made any progress toward  
12 finding the other checks?

13 A He was also asking other ways to get the  
14 money off of that check.

15 Q Right. He was still interested in trying  
16 to cash this check --

17 A Yes, he was.

18 Q --and do the transaction, which is why he  
19 came to the bank, correct?

20 A That is right.

21 Q And in fact he returned a fourth time,  
22 sometime you stated around 4:00 p.m. in the afternoon?

23 A Uh-huh.

24 Q And at that point he told you what he  
25 needed the money for, isn't that correct?

1           A     He said that he was relocating, that the  
2 apartment where he had been living had burned, and --

3           Q     That he needed this money?

4           A     He needed the money to settle, yes, his  
5 deal on wherever he was trying to live.

6           Q     And that seems like an adequate reason to  
7 be a little agitated about trying to complete this  
8 transaction, isn't that correct?

9           MR. WALKER: Objection, speculation.

10          THE COURT: Sustained.

11          MR. CONWAY: Nothing further.

12          THE COURT: Any redirect?

13

14                               REDIRECT EXAMINATION

15          BY MR. WALKER:

16               Q     Mrs. Kline, he left with the check every  
17 time, didn't he?

18               A     Yes, he did.

19               Q     In fact the fourth time he left with the  
20 check?

21               A     Yes, he did.

22               Q     Did he ever try and come back and cash that  
23 check ever again?

24               A     Not after that.

25               Q     After that Friday?

1 A No.

2 Q Did the police respond that Friday?

3 A Yes, they did.

4 Q When did they respond?

5 A The last time he was in the bank shortly  
6 after four there was a call from the Washoe County  
7 Sheriff's Department.

8 A different employee had answered the phone, and  
9 they told him, This is the Washoe County Sheriff's  
10 Department. We have reason to believe that a person  
11 by the name of Steven Voss may be attempting to  
12 negotiate--

13 Q I'm going to interrupt you there. The  
14 police called, said what they said, and they came?

15 A Yes.

16 Q Was Mr. Voss there?

17 A They asked us to detain him and that they  
18 would be over. Yes, he was there.

19 Q All right. He never came back and tried to  
20 cash the check?

21 A He did not.

22 Q Mr. Conway asked you a question about, Is  
23 it unusual for somebody to try and cash a check like  
24 this basically. Do you recall that?

25 A Yes.



1           Q     In your experience is it unusual for  
2 someone to attempt to cash a 5,000-dollar, two-party  
3 check with two different types of handwriting and two  
4 different types of ink on it?

5           A     Yes, that is unusual.

6           Q     And is that in fact why you balked at  
7 cashing it?

8           A     That is part of the reason, yes.

9           MR. WALKER: No further questions.

10          THE COURT: Any recross?

11

12                               RECROSS-EXAMINATION

13 BY MR. CONWAY:

14          Q     How long have you worked as a bank  
15 employee?

16          A     I've been with California Federal Bank for  
17 ten years.

18          Q     And in your career as a bank employee I'm  
19 sure you have seen a number of odd or strange checks  
20 trying to be cashed, isn't that correct?

21          A     Yes, I have.

22          Q     And, as you testified earlier, that is part  
23 of your job, to deal with those checks and determine  
24 whether or not they are valid?

25          A     That is right.

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1 Q And some of them probably were valid,  
2 correct, even though they were strange?

3 A Some of them may have been, yes.

4 Q Now, you stated that Mr. Voss did not  
5 attempt to cash that check after June 14th?

6 A Not to my knowledge.

7 Q However, the police arrived at the bank on  
8 June 14th, did they not?

9 A They did.

10 Q And Mr. Voss was there?

11 A He was there.

12 Q They had a conversation with Mr. Voss?

13 A They did.

14 MR. CONWAY: Thank you. Nothing further.

15 THE COURT: Any redirect?

16 MR. WALKER: No, thank you.

17 THE COURT: Ms. Kline, you may step down.

18 Please face me and raise your right hand.

19 (The Court administered the oath  
20 to the prospective witness.)

21 THE COURT: Please be seated.

22 ///

23 ///

24 ///

25 ///

1 SANDRA C. CRUMB,  
2 produced as a witness herein, having  
3 been first duly sworn, was examined  
4 and testified as follows:  
5

6 DIRECT EXAMINATION

7 BY MR. WALKER:

8 Q If you would, ma'am, please state your full  
9 name and spell your last name for the record.

10 A Sandra Claire Crumb, C-r-u-m-b.

11 Q Ms. Crumb, where do you reside?

12 A At 5501 West Fourth Street, Jack Pine  
13 Motel.

14 Q Do you in fact own that business, if you  
15 will?

16 A Yes, I do.

17 Q What kind of business is it?

18 A It's a weekly motel. We rent by the week,  
19 by the month.

20 Q How many units are there at the Jack Pine?

21 A Seven.

22 Q And did a person known to you as Beverly  
23 Baxter rent one of those units in the recent past?

24 A Yes, she did.

25 Q When did she first rent the unit?

1           A     December 1st, 1995.

2           Q     And how long did she rent the unit?

3           A     She rented it up until one month ago just  
4 about -- paid the rent up through June 20th.

5           Q     All right. Describe Ms. Baxter. How old  
6 is she to your knowledge?

7           A     Beverly? I believe she had a birthday in  
8 May. She just turned 50 in May.

9           Q     All right. And did anyone live with  
10 Beverly at the Jack Pine Motel during the term of her  
11 tenancy there?

12          A     No.

13          Q     Did you know a person by the name of Steven  
14 Voss who had occasion to visit with Beverly at the  
15 Jack Pine Motel?

16          A     Yes.

17          Q     When was the last time you saw him at the  
18 Jack Pine Motel?

19          A     It would have been on June 13th. I believe  
20 that was a Thursday. Well, no, that was the day  
21 before, June 12th, on Wednesday. Okay. I saw him on  
22 that day.

23          Q     All right. What was Mr. Voss doing the  
24 last time you saw him?

25          A     Well, the last time I saw him was on this

1 particular day. He had a key, and he was going into  
2 Beverly's apartment.

3 Q On Wednesday?

4 A On Wednesday while she was at work.

5 Q All right. How do you know she was at  
6 work?

7 A I had seen her leave that morning. And  
8 Beverly without fail would leave at a certain time  
9 every morning, and I knew that is where she was. I  
10 don't know. She just left everyday at the same time,  
11 and she was at work that day.

12 Q How do you know that it was Mr. Voss that  
13 returned and entered Beverly's apartment on Wednesday,  
14 the 12th?

15 A I know him by sight if I see him.

16 Q Does he have a vehicle?

17 A Yes.

18 Q What kind of vehicle is it?

19 A Big blue and white truck with a tow, you  
20 know, like a tow truck.

21 Q Is this a distinctive truck?

22 A Oh, yeah. Yeah, he always parked it like  
23 right out front.

24 Q How are you able to see the comings and  
25 goings from your apartment?

1           A     My residence is right next to Beverly's.  
2     It was right there on the corner. I have big windows  
3     that face the street, and the other side faced the  
4     driveway. So anybody coming and going -- I see that,  
5     and especially somebody coming and going out of number  
6     one, because number one is right next to the motel  
7     office.

8           Q     Was Beverly with Mr. Voss when he entered  
9     her apartment?

10          A     No, not on Wednesday.

11          Q     How do you know that he had a key?

12          A     I was sitting right there at my desk. You  
13     can look right through the doorway of the office. And  
14     he was standing right there by the Pepsi machine, and  
15     he held up the big key ring with keys on it, took out  
16     one key and unlocked the door and went in.

17          Q     Did you recognize this key ring?

18          A     No, unh-unh.

19          Q     All right. How long was he inside the  
20     apartment?

21          A     Oh, I would say maybe half an hour.

22          Q     All right. And how did he leave?

23          A     He left the apartment--I don't know--closed  
24     the door and went out and got in his truck and left.

25          Q     When was the next time you saw Mr. Voss?

1           A     The next time I saw him was when he left  
2     the next morning at about 9:00, and he pulled out of  
3     the driveway in the truck or out of the-- in front of  
4     the motel. He was parked in front of the motel. He  
5     pulled out and left, and it was the next morning,  
6     Thursday, at 9:00.

7           Q     Did you see Ms. Baxter at any time  
8     thereafter?

9           A     About 9:15 she pulled out in her car.

10          Q     Have you seen Ms. Baxter since?

11          A     No. That was the last time I saw Beverly.

12          Q     I think you indicated that her rent was  
13     paid through the 20th?

14          A     Yes, it was. She paid by the month.

15          Q     On the 20th?

16          A     Right.

17          Q     Where are her belongings?

18          A     In her room still.

19          Q     Have you had occasion to enter her room and  
20     observe the belongings there?

21          A     Oh, since they put the evidence tag on  
22     there and everything?

23          Q     Since the last time you saw her.

24          A     Oh, since the last time I saw her, yeah. I  
25     went in there the first day on Friday when they came

1 by from her work and were concerned, wanted to know if  
2 I could check the room to see if she was all right.

3 And I got my key and unlocked the room, went in,  
4 and she wasn't there. The dog was there, so we took  
5 the dog outside and all that. But I was in there  
6 then.

7 Q What is her dog's name?

8 A Chips.

9 Q What kind of dog is it?

10 A Little black cocker spaniel.

11 Q Did you have occasion to observe her  
12 attachment to her dog?

13 A Oh, boy. Oh, yeah. I don't allow dogs out  
14 there.

15 MR. CONWAY: Objection, Your Honor. What is the  
16 relevance of this questioning concerning the charges  
17 that he is facing currently?

18 THE COURT: Mr. Walker, do you want to give an  
19 offer?

20 MR. WALKER: Count I charges Burglary, Your  
21 Honor. I have to show an intent to enter and thief  
22 from therein.

23 I intend to call other witnesses in addition to  
24 this witness who will talk about the victim's declared  
25 intent with regard to this sequence of events



1 involving the checks. And this testimony about where  
2 she is at or isn't at goes directly to what her intent  
3 was with regard to these checks. Certainly it's  
4 relevant to other things.

5 And I know what counsel's complaint is, but it's  
6 specifically relevant to her intent or lack thereof,  
7 if you will, with regard to the dealings about the  
8 checks.

9 THE COURT: The objection is overruled. You may  
10 proceed.

11 BY MR. WALKER:

12 Q Go ahead. If you would describe the  
13 attachment to the dog.

14 A When Beverly first rented the unit, I told  
15 her I didn't allow dogs, and we had a little  
16 conversation about how she would conduct herself with  
17 the dog.

18 I said, Please walk the dog. Don't ever leave  
19 the dog in the room. Make sure it doesn't bark. In  
20 the process of that conversation I got to know her a  
21 little bit as far as this dog had been with her for  
22 six years, ever since it was a puppy.

23 And she-- I could tell by looking at the dog it  
24 was well-groomed. It was well-taken care of. I told  
25 her, I said, Please walk the dog regularly. Don't

1 leave it in the room unattended ever.

2 And once we got through that then I said, Okay,  
3 we can have the dog here.

4 Q Had you ever seen anyone other than Ms.  
5 Baxter enter her room with a key prior to this date?

6 A Never.

7 Q Had you ever seen any of her other male  
8 acquaintances enter the room in this manner?

9 A No.

10 Q Had you ever seen Mr. Voss enter her room  
11 prior to this date when she wasn't there?

12 A No.

13 Q Describe the belongings that remain inside  
14 her room.

15 A Her clothes, small pieces of furniture.

16 Q Are you familiar with her wardrobe to any  
17 extent?

18 A I used to see her everyday. I remember  
19 that she, you know, wore pierced earrings every day of  
20 her life for one thing. So a lot of earrings.

21 Q Do those remain?

22 A Yeah, those still remain.

23 Q Was she taking any medication to your  
24 knowledge?

25 A Not that I know of.

1           Q     After Thursday, June 13th, at about 9:00  
2 did you ever see Steven Voss or his truck at the Jack  
3 Pine Motel again?

4           A     No.

5           Q     Have you ever seen Beverly Baxter or her  
6 vehicle at the Jack Pine Motel ever again?

7           A     No.

8           Q     Did you talk with Mr. Voss the 12th, the  
9 day he went into her apartment? Did you acknowledge  
10 or say anything to him?

11          A     No.

12          Q     Why not?

13          A     I wanted to go say something to him, and  
14 I-- He had been there on Monday and Tuesday and had  
15 talked to Beverly while she was there, and I thought  
16 it was unusual. I didn't like it that, you know--

17                I don't like it when other people besides  
18 tenants have keys, because I have microwaves  
19 refrigerators, motel property, in those rooms. And I  
20 kind of-- I didn't like it, but I knew that, you  
21 know, I could speak to Beverly about it later.

22          Q     Do you know when he came back? Because you  
23 indicate he left kind of in the middle of the day on  
24 Wednesday, and then you saw him leaving in the  
25 morning. Do you know when he came back?

1           A       I didn't see him when he came back later,  
2 but I saw his truck parked out in front of the motel.  
3 I didn't see him.

4           Q       All right. When did you see his truck  
5 parked out in front of the motel later, Wednesday?

6           A       Oh, it was probably later that night, like  
7 around maybe 10:00 at night maybe, something like  
8 that, 10 or 11.

9           MR. WALKER: No further questions.

10          THE COURT: Cross-examination, Mr. Conway.

11          MR. CONWAY: Thank you, Your Honor.

12

13                               CROSS-EXAMINATION

14          BY MR. CONWAY:

15           Q       When someone rents a room from you at the  
16 Jack Pine Motel, I assume you give them a key?

17           A       Uh-huh.

18           Q       Can you describe that key.

19           A       Oh, yeah. They are a little-- just little  
20 gold keys, you know, and they have-- Some of them  
21 have the numbers engraved on them. Hers didn't. When  
22 I gave them to her, hers didn't. They weren't  
23 engraved.

24           Q       And you gave her just one key, is that  
25 correct?

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1 A Uh-huh.

2 Q You had seen Mr. Voss prior to June 12th,  
3 is that correct?

4 A Yes.

5 Q And that would have been on June 10th and  
6 11th you stated you saw him at the motel?

7 A Yeah, he was outside, talking to Beverly on  
8 the porch.

9 Q So when you saw him on June 12th, which I  
10 guess was a Wednesday, he had obviously had the keys  
11 to the hotel? I mean to the room.

12 A He had a key to let himself in, yeah.

13 Q And as you stated you didn't give him that  
14 key, correct?

15 A No.

16 Q The only key you had for that particular  
17 room was the key you gave to Beverly Baxter when she  
18 first rented it?

19 A Yes.

20 Q And you saw him enter the room because as  
21 you stated you were right there in your office, which  
22 is right across from the room?

23 A Yes, and I was watching because it was  
24 unusual for that to happen.

25 Q Okay. And you stated he was in there about

1 half an hour?

2 A I believe so.

3 Q So you saw him leave then?

4 A Uh-huh.

5 Q All right. Was he carrying anything when  
6 he left?

7 A I saw him get in his truck when his truck  
8 pulled out. Okay. I didn't see him walk out.

9 Q So you didn't see whether he had anything  
10 in his hand when he left?

11 A No.

12 Q And all he had when he entered was the  
13 keys. Is that what you recall? Or did he have  
14 something else in his possession?

15 A He had the keys. That is all I saw.

16 Q And the next time you saw him then actually  
17 was him getting in his truck and driving away?

18 A Yeah.

19 Q But you never spoke to him about that  
20 incident that he had the keys, and you never spoke to  
21 Ms. Baxter?

22 A No. I really try and stay out of people's  
23 business as far as that goes, but I stood there, and I  
24 watched this, and I didn't like it, but I would speak  
25 to Beverly later about it.

1 Q Okay. But you didn't, did you?

2 A I never saw her again to talk to her.

3 Q Well, you testified earlier that you  
4 actually saw her the next morning on the 13th leaving?

5 A I saw her pulling out in her car, yeah, but  
6 I couldn't--

7 Q So on the night of the 12th you didn't go  
8 over to her room and try to inform her that you were  
9 not happy with the idea that someone else had her  
10 keys?

11 A No, unh-unh.

12 Q Okay. So as you testified you saw Ms.  
13 Baxter leave the next morning at what time?

14 A 9:15.

15 Q And that was after you had seen Mr. Voss  
16 leave that same morning?

17 A Yes.

18 Q Okay. He left prior to Ms. Baxter, did he  
19 not?

20 A Uh-huh.

21 Q All right. Now we had a little discussion  
22 about the dog. You said she never left the dog?

23 A No. She would leave for work in the  
24 morning, and every morning before she left for work  
25 she would walk the dog. She would go to work. She

1 would come home for lunch between 11 and 12 everyday.

2 Q Hold on. That means in fact she was a  
3 allowed to leave the dog in the hotel room?

4 A Yeah, but not for long periods of time.

5 Q But you had testified earlier that she was  
6 not to leave the dog unattended, but in fact she did  
7 or was leaving the dog unattended while she was at  
8 work?

9 A While she was at work, yeah.

10 Q So in fact it wasn't unusual for the dog to  
11 be there on its own at certain times during the day?

12 A While she was at work like three or four  
13 hours. Then she would come home after three or four  
14 hours -- Then she would come home.

15 Q So she wouldn't go out at night?

16 A She would go out at night once in a while  
17 but not for all night or something like that.

18 Q But at that time she probably left the dog  
19 at home also, correct?

20 A Yeah. She left the dog in there if she  
21 would go out at night, uh-huh.

22 MR. CONWAY: I have nothing further.

23 THE COURT: Any redirect?

24 MR. WALKER: No.

25 THE COURT: Ms. Crumb, you may step down. Thank



1 you.

2 Please face me, raise your right hand.

3 (The Court administered the oath  
4 to the prospective witness.)

5 THE COURT: Please be seated.

6

7 CLAUDETTE ANDREWS,

8 produced as a witness herein, having

9 been first duly sworn, was examined

10 and testified as follows:

11

12 DIRECT EXAMINATION

13 BY MR. WALKER:

14 Q If you would, ma'am, please state your full  
15 name, spell your last name for the record.

16 A My name is Claudette Andrews,

17 A-n-d-r-e-w-s.

18 Q Where are you currently employed, ma'am?

19 A At Microflex Medical Corporation.

20 Q What is Microflex?

21 A We are-- We sell gloves.

22 Q How long have you worked at Microflex?

23 A Oh, about six months.

24 Q When did you start?

25 A In the first of February.

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1 Q How did you come to work at Microflex?

2 A I bothered them quite a lot.

3 Q Do you know a person by the name of Beverly  
4 Baxter?

5 A Yes, I do.

6 Q How do you know Ms. Baxter?

7 A We took breaks together. She was one of  
8 the first people I met when I started at Microflex.  
9 She is -- was a very friendly person.

10 Q How long did Beverly work at Microflex?

11 A From quite awhile I understand. She was  
12 there before I was.

13 Q Do you recollect seeing Beverly the day  
14 before she last was seen at work?

15 A Yes, I do.

16 Q Do you recall what date that was?

17 A No, sir, I don't. I know it was on a  
18 Wednesday, though.

19 Q Does June 12th, 1996 refresh your  
20 recollection? That is a Wednesday.

21 A Yes, sir.

22 Q When did you last see Beverly that day?

23 A The last time I saw Beverly was between 11  
24 and 11:30, because that is when I come back from my  
25 break. And I was going towards the back door, and she

1 was standing there.

2 Q What was she doing?

3 A She was talking with this gentleman over  
4 here.

5 Q Now when you say "this gentleman over  
6 here", go ahead, point out the man you are talking  
7 about and identify an item of clothing he's wearing  
8 right now.

9 A The gentleman in the blue outfit.

10 Q To my left here next to counsel in the  
11 charcoal suit?

12 A No, sir.

13 Q To my left next to this gentleman?

14 A Yes. Sorry about that.

15 Q That is all right. My left and your right  
16 are on opposite sides, aren't they?

17 Actually they are on the same side as we face --

18 MR. WALKER: At any rate, for the record, Your  
19 Honor, she has identified Mr. Voss.

20 THE COURT: The record will so reflect.

21 BY MR. WALKER:

22 Q What was Mr. Voss doing?

23 A Him and Beverly were standing there  
24 talking.

25 Q Could you tell what they were talking

1 about?

2 A No, sir, I couldn't tell what they were  
3 talking about. I turned around, and I was walking  
4 away, and I heard them arguing.

5 Q All right. Did you hear raised voices?

6 A Yes, I did.

7 Q Whose voices were raised?

8 A I heard his voice.

9 Q Could you hear what he was saying?

10 A No, sir, I couldn't.

11 Q All right. What happened next?

12 A At that point I just-- You know, I was  
13 walking away, and I thought that I might tell one of  
14 her friends. But, you know, I just was minding my own  
15 business.

16 Q Did you talk with Beverly at any time  
17 thereafter?

18 A No. After that I didn't see Bev, because I  
19 went upstairs to work.

20 Q All right. Had you ever talked with  
21 Beverly about an insurance refund check?

22 A No, sir, I hadn't.

23 MR. WALKER: No further questions.

24 THE COURT: Mr. Conway, any cross-examination?

25 MR. CONWAY: Thank you, Your Honor.

## CROSS-EXAMINATION

BY MR. CONWAY:

Q You stated-- What exactly do you do at Microflex?

A I'm a Clerk/Runner. I run papers, give the girls their orders, take orders to DP, which was Beverly's job.

Q Okay. So you don't work with Beverly Baxter then?

A I do-- You know, we do intercounter things and things like that, but, no, we didn't work like side to side.

Q Okay. But did you see her everyday when she was at work?

A Yes, I did.

Q And that was on breaks?

A Yeah, I did see her on breaks also.

Q So when you saw her during work, it would just be in passing. You would go hand her papers, or she would hand papers?

A Yeah, and sometimes we would talk for a few minutes, you know.

Q So on Wednesday, June 12th, you stated that you saw her at approximately 11 to 11:30 a.m.

A It was between that time, yes, sir.

1 Q That was during one of your breaks?

2 A Yes, sir. It was like during the end of my  
3 break, so it must have been around 11:15 or so.

4 Q But you hadn't gone on break with her that  
5 particular --

6 A No, sir.

7 Q And when you first saw her, she was  
8 speaking with Mr. Voss?

9 A Yes, sir.

10 Q All right. Now you stated that you thought  
11 they were arguing?

12 A Well, yes, I did, because it was like their  
13 voices were raised at each other.

14 Q Their voices?

15 A Yes.

16 Q So her voice was also raised, was it not?

17 A Yes, but his was more of a tone.

18 Q All right. So in these raised voices you  
19 walked right by them, and you heard nothing?

20 A Yeah, because I was like walking away from  
21 them, because they were standing at the back door.

22 Q You heard nothing, correct?

23 A No, sir, I didn't.

24 Q Did you stop and speak to them at any time?

25 A No, sir, I didn't.

1 Q And were they doing anything else other  
2 than the fact that their voices were raised that you  
3 didn't hear?

4 A No, sir.

5 Q So he wasn't going like this?

6 A No, sir.

7 Q Or threatening her in any way?

8 A No, sir.

9 Q Do you know how long they had been talking  
10 there?

11 A No, sir. Because like I said I walked  
12 away, and after that I just kind of basically, you  
13 know, minded my own business, you know.

14 Q Okay. Where were they standing exactly  
15 when you first saw them?

16 A Like I said, they were standing at the back  
17 door. Bev was standing like in the doorway, and he  
18 was standing on the side of the door.

19 Q All right. So you had to walk right by  
20 them to get to the door, correct?

21 A I didn't go outside. What happened was I  
22 was standing by the door, and when they were standing  
23 there talking, I turned around and came back, because,  
24 you know --

25 Q Let me try to understand. Where exactly

1     were you when you first saw them standing at the  
2     doorway?

3             A     I was standing like behind Bev, and they  
4     were just standing there talking, but --

5             Q     How close to Beverly?

6             A     Oh, maybe from a little bit-- about from  
7     here to you.

8             Q     Okay.

9             A     Yeah. Then I saw just --

10            Q     They were talking at that time?

11            A     Yeah.

12            Q     What were you doing exactly when you were  
13     standing there?

14            A     I was waiting for my husband to come,  
15     because they was coming to look at my truck. And then  
16     he wasn't out there, so I was just kind of keeping an  
17     eye waiting for him to come.

18            Q     How long had you been standing there  
19     waiting for your husband?

20            A     Oh, just a few minutes. Maybe a few  
21     seconds, if that.

22            Q     And when you came up there to wait for your  
23     husband, Beverly was already there?

24            A     No, sir. I was standing there. And she  
25     came to the door, and then I was standing behind her.



1 And then, you know, I just turned around, walked away.  
2 So, you know, she could have some privacy or whatever.

3 Q Was she standing there when you came up?

4 A No, sir.

5 Q You came up and said you were standing  
6 there a few seconds?

7 A Uh-huh.

8 Q Then Beverly came up?

9 A Uh-huh.

10 Q Did Mr. Voss come up with her?

11 A No. She-- He was out there waiting for  
12 her.

13 Q Okay. So she came up, because he was there  
14 waiting. So you saw him before she even showed up,  
15 correct?

16 A Yeah.

17 Q When she came up, you immediately turned  
18 around and left?

19 A Uh-huh.

20 Q All right. And right away their voices  
21 were raised?

22 A As I got further back I'd say before maybe  
23 15, 15 feet back, then their voices started to raise.  
24 I kind of looked, but I just kept walking.

25 Q Okay. In that area-- What is in that area

1 of the back door?

2 A At that time there was nothing back there.  
3 There was just like an open area with some windows.

4 Q And what normally goes on in that open  
5 area?

6 A Nothing basically. People just stand back  
7 there and talk, you know, for like a break or  
8 whatever, because -- you know, just to look outside,  
9 you know, to see what is going on or whatever.

10 Q So it's like a break room?

11 A Not really a break room, but it's an opened  
12 area back there.

13 Q Very quiet?

14 A Yes, very quiet.

15 Q So you left that area, but you didn't see  
16 Ms. Baxter leave that area?

17 A No, I did not.

18 Q Okay. And you didn't see her again--

19 A Oh, as a matter of fact, as I was walking  
20 back, I think I went back to talk to Ed Parks. And  
21 when I was coming back, I was standing there. And Bev  
22 came around the side there, and she kind of threw up  
23 her hands like that. And she seemed upset, but I  
24 didn't confer with her or anything at that time.

25 MR. CONWAY: Nothing further.

1 THE COURT: Any redirect?

2 MR. WALKER: No, thank you, Your Honor.

3 THE COURT: Ms. Andrews, you may step down.

4 Thank you.

5 Please face me and raise your right hand.

6 (The Court administered the oath  
7 to the prospective witness.)

8 THE COURT: Please be seated.

9

10 LINDA WEEKS,  
11 produced as a witness herein, having  
12 been first duly sworn, was examined  
13 and testified as follows:

14

15 DIRECT EXAMINATION

16 BY MR. WALKER:

17 Q If you would, ma'am, please state your full  
18 name and spell your last name for the record.

19 A Linda Weeks, W-e-e-k-s.

20 Q Where are you employed, ma'am?

21 A Microflex Medical Corporation.

22 Q How long have you worked at Microflex?

23 A Since October 23rd of '95.

24 Q How did you come to work at Microflex?

25 A I answered an add that was in the

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1 newspaper, and they called me.

2 Q Do you know a person by the name of Beverly  
3 Baxter?

4 A Yes, I do.

5 Q How do you know Beverly Baxter?

6 A I worked with her for the past eight  
7 months.

8 Q All right. When did you first meet  
9 Beverly?

10 A I met Beverly on a Wednesday night in San  
11 Francisco when she joined Microflex.

12 Q Describe your relationship with Beverly  
13 over time.

14 A We were kind of like best friends. We did  
15 a lot of things together. We went out to dinner. We  
16 went shopping. We talked on the phone a lot.

17 Q You were talking to Beverly on Wednesday,  
18 June 12th, 1996, roughly about two or 2:30 during a  
19 break?

20 A Yeah, I took a break with her at 2:30.

21 Q What was the subject matter of your  
22 conversation?

23 A I couldn't tell you, because we talked  
24 about a lot of things.

25 Q Were you aware that Beverly had received a

1 month previously an insurance refund check or a  
2 settlement check, if you will, for a storage unit?

3 A Yes, I did.

4 Q What did you know about this storage unit?

5 A I knew that she had been paying on a  
6 storage unit for three years, and then on April 3rd  
7 she found out that they had sold all of her stuff.  
8 And she never received the check, and she had received  
9 a check for \$5,000 for a settlement.

10 Q We have a copy of a check in evidence here  
11 as State's Exhibit B. Do you recognize that check?

12 A No, I've never seen the check.

13 Q Did she ever show you the check that she  
14 had received?

15 A No.

16 Q This check is dated May 8th, 1996. Would  
17 that comport with your recollection about when she  
18 received this refund check?

19 A Yes.

20 Q What was Beverly's intention that she  
21 expressed to you about--

22 MR. CONWAY: Objection. That is inferring--  
23 They are trying to mind read what Ms. Baxter thought  
24 about the check. I don't think that is appropriate.

25 MR. WALKER: May I make an offer of proof, Your

1 Honor?

2 THE COURT: What was the question again?

3 MR. WALKER: I was going to ask -- The whole  
4 question was going to be, What was Beverly's expressed  
5 intent to you about what she was going to do with the  
6 check? What did she tell you she was going to do?

7 MR. CONWAY: I will object. That is hearsay.

8 THE COURT: Then it would be hearsay. She is  
9 expressing it to her. She is not going to testify  
10 today. That would be hearsay.

11 MR. WALKER: Your Honor, NRS 51.105, Then  
12 existing mental, emotional or physical condition.  
13 Statement of the declarant's then existing state of  
14 mind, emotion, sensation, or physical condition, such  
15 as intent, plan, motive, design, mental feeling. This  
16 fits squarely within that exception, and that is why  
17 I'm offering it.

18 THE COURT: It isn't often we get to hear that  
19 particular offer, but you are right. It is in there  
20 as an exception as to the hearsay rule.

21 MR. CONWAY: I believe there needs to be more  
22 foundation as to the time, date, conditions under  
23 which she made the statement to determine that is then  
24 existing.

25 THE COURT: I think this is fair, Mr. Walker.

1 It isn't too often we get to use that exception, so  
2 lay a little foundation. I agree.

3 MR. WALKER: All right. I thought I had, but I  
4 will certainly drive at it.

5 BY MR. WALKER:

6 Q Did you speak with her on Wednesday about  
7 that check and what she was going to do with it?

8 A Maybe not on that Wednesday, but we have  
9 talked about that check.

10 Q All right. Let's plumb your mind.  
11 Specifically when is the last specific recollection  
12 you have?

13 A Maybe over that -- the weekend before we  
14 had discussed it.

15 Q All right. What was the circumstances of  
16 your conversation? Where were you at? What were you  
17 doing?

18 A Well, I called her at home.

19 Q All right. And what was the purpose for  
20 your call?

21 A Just to say, Hi, and, What are you doing.

22 Q All right. How did the check come up?

23 A We were talking about how had she been able  
24 to get ahold of an attorney -- has she been able to  
25 get ahold of the storage people. Because I know that

1 she had been in contact with an attorney, and I know  
2 that she was going to -- The attorney told her what  
3 to do, and she was supposed to get back to the storage  
4 people and ask them a lot of questions.

5 Q If I could interrupt for just a moment.

6 That last weekend, the last time you  
7 specifically talked with Beverly about what her intent  
8 was, what did she tell you she was going to do with  
9 that check?

10 A She was going to keep the check and not  
11 cash it.

12 Q Why?

13 A Because she was going to hire an attorney  
14 and see if they did, how would you say, her wrong, and  
15 she was going to see if she was eligible for more  
16 money.

17 Q Now, do you recall giving a taped interview  
18 to detectives in this case on June 17th, 1996?

19 A Yes, I do.

20 Q Do you recall talking with them about the  
21 conversation you had Wednesday at 2:30 and something  
22 about Steve was supposed to get an attorney?

23 A Yes.

24 Q All right. What was that conversation?

25 What did she tell you about her intent in that



1 conversation on Wednesday, June 12th?

2 A She said that she was-- Steve said he had  
3 an attorney for her that was in California, and that  
4 she was supposed to get all her paperwork from the  
5 storage together and give it to him, so he could fax  
6 it to this attorney. And also she was supposed to  
7 give him a check for a dollar for a retainer.

8 Q Now, who was she going to give the check to  
9 for a dollar for a retainer?

10 A Steve.

11 Q Did she indicate whether she had written  
12 this check out or not?

13 A No, she didn't indicate that.

14 Q Did she offer you any information on what  
15 bank account the check was going to be written on?

16 A No, she did not.

17 Q Did you ever see a check for a dollar?

18 A No, I did not.

19 Q Now, did you know who Steve was when you  
20 were talking with Beverly on Wednesday, June 12th?

21 A I knew of him, but I didn't -- I have  
22 never seen him before.

23 Q Did you know that he had been at Microflex  
24 that day?

25 A Yeah, I heard that he had been there.

1 Q Did you talk with Beverly about it, though?

2 A No, I did not.

3 Q All right. How long was your conversation  
4 with Beverly over lunch about her plan for what to use  
5 this check for?

6 A Oh, about 15 minutes.

7 Q How did the conversation end?

8 A Talk to you later.

9 Q When was the last time you saw her?

10 A I'm not positive if she left before me, or  
11 I left after her, but I usually say bye to her at  
12 four. I go home at four, and I will just usually look  
13 over the fall and say, See you tomorrow, Bev.

14 Q What was Beverly's work pattern, her habit  
15 about going to work?

16 A She was there everyday.

17 Q To your knowledge did she miss days like  
18 for sick leave and that sort of thing?

19 A I think she missed one day the whole time  
20 she was there.

21 Q What period of time are you describing when  
22 you say --

23 A From October-- I think she started on  
24 October 24th-- 25th til June 12th.

25 Q Did you have plans with Beverly for any

1 time in the future to do anything?

2 A Sure, we do things together a lot.

3 Q What I'm getting at is did you have a  
4 specific plan with her after the 12th for any day to  
5 do something?

6 A She was supposed to come over to my house  
7 because she was going to buy a day bed from me she  
8 wanted to put in her apartment or motel room, because  
9 she wanted to the get rid of the bed.

10 Q When did you plan on that?

11 A She was supposed to come over one weekend.

12 Q All right. Just sometime in the future?

13 A Uh-huh.

14 MR. WALKER: Nothing further.

15 THE COURT: Any cross-examination, Mr. Conway?

16 MR. CONWAY: Thank you, Your Honor.

17

18 CROSS-EXAMINATION

19 BY MR. CONWAY:

20 Q You stated that the last time you spoke  
21 with Ms. Baxter was on June 12th at about  
22 approximately 2:30 p.m.?

23 A Uh-huh.

24 Q Do you recall what her demeanor was at that  
25 time?

1           A     She was in a good mood.

2           Q     Now, we have gone into talking about the  
3 settlement check she had received from where she had  
4 stored her goods.

5           A     Uh-huh.

6           Q     You stated you spoke to her about that  
7 check the weekend before June 12th?

8           A     Uh-huh.

9           Q     So that would have been June 9th or June  
10 8th and 9th. Does that sound about right?

11          A     Yes.

12          Q     And you didn't speak to her on -- Do you  
13 know if it was a Saturday or Sunday you spoke with  
14 her?

15          A     Usually I call her on Sunday nights.

16          Q     And you didn't call her for the express  
17 purpose of discussing this check, is that correct?

18          A     No, we discussed a lot of other things.

19          Q     Okay. And she -- When did you first know  
20 that she had received this check?

21          A     I'm not sure when she received the check.  
22 I'm not positive.

23          Q     Was that weekend conversation with her the  
24 first time that you had ever discussed the check?

25          A     No, we have discussed the check a lot.

1           Q     So do you know exactly when she first  
2 mentioned that she was still seeking a greater  
3 settlement?

4           A     From the time she received the check until  
5 the time-- We discussed the check a lot, many times.

6           Q     So you know that on -- particularly on the  
7 weekend I guess, Sunday, June 9th, since that is when  
8 you normally called her, that she discussed her  
9 intention with the check, or was it all the time? She  
10 had numerous different times she told you what her  
11 intentions were with the check?

12          A     I know I discussed that check on the 9th.

13          Q     So you are recalling the conversation  
14 exactly?

15          A     Well, I can't say exactly what we said, but  
16 I know we discussed the check, because I also asked  
17 her if she had heard from the storage-- if she got any  
18 more information.

19          Q     Okay. Now, on June 9th you were talking to  
20 her on the telephone about the check. That is when  
21 she told you she was going to continue to hold onto  
22 the check and contact an attorney?

23          A     Yes.

24          Q     The next time she discussed the check was  
25 when she had already spoken with Steve Voss, okay, and

1 he had found an attorney for her, correct?

2 A Yeah, I think that was on Wednesday we  
3 discussed that.

4 Q Do you know if she had already sent the  
5 attorney the paperwork?

6 A The attorney that she had?

7 Q Any attorney.

8 A No. She hadn't sent anything yet.

9 Q Did you discuss other things at 2:30 on  
10 June 12th?

11 A Sure. How work was going.

12 Q And as you testified earlier she was in a  
13 good mood. She wasn't upset about anything?

14 A Not that I know of.

15 Q Then after your break at 12:30 she went  
16 back to her place of work, you went back to your place  
17 of work?

18 A Yeah, because we sat on opposite sides of  
19 the room.

20 Q You haven't seen her since?

21 A No, I haven't.

22 Q You didn't see her that afternoon when you  
23 all went home?

24 A I probably waved good-bye to her. She said  
25 good-bye to me. I can't remember that day if she left

1 before me or after me.

2 Q But the normal procedure is that you guys  
3 sort of wave to each other as you leave?

4 A Yeah, because she leaves at 4:30. I leave  
5 at four. I usually wave over the wall, See you later,  
6 Bev.

7 MR. CONWAY: Nothing further.

8 THE COURT: Any redirect?

9 MR. WALKER: Nothing, Your Honor.

10 THE COURT: You may step down, Ms. Weeks.

11 At this time, Mr. Walker, let's not bring in  
12 another witness.

13 MR. WALKER: Okay.

14 THE COURT: We are going to be in recess until  
15 1:30 this afternoon. It is now about six minutes to  
16 12, so we might as well start with a new witness after  
17 lunch.

18 We will reconvene at 1:30. Court will be in  
19 recess.

20 (A break was taken.)

21

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23

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25 ///

1 RENO, NEVADA; MONDAY, JULY 12, 1996; 1:30 P.M.

2 --o0o--

3

4 THE COURT: Court is in session. Please be  
5 seated.

6 We are back on case 79,046, State versus Steven  
7 Floyd Voss.

8 I see all parties are present. Are we now all  
9 prepared to proceed?

10 MR. WALKER: Yes, Your Honor. I call Ed Park to  
11 the stand.

12 Detective Yaryan has entered the courtroom.  
13 Your Honor, I do not intend to call him as a witness.  
14 He was under subpoena, and I released him.

15 THE COURT: Okay. Please face me and raise your  
16 right hand.

17 (The Court administered the oath  
18 to the prospective witness.)

19 THE COURT: Please be seated.

20

21 ED PARK,  
22 produced as a witness herein, having  
23 been first duly sworn, was examined  
24 and testified as follows:

25 ///

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## DIRECT EXAMINATION

BY MR. WALKER:

Q Mr. Park, if you would please state your full name, spell your last name for the record.

A My full name is Ed Park. My last name is P-a-r-k.

Q For the record, Mr. Park, do you have a middle name?

A No, I do not.

Q How are you employed, sir?

A I am employed by Microflex Medical Corporation.

Q What is your capacity with Microflex?

A My position is Assistant Data Processing Manager.

Q As Assistant Data Processing Manager were you responsible on an employee/employer basis for Beverly Baxter?

A Yes, I was.

Q Could you detail, if you would, for the Court Ms. Baxter's work history and work habits, if you will, in terms of coming to work and regularity and that sort of thing for the period of time you knew.

A On approximately two to three days she

1 called in sick and did not show up for work, but she  
2 called ahead of time. And she also called on the day  
3 to make sure that everybody knew that she was coming  
4 back the next day.

5 And up until June 14th on Friday she had not had  
6 any record of not going to work and not calling anyone  
7 in advance or during the day that she was not showing  
8 up.

9 Q To drive to the heart of it did she have  
10 what is commonly called a no call/no show on Friday,  
11 the 14th?

12 A On Friday the 14th she called in-- She  
13 called in on Thursday telling us that she would  
14 definitely be in on Friday, and on Friday we did not  
15 hear from her.

16 Q What did you do when she did not show up on  
17 Friday?

18 A She was due in at 8:00 I believe, and I  
19 talked with Linda Weeks, one of the -- another worker  
20 that I supervise. Linda Weeks expressed her concern.  
21 I told her to wait for about half an hour.

22 And then at about 8:30 a.m. I decided to take it  
23 upon myself based on the fact that I knew Baxter  
24 relatively closely and that I knew her excellent work  
25 history -- Because of the proximity of where she

1 lived I took it upon myself to drive down to her  
2 residence at the Jack Pine Hotel or Motel.

3 Q How far is the Jack Pine from Microflex?

4 A Approximately one mile.

5 Q Is the Jack Pine here in Reno --

6 A Yes, it is.

7 Q --out on West Fourth Street?

8 What time did you get to the Jack Pine?

9 A I arrived approximately at 8:35 a.m. --  
10 between 8:35 and 8:40 a.m.

11 Q What did you do when you got there?

12 A I knocked on the landlady's door. I talked  
13 with Sandy, the landlady. I discussed with her my  
14 concern that Beverly Baxter was a very reliable,  
15 dependable worker, that she would never not show up to  
16 work without calling.

17 And based on this I relayed to her my concern of  
18 the possibility that Beverly Baxter might be in some  
19 sort of danger or some sort of situation where she  
20 cannot reach her phone, either that, or she might be  
21 lying in bed sick. So I asked Sandy if she could open  
22 Beverly Baxter's door, look inside and see if she was  
23 there.

24 Q Did that in fact happen?

25 A Yes, it did. She opened the door, went

1 inside. I stayed on the outside, and she went through  
2 the room, looked for Beverly Baxter, and she was not  
3 there, but her dog was there.

4 Q Mr. Park, did you ever personally have a  
5 conversation with Ms. Baxter about her possession or  
6 alleged possession of a 5,000-dollar, I will call it,  
7 settlement check?

8 A On about four occasions I discussed with  
9 her the initial-- She initially told everyone that  
10 she received a 5,000-dollar check from the storage  
11 company.

12 And in sort of a group we had discussed this  
13 with her and told her that the best thing to do with  
14 that 5,000-dollar check is to hold onto it and not to  
15 cash it, because if she cashed it, we told her that  
16 would be in effect a settlement with the storage  
17 company.

18 And she fully acknowledged this. She told us  
19 her intentions of not cashing it, of hanging onto it.  
20 And up until June 14th she had held onto it.

21 Q When was the last time you specifically  
22 spoke with Ms. Baxter and she expressed to you this  
23 intent to hold onto this check so that she wouldn't  
24 settle her claim, if you will?

25 A The last time would be approximately a

1 month ago, but about one week before she was  
2 missing -- The thing is if she had made a decision to  
3 cash the check-- We were very close in the office.  
4 She would also discuss with us problems and how to  
5 solve them.

6 And based upon her history of informing us about  
7 the major things in her life, even the medium things  
8 in her life, I believe that she would have told us if  
9 at any point in time she had decided to cash the check  
10 or if she decided to do anything with the check.

11 But about a week before she was missing it was  
12 my understanding with her that she still was in  
13 possession of the check, and she was still talking  
14 about hiring a lawyer to take care of this situation.

15 And by telling me that she was still interested  
16 in hiring a lawyer I assumed from that information  
17 that she still had possession of the check.

18 MR. WALKER: No further questions.

19 THE COURT: Cross-examination, Mr. Conway.

20 MR. CONWAY: Thank you, Your Honor.

21

22 CROSS-EXAMINATION

23 BY MR. CONWAY:

24 Q Mr. Park, when was the last time you saw  
25 Ms. Baxter?

1           A     The last time I saw her was on Wednesday,  
2     approximately between 3 and 4:00 p.m.

3           Q     And Wednesday would have been the--

4           A     June the 12th.

5           Q     In between what hours?

6           A     Between three and four p.m.

7           Q     And that is close to the time that she gets  
8     off from work, is that correct?

9           A     That is correct.

10          Q     Where did you see her at that time?

11          A     In the office. She was in the office.

12          Q     And do you know what her demeanor was at  
13     the time?

14          A     I do not recollect clearly. I didn't see  
15     anything out of the ordinary, but there have been  
16     times where she has been extremely upset in the past  
17     where I have not noticed that.

18          Q     Do you know Steve Voss?

19          A     I have heard of him. I have heard of  
20     people talk about him.

21          Q     Through Ms. Baxter? Was she one of the  
22     people?

23          A     No, through Linda Weeks and a couple other  
24     co workers.

25          Q     Let me ask you this: Did you hear about

1 that after her disappearance or before her  
2 disappearance?

3 A I heard about that after her disappearance.

4 Q So you did not know anything about Steve  
5 Voss prior to this incident?

6 A I knew that she was going out with an  
7 acquaintance, a male individual, and that is pretty  
8 much after the event that she disappeared. I presumed  
9 that she was talking about him.

10 Q You had no information about him before the  
11 incident. Is that what you are--

12 A I had no information that it was Steve Voss  
13 that she was talking about.

14 Q So you knew that she was dating someone?

15 A That is correct.

16 Q And you believe it was Steve Voss at this  
17 time?

18 A After she disappeared we concluded that it  
19 was Steven Voss.

20 MR. CONWAY: Nothing further, Your Honor.

21 THE COURT: Any redirect?

22 MR. WALKER: No, thank you, Your Honor.

23 THE COURT: You may step down, Mr. Park.

24 MR. WALKER: Thank you, Mr. Park.

25 THE COURT: Go ahead. Have a seat. Please face

1 me, raise your right hand.

2 (The Court administered the oath  
3 to the prospective witness.)

4 THE COURT: Please be seated.

5

6 DALE ALLEN PAPPAS,  
7 produced as a witness herein, having  
8 been first duly sworn, was examined  
9 and testified as follows:

10

11 DIRECT EXAMINATION

12 BY MR. WALKER:

13 Q Sir, if you would please state your full  
14 name, spell your last name for the record.

15 A My name is Dale Allen Pappas, P-a-p-p-a-s.

16 Q How are you employed, sir?

17 A I'm employed by the Washoe County Sheriff's  
18 Office.

19 Q What is your current position?

20 A I'm assigned to the Detective Bureau,  
21 Sergeant Supervisor.

22 Q Were you on duty as a sergeant in the  
23 Detective Division on June 14th, 1996 at about 16:00  
24 hours?

25 A I was.

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1 Q Did have occasion to respond to a bank in  
2 Sparks, specifically the California Federal Bank on  
3 Prater Way?

4 A Yes, I did.

5 Q What did you do when you got to that  
6 location?

7 A I had requested that the person who had the  
8 check that was trying to be passed be delayed until I  
9 get there to talk to him about a missing person.

10 Q Did you make contact ultimately with a  
11 person identified to you as Steven Voss?

12 A Yes, I did.

13 Q Where did you make contact with him at?

14 A At the desk on the north wall, east end of  
15 the building.

16 Q What was the first thing that you did when  
17 you made contact with Mr. Voss?

18 A Introduced myself to him as Sgt. Pappas.

19 Q What happened next?

20 A Detective Hill was also with me. He  
21 introduced himself. Then we told him that we were  
22 there to ask him a few questions about a missing  
23 person.

24 Q What did you talk with him next about?

25 A We talked to him about the check that he

1 was trying to cash.

2 Q What details did he provide to you about  
3 that check?

4 A He indicated that the check had been  
5 provided to him by Beverly Baxter and that it was to  
6 be used to purchase a mobile home.

7 Q What was the purchase price of the mobile  
8 home according to Mr. Voss?

9 A At the time he told me the down payment on  
10 it was going to be about \$5,000.

11 Q Did you ultimately ask him for a point of  
12 contact in order to confirm the down payment amount?

13 A Yes, I did.

14 Q Did you make contact with that person?

15 A Yes, I did. And Mr. Voss gave me a real  
16 estate agent's card, a lady by the name of Carolyn. I  
17 forget her last name. I then went and called Carolyn.

18 Q After you spoke with Carolyn did you come  
19 back and speak with Mr. Voss again?

20 A Yes, I did.

21 Q Did you confront Mr. Voss with the  
22 information?

23 A Yes, I did.

24 Q What was his response?

25 A I told him that there seemed to be some

1 difference here in the amount of down payment, that  
2 Carol had indicated to me that the down payment would  
3 be about \$2,400. And when I had spoken to him on the  
4 phone, I said, Is that everything? She said, Yeah. I  
5 said, Points, the rest of that? And she said, Yes,  
6 that is what it was.

7 Q All right. What was Mr. Voss's response  
8 when you confronted him with the fact that he said it  
9 was going to be \$5,000, and she said it was going to  
10 be much less?

11 A He said, Well, that has changed now.

12 Q Did he offer any explanation for why it had  
13 changed?

14 A No, just that it had changed.

15 Q What was his attitude and demeanor when you  
16 made contact with him?

17 A His attitude was that we were imposing-- I  
18 don't know. I kind of felt like I was imposing on him  
19 and that he was-- I got the impression he was being  
20 evasive, not out and out, Get-away-from-me, evasive,  
21 but still evasive because of some of his answers.

22 Q Did you ask Mr. Voss for the check at that  
23 time?

24 A I asked to see it, and I also did not take  
25 it from him. What I did was got a copy of it,

1 photostatic copy of it made for our records just in  
2 case, you know, if there were some irregularities, we  
3 would still have something to go on. I didn't know  
4 what I had at this time.

5 Q Did you return the check ultimately to Mr.  
6 Voss?

7 A Yes, I did.

8 Q How did your conversation with Mr. Voss  
9 end?

10 A We went out to his vehicle, and Detective  
11 Hill asked if he could take a look through the  
12 vehicle. And Mr. Voss said, Of course, you know, go  
13 ahead-- Not "go ahead", but he said, Yes, you can.

14 After everything was said and done we had  
15 checked to make sure that Mr. Voss was not wanted  
16 anywhere that we could be certain about right at that  
17 moment.

18 We had previously told him he was free to leave  
19 any time he wanted to. I knew that he didn't have a  
20 driver's license. So as he started to get in his  
21 truck and drive away, I went out to him, and I said,  
22 Steve, I said, This will be the only break you will  
23 probably be able to get from me. I said, I know you  
24 don't have a license.

25 Not a word was said. He pulled back into the

1 parking lot, locked the vehicle, started walking to  
2 where he told us he was living.

3 Q Did you come to learn at some point in your  
4 conversation with Mr. Voss there had actually been a  
5 5,026-dollar check deposited previously?

6 A He told me he had deposited a check for her  
7 on Wednesday I believe it was.

8 Q Did he tell you-- Do you recall, did he  
9 tell you where he got that check from her?

10 A He said he met her at work, and she gave  
11 him the check to go deposit it for her, that he did  
12 that, I got the impression, on a regular basis.

13 Q Now did you have any information to the  
14 contrary at that time?

15 A No, I didn't.

16 Q Had you talked with any of her co workers,  
17 any of those folks, at that point in time?

18 A I had-- At that time? Let me think. I  
19 don't believe I had.

20 MR. WALKER: No further questions.

21 THE COURT: Cross-examination, Mr. Conway.

22 MR. CONWAY: Thank you, Your Honor. Just a  
23 moment.

24 (A discussion was held off the record.)

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CROSS-EXAMINATION

BY MR. CONWAY:

Q Sergeant, was your last name again?

A Pappas, P-a-p-p-a-s.

Q Okay. Sgt. Pappas, your first involvement in this case was that you were directed to the California Federal Bank?

A I wasn't directed, no, sir. I made that decision on my own.

Q How did you come about being involved in this case?

A I had received a call earlier in the day from a patrol deputy and a trainee, who had taken a missing person's report.

They also indicated to me on the phone, and I didn't make any decisions about it until after I had read the record, that the missing person had a check that was trying to be cashed, a 5,000-dollar check, at the California Federal Bank. Because as I understood it the deputies had gone that far to check on it.

Q Okay. So based on that information then you contacted the California Federal Bank and asked that they detain the individual who was trying to cash the check, correct?

A My initial intent was to call the bank and

1 see if they had a picture of this person who was  
2 trying to cash that check, because we still didn't  
3 know who we had at that point.

4 And while I'm on the phone with the assistant  
5 manager he said, Oh, he's here now trying to cash the  
6 check. And at that point I asked that he be delayed  
7 until we could get there and speak with him.

8 Q So you went down to the Sparks bank?

9 A With Detective Hill, yes.

10 Q You made contact with Steve Voss?

11 A Yes, I did.

12 Q And you began to question him about the  
13 check that he was attempting to cash?

14 A About the missing person first.

15 Q All right. But since we are not here on  
16 the missing person issue today I want to get onto the  
17 check.

18 At that point you started questioning him about  
19 the check that he was attempting to cash?

20 A Correct.

21 Q And you asked him for that check?

22 A I did.

23 Q And he gave it to you?

24 A Yes.

25 Q Okay. Did you ask him other questions

1 about his identity, like-- I guess you found out he  
2 didn't have a driver's license. You must have asked  
3 him some questions?

4 A Detective Hill did that.

5 Q Were you present during that time?

6 A No, I wasn't.

7 Q During your investigation, though, you then  
8 asked Mr. Voss what the check was for or what he was  
9 going to use the money for --

10 A Correct.

11 Q --that he was trying to get on the check?

12 A Yes.

13 Q And he informed you that he was going to  
14 use it as a down payment on a trailer?

15 A Mobile home, yes.

16 Q And he volunteered a number for you to  
17 call, is that correct?

18 A Gave me the card.

19 Q Of the person where he purchased it from?

20 A Correct.

21 Q All right. And you responded by calling  
22 that individual, and you thought it was a Carolyn?

23 A I thought it was Carol or Carolyn, but I  
24 think it was Carol.

25 Q And you spoke to her, and she informed you



1 that he did indeed have a down payment to make, but it  
2 was only 2400?

3 A Correct.

4 Q And did she indicate when that down payment  
5 was to be made?

6 A No, I don't believe she did.

7 Q Did you even ask her about that, that there  
8 was a deadline?

9 A No.

10 Q You then returned the check to him after  
11 you had made a copy, correct?

12 A Correct.

13 Q Did you advise him to do something with the  
14 check, to not attempt to cash it or --

15 A No.

16 Q You then followed him outside, and I guess  
17 Detective Hill asked if he could search his vehicle?

18 A Correct.

19 Q And he consented?

20 A Correct.

21 Q Was anything found during the search of the  
22 vehicle that relates to this case?

23 A Not to my knowledge.

24 Q Then at some point the defendant was going  
25 to leave. You informed him, you know, You don't have

1 a driver's license. I wouldn't do that. He pulled  
2 the car back -- He complied, pulled the car back in  
3 and walked away.

4 Did you see where he went?

5 A He went towards Western Village, and later  
6 we saw him walking I believe it was on Nichols Avenue  
7 towards Western Village.

8 Q Was there not a-- Just a minute. So you  
9 guys did not follow Mr. Voss?

10 A No.

11 Q So you did not see him make a telephone  
12 call and was picked up by his mother?

13 A No.

14 Q There was reference made to the  
15 5,026-dollar check that had been deposited I guess two  
16 days prior?

17 A Correct.

18 Q And you confirmed all that?

19 A I didn't confirm that. I didn't know.

20 Q So you never saw that check?

21 A No, I never saw that check at all.

22 MR. CONWAY: Can I see Exhibit-- I think it's  
23 Exhibit B?

24 THE COURT: I think the State took possession of  
25 the two items.

1 MR. WALKER: I don't believe I have them, Your  
2 Honor.

3 THE COURT: I believe one of the last witnesses  
4 handed them to you as I recall. I meant to ask you  
5 back for them, because they were admitted. Unless  
6 they are still in the other courtroom --

7 MR. WALKER: I don't have them in my paperwork,  
8 Your Honor.

9 MR. CONWAY: I can go about this another way,  
10 Your Honor.

11 THE COURT: Well, that concerns me.

12 MR. CONWAY: Well, it concerns me, too, but I  
13 can proceed with this cross-examination for now --

14 Why don't I have this marked-- If we could have  
15 it marked as a State's Exhibit, because they are  
16 planning on admitting it.

17 MR. WALKER: I will stipulate to the admission  
18 of it, Your Honor.

19 MR. CONWAY: Let me have it identified first.

20 THE COURT: We will make that a defendant's  
21 exhibit --

22 MR. CONWAY: No, I prefer to make it a State's  
23 exhibit, because it is a State's exhibit. They have  
24 shown it to me with the intent to introduce it.

25 THE COURT: Okay. We will make it State's

1 Exhibit C for identification at this time. Okay.

2 MR. CONWAY: Thank you.

3 (State's Exhibits C was marked.)

4 BY MR. CONWAY:

5 Q I will show you what has now been marked  
6 State's Exhibit C. This is a picture that was in the  
7 custody of the district attorney. Could you identify  
8 anything in there that you recognize?

9 A This is a check for \$5,000 made out to  
10 Steven Voss. I'm not sure that it's the same one or  
11 anything like that, if that is what you are asking.

12 Q So you cannot identify that as the check  
13 that you saw on the 14th of June?

14 A I can tell you what that check looked like,  
15 and it basically had the same signature, B.A. Baxter,  
16 Steven Voss was written in blue ink. The rest of the  
17 check is made out in either dark blue or black and --

18 Q So you cannot identify this?

19 A That particular check, no, I cannot.

20 Q But as you recall the check that you saw  
21 and photocopied was similar to this check? It was a  
22 B.A. Baxter check? It had two different types of ink?

23 A Uh-huh. Yes.

24 Q You don't remember the date or the number  
25 of the check?

1	A	No.
---	---	-----

2 MR. CONWAY: All right. Your Honor, I have  
3 nothing further.

4 THE COURT: Any redirect?

5 MR. WALKER: No, nothing further, Your Honor.

6 THE COURT: You may step down, Officer Pappas.

7 MR. WALKER: Your Honor, with your permission  
8 how about if I step over to C.

9 THE COURT: If we are ready for that,  
10 absolutely. In fact I need to take a recess and  
11 see -- find out if I left it on the bench.

12 (A break was taken.)

13 (A discussion was held off the record.)

14 THE COURT: Face me and raise your right hand.

15 (The Court administered the oath  
16 to the prospective witness.)

17 THE COURT: Please be seated.

18

19 LARRY CANFIELD,  
20 produced as a witness herein, having  
21 been first duly sworn, was examined  
22 and testified as follows:

23 | *///*

24 |||

25 |

1 DIRECT EXAMINATION

2 BY MR. WALKER:

3 Q If you would, sir, please state your full  
4 name--

5 MR. WALKER: Excuse me, Your Honor. Let me put  
6 something else on the record.

7 I would indicate for the record at the last  
8 break I walked over to courtroom C from courtroom E,  
9 where I saw through the window that the Exhibits A and  
10 B were sitting on the counter, if you will, in front  
11 of the witness stand where they had been left by the  
12 last witness at the last proceeding.

13 I would ask at this time if there is any  
14 question as to the authenticity of those exhibits?

15 THE COURT: No. Here is A and B. I retrieved  
16 them myself.

17 MR. CONWAY: I am sure there is no problem.

18 (Looking.) Thank you.

19 MR. WALKER: Thank you, counsel.

20 THE COURT: They are acceptable with defense.  
21 Proceed.

22 BY MR. WALKER:

23 Q If you, sir, would please state your name  
24 and spell your last name.

25 A Larry Canfield, C-a-n-f-i-e-l-d.

MERIT REPORTING (702) 323-4715

1 Q What is your occupation?

2 A I'm a detective for the Washoe County  
3 Sheriff's Office.

4 Q How long have you been a detective in  
5 Washoe County?

6 A Approximately 11 years.

7 Q Did you have occasion to respond to the  
8 general area of Keystone and West Fifth Street, the  
9 parking lot in the area of the Coffee Grinder in the  
10 Albertson's Supermarket in the early morning hours of  
11 June 15th, 1996?

12 A Yes, I did.

13 Q Did you find any vehicle at that location?

14 A Yes, I did.

15 Q What vehicle were you looking for?

16 A I was looking for a 1985 Buick Regal  
17 Somerset, a gray two-door, that belonged to a Beverly  
18 Baxter, a missing person's case.

19 Q Did you find that vehicle at that location?

20 A Yes, I did.

21 MR. CONWAY: Again I must object to the  
22 relevance of the current charges being prosecuted in  
23 this case.

24 MR. WALKER: I will make an offer of proof, Your  
25 Honor, and that is as follows: I'm going to ask the

1 detective to detail a series of interviews conducted  
2 with the defendant over a period of time in which he  
3 indicated when confronted with the information, like  
4 the location of this vehicle, that he had seen a  
5 person at a location, and he hadn't seen a person at a  
6 location, that he had deposited a check on a  
7 particular date, and that he had not deposited that  
8 check on another date.

9 I'm not going to get into the suspicions  
10 surrounding her disappearance. That is generally not  
11 why I'm asking this, but it is relevant to show what  
12 was her intent in so far as this check goes and the  
13 sleight, if you will, on the defendant's statements  
14 over time.

15 THE COURT: Limited to that, do you want to  
16 withdraw your objection?

17 MR. CONWAY: I will still put in my objection.  
18 I think they are going too far into what this  
19 detective saw when it has nothing to do with the  
20 actual charges that we are facing here today. That is  
21 the only concern I have.

22 THE COURT: With the offer given, the objection  
23 is overruled. Exhibit D is now marked for  
24 identification.

25 (State's Exhibit D was marked.)



1 MR. WALKER: Thank you.

2 BY MR. WALKER:

3 Q Ultimately in the context of your  
4 investigation involving the alleged disappearance of  
5 the owner of that vehicle did you have occasion to  
6 speak with a Steven Voss earlier that evening before  
7 you had found this car?

8 A Yes, I did.

9 Q Where did you make contact with Mr. Voss?

10 A I made contact with him at the Western  
11 Village Motel portion at room 135.

12 Q All right. When you made contact with Mr.  
13 Voss, who was with you?

14 A Detective John Yaryan was with me at the  
15 time.

16 Q What time was it again?

17 A It was approximately ten p.m.

18 Q What was your purpose for going to that  
19 location?

20 A Mr. Voss had been identified as a friend or  
21 past boyfriend/acquaintance of Beverly Baxter.

22 Q How did you know that he was at Western  
23 Village?

24 A I had been advised by Sgt. Pappas that that  
25 is where he had come in contact with Mr. Voss earlier

1 that day, that that is the location that Mr. Voss was  
2 living at.

3 Q Did you confirm ultimately with Mr. Voss  
4 how he got from the last location where Detective  
5 Pappas saw him to the Western Village?

6 A Yes.

7 Q What did Mr. Voss indicate?

8 A He indicated that he walked away from the  
9 bank across the street, which was McCarran Boulevard,  
10 and to the Outer Limits Bar, where he made a telephone  
11 call to his mother at the Western Village to come pick  
12 him up at the Outer Limits Bar.

13 Q What is the proximity, if you will, of the  
14 Outer Limits Bar to the Western Village?

15 A Approximately two blocks away.

16 Q Did he indicate to you why he would call  
17 his mother for a two-block ride?

18 A He told me he didn't want to walk that far.  
19 He was tired of walking.

20 Q When you made contact with Mr. Voss, were  
21 you invited into the home?

22 A Yes.

23 Q All right. Did you attempt to interview  
24 Mr. Voss about any information he might have involving  
25 Ms. Baxter and the cashing of the check?

1 A Yes, I did.

2 Q What was the first avenue of questioning  
3 you conducted with him?

4 A The first avenue was just asking him how he  
5 knew Beverly Baxter, how long he had known her, and  
6 how he came in possession of this check.

7 Q How did he tell you he had come in  
8 possession of the check?

9 A He had advised us that he was making an  
10 offer and had made an offer on a mobile home in Sun  
11 Valley and that Beverly Baxter on the prior Thursday  
12 morning had asked him if he needed money, how much he  
13 thought he might need, and that she then wrote out a  
14 check, leaving the payee line blank, as he stated he  
15 didn't know if it would go to the mobile home company  
16 or an escrow company.

17 Q Now, have you spoken with Mr. Voss on more  
18 than one occasion since that time?

19 A Several occasions.

20 Q How many times approximately have you  
21 spoken with him?

22 A At the very least four times.

23 Q Has Mr. Voss ever been inconsistent in that  
24 particular detail about when the check was given to  
25 him?

1           A     No, he has not.

2           Q     Did you have occasion to question Mr. Voss  
3 about the circumstances of him depositing a check  
4 earlier?

5           A     Yes.

6           Q     When did you first talk with him about  
7 that?

8           A     We talked with him that night, and the  
9 following Saturday at noon.

10          Q     What did he tell you about the first, we  
11 will call it, 5,000-dollar check?

12          A     He stated that he had met with Beverly  
13 Baxter at her work shortly after lunch time and that  
14 he was making copies for her for-- from some  
15 paperwork, and that she had given him that check,  
16 which was from a moving and storage company to deposit  
17 in the bank in Sparks for her as she preferred going  
18 to that California Federal Bank.

19          Q     Did he offer any explanation as to why she  
20 was unable to deposit that check herself?

21          A     Other than that she was at work at the  
22 time.

23          Q     All right. What day did he tell you he had  
24 deposited the check?

25          A     He told me that he deposited it on the

1 Monday, which would have been around the 10th, I  
2 believe prior to Thursday and Friday.

3 Q What was your understanding of his  
4 certainty, if you will, of the date on which he had  
5 deposited this check?

6 A He seemed pretty certain.

7 Q All right. Was he consistent with that  
8 detail through the series of interviews?

9 A No.

10 Q When did that detail change or at least  
11 when was he inconsistent about it?

12 A On the third interview, which I believe was  
13 Tuesday, the following Tuesday, we had found out from  
14 the bank that in fact that check had been deposited on  
15 Wednesday, the 12th.

16 And so when we asked him about those details, we  
17 asked him, Well, could it have been Wednesday, the  
18 12th? We have information from the bank. He said,  
19 Well, then, it was Wednesday, the 12th.

20 Q Did you ever ask him who endorsed the  
21 check?

22 A I asked him when Beverly had given him the  
23 check, if she had endorsed the check. He stated, No.  
24 I said, Did she write "for deposit only". He stated,  
25 No, I did.

1 Q Did he indicate why he had written those  
2 things?

3 A He stated he had made deposits for her in  
4 the past, so he wrote that on for her.

5 Q Was he able to specify when exactly he had  
6 made deposits for her in the past?

7 A No.

8 Q What was the next, if you will, avenue of  
9 inquiry that you conducted with Mr. Voss, do you  
10 recall?

11 A On which --

12 Q On the very first interview. I realize we  
13 have kind of jumped back and forth, but the very first  
14 time you talked to him.

15 A Well, actually we asked him about the  
16 checks, and why he filled his name out on the check.  
17 And he originally said he wasn't sure, that he  
18 needed -- since he had deposited it he now needed to  
19 cash that check and obtain a certified check for the  
20 mobile home company.

21 We asked him about if he had seen Beverly Voss,  
22 when was the last time he saw her, which he stated was  
23 about nine a.m. Thursday morning, the 13th, when he  
24 left her at her motel room on Fourth Street at the  
25 Jack Pine Motel that--

1 Q I'm sorry. Go ahead.

2 A --he traveled back to the Sparks area, the  
3 Western Village. I asked him if he saw her again  
4 after that, and he stated he had not seen or heard  
5 from her since that time.

6 Q Did you ever confront him with the fact  
7 that her vehicle had been found in the area of  
8 Keystone and West Fifth Street?

9 A Yes, that was on the interview of the  
10 following Tuesday, which I believe is the 18th, and I  
11 advised him then that we had found her vehicle at the  
12 Keystone Shopping Center near the Albertson's at Fifth  
13 and Keystone.

14 And we also advised him that -- We asked him if  
15 he had returned to Reno for any reason that day, that  
16 Thursday, the 13th.

17 Q And what was his response?

18 A At first he stated, No, not for any reason.  
19 I advised him, Well, you have a very distinctive  
20 truck, and that people would remember that.

21 Detective Yaryan again advised him that, you  
22 know, ATM machines take photographs every eight  
23 seconds. He said, Well, yeah, I did stop at the ATM  
24 machine in that shopping center on Thursday, maybe  
25 close to ten a.m. and withdrew maybe \$40 for gas.

1 Q The first time you spoke with Mr. Voss what  
2 was his attitude and demeanor?

3 A He was very upset with the Sheriff's Office  
4 and Sgt. Pappas in particular. And he really didn't--  
5 He allowed us to come in, and he didn't want to answer  
6 too many questions, said he didn't want to come to the  
7 station and give us a taped statement, and he was  
8 hesitant to talk to with us.

9 Q The first time you met with Mr. Voss did  
10 you ask him to see the check?

11 A Yes, we did.

12 Q Where was it?

13 A It was-- I didn't see exactly where he  
14 pulled it out of. He had it with him, and it was in  
15 the motel room.

16 Q All right. Did his mother ever have  
17 possession of the check, or did you learn that his  
18 mother ever had possession of the check from him?

19 A No.

20 Q Do you recollect making a statement to me  
21 at one time that his mother had the check in her  
22 pocket?

23 A He at one point-- When they came to the  
24 first interview that Saturday at noon, she actually--  
25 she stated she had the check in her purse.



1 Q Ultimately did you conduct a search of the  
2 residence of Mr. Voss and his mother at the Western  
3 Village Motel?

4 A That first night on Friday, the 14th, we  
5 asked if we could have permission to look around, and  
6 he actually assisted us in looking around. It was  
7 shortly thereafter that he brought out the check and  
8 showed it to us.

9 Q Ultimately did you serve a search warrant  
10 at that residence?

11 A Yes, the following Tuesday Detectives Rich  
12 Hill and Terry Lowry actually conducted the search  
13 with the service of the search warrant.

14 Q Was the check again discovered at that  
15 time?

16 A Yes, it was found inside an envelope in a  
17 drawer inside the-- in the motel room 135.

18 Q Is that in fact the check that is depicted  
19 in Exhibit C?

20 A Yes, it is.

21 Q Does that photograph fairly and accurately  
22 depict the check as you observed it on the following  
23 Tuesday?

24 A Yes.

25 MR. WALKER: I move C into evidence.

1 THE COURT: Any objection?

2 MR. CONWAY: No objection, Your Honor.

3 THE COURT: C is moved into evidence without  
4 objection.

5 (State's Exhibit C was admitted.)

6 BY MR. WALKER:

7 Q Did you-- Well, strike that.

8 In the first interview did Mr. Voss make any  
9 mention to you that he had contacted the bank on  
10 Wednesday, Thursday and Friday in an attempt to get  
11 this money?

12 A He advised at one point that he had called  
13 them to check to see if it had cleared.

14 Q Did you ask him if he had written the name  
15 Steven Voss on the 5,000-dollar check, which came from  
16 Beverly's personal account?

17 A I'm not sure if I asked him, but he told me  
18 that he did.

19 Q And again what was the reason that he wrote  
20 his own name on that portion of the check?

21 A He stated at that point as I said that it  
22 was left blank because he was not sure who the payee  
23 was going to be. Then he realized he felt he needed a  
24 certified check. And so that is when he wrote his  
25 name on it and was attempting to cash it to gain a

1 certified check for \$5,000.

2 Q Did you come upon information that there  
3 was an allegation that the victim had expected that  
4 Mr. Voss was going to hire an attorney? Whether that  
5 is true or not, did you receive that information?

6 A Yes, I did.

7 Q Did you confront Mr. Voss with that  
8 information?

9 A Yes.

10 Q What was his response?

11 A He stated he knew that she had been trying  
12 to locate or come in contact with an attorney over the  
13 storage company in Southern California selling off her  
14 property, but he really didn't know any details about  
15 it, if she had an attorney or not, and that she was  
16 attempting to get more funds.

17 Q Did you confront him with the discrepancy  
18 in your understanding of her intent about how the  
19 check was going to be used?

20 A Yes.

21 Q What was his response?

22 A He stated he didn't know anything about  
23 that.

24 Q He didn't know anything about what in  
25 particular?

1           A       The information I had was that she was not  
2 going to deposit, cash or do anything with that check  
3 because she felt that would be the acceptance of that  
4 amount, and she could not get any further funds.

5           When I asked him about that, he stated he really  
6 didn't know any of the particular dealings of her case  
7 and what she was doing with it. He only knew that she  
8 was loaning him the money.

9           Q       When you first spoke with Mr. Voss, did you  
10 ask him if he had ever been in her apartment alone? I  
11 mean unescorted by her.

12          A       I asked him if he had been in her  
13 apartment, but I didn't particularly say unescorted by  
14 her.

15          Q       Did you ask him particularly if he entered  
16 her apartment on Wednesday during the day while she  
17 was at work?

18          A       Yes.

19          Q       What was his response?

20          A       During the first interviews that he had not  
21 gone over there.

22          Q       When did he change the story that he had  
23 gone there?

24          A       On the following Tuesday in his interview  
25 when we advised him that the manager had seen him go

1 in the room. Then he stated, well, he had to pick up  
2 some of the paperwork, that he was making copies for  
3 her.

4 Q Did you confront him about the change in  
5 his story?

6 A That was the-- how I confronted him with  
7 it.

8 Q What was his attitude and demeanor? When  
9 he offered this explanation in the subsequent  
10 interviews, then how did he act?

11 A He was a little like a-- like it bothered  
12 him a little bit, but, you know, he was at that point  
13 saying, Well, I just forgot that I had to go in there  
14 and pick that up.

15 MR. WALKER: I have no further questions at this  
16 time, Your Honor.

17 THE COURT: Cross-examination, Mr. Conway.

18 MR. CONWAY: Thank you, Your Honor.

19

20 CROSS-EXAMINATION

21 BY MR. CONWAY:

22 Q What was the date and time of your first  
23 contact with Mr. Voss?

24 A I believe it was Friday, the 14th, at 10:00  
25 p.m.

1 Q And it was you and who else?

2 A Detective John Yaryan.

3 Q The other people who were present beside  
4 Mr. Voss?

5 A Was his mother, Mary Duplene (phonetic).

6 Q Was that interview recorded?

7 A No, it was not.

8 Q When was your next contact with Mr. Voss?

9 A That was the very next day, Saturday, the  
10 15th, at 12 noon.

11 Q Where was that?

12 A That was at the Washoe County Sheriff's  
13 Office, Detective Division.

14 Q And who was present at that meeting or  
15 interview?

16 A Myself, Detective Yaryan, Mr. Voss and Mary  
17 Duplene (phonetic).

18 Q Was that interview or meeting tape  
19 recorded?

20 A Yes, it was. I took taped statements both  
21 from Ms. Mary Duplene (phonetic) and from Mr. Voss.

22 Q When was the next contact with Mr. Voss?

23 A After Saturday? I know I talked to him on  
24 the phone in between Saturday and Tuesday.

25 Q Was there any relevant information from

1 those conversations, or was it setting up meetings or  
2 verifying information?

3 A It was just verifying information.

4 Q Okay. When was the next actual meeting or  
5 contact with Mr. Voss, let's say, face to face?

6 A The next meeting was when we served the  
7 search warrants, and we met with him-- actually went  
8 to his motel room. He was not there, and we went and  
9 located him at the Western Village. He was in front  
10 of the coffee shop.

11 Q And was the sole purpose of that meeting to  
12 conduct the search, or was there an interview?

13 A We were apprising him we had a search  
14 warrant for the motel room. I advised him that we had  
15 served search warrants on his storage units. Then we  
16 walked down to the motel room.

17 He observed that his vehicle and his mother's  
18 vehicle were being served with search warrants and  
19 were being towed to the Washoe County Sheriff's Office  
20 forensic garage.

21 And also at that time is when we advised him we  
22 also had a seizure order for his blood, hair and trace  
23 evidence.

24 Q All right. Any other discussion with him  
25 other than advising him of what was going on? Was

1     there another full scale interview at that time, or  
2     was this solely for the purpose of conducting these  
3     various searches, and you were just advising him that  
4     you had these warrants?

5             A     At that point, yes. I mean we transported  
6     him up to our blood draw room where that was taken  
7     care of.

8             Q     All right. Anything else on that day?

9             A     Yes. Then as we were leaving we told him  
10    we had some other questions and would he be willing to  
11    talk with us in the detective's office again.

12            Q     Was he?

13            A     Yes.

14            Q     All right. Was that recorded?

15            A     Yes, it was.

16            Q     All right. Did you have any contact--  
17    What day was that that you served the warrants?

18            A     I believe that was the 17th. I haven't  
19    checked my reports.

20            Q     That would be Monday then?

21            A     That would be Monday.

22            Q     Did you have contact with Mr. Voss after  
23    Monday, the 17th?

24            A     I stopped by the next afternoon to make  
25    sure I had some copies of search warrants, and I



1 wanted to make sure he had his copies. We had left  
2 one at one of the storage units. They didn't give it  
3 to him, so I wanted to make sure he had all his copies  
4 of the search warrants.

5 Q Was that the extent of that contact?

6 A Yes.

7 Q Did you have any contact -- That would be  
8 the 18th I guess?

9 A Right.

10 Q Did you have any contact with Mr. Voss  
11 after the 18th?

12 A Well, on the 18th I talked to him in the  
13 morning on the phone and --

14 Q What was the purpose of that telephone  
15 call?

16 A He actually called me to ask me information  
17 on the search warrants, why certain things were taken  
18 in the search and so forth.

19 Q Okay. All right. After the 18th did you  
20 have some more contact with Mr. Voss?

21 A I believe I did talk to him by phone again.  
22 As a matter of fact, at one point his mother called me  
23 actually to give me their new address when they moved.  
24 And then I went out there -- went to that address to  
25 have them review their statements.

1           Mr. Voss was not there at the time, and then it  
2 was that Friday that I came back and talked to him and  
3 placed him under arrest.

4           There was also-- Him and his mother actually  
5 came to our office, trying to get her car. And they  
6 went to our forensic-- our lab, because that is where  
7 the keys were. And I briefly-- I was going in there  
8 for something else, saw them and made sure they got  
9 their keys and got their car.

10           Q     Did you deliver those to them on the 19th,  
11 the keys?

12           A     I may have.

13           Q     Okay. Any other contact after the 19th  
14 with Mr. Voss?

15           A     The next personal contact would have been  
16 the Friday-- that following Friday from the 19th --

17           Q     21st?

18           A     --in which case that is when I arrested  
19 him.

20           Q     You had no contact before the 21st after he  
21 was taken into custody?

22           A     No.

23           Q     So it appears during this time that he was  
24 cooperative to some extent in the investigation, was  
25 he not?

1 A Yes.

2 Q In fact, whenever you were there at one  
3 point he actually produced the check that is shown in  
4 State's Exhibit C?

5 A That is correct.

6 Q And in fact he told you that he had written  
7 the name in on the payee line?

8 A That is correct.

9 Q Were you involved in any confirmation that  
10 he was using that money to purchase a mobile home or  
11 was that just Sgt. Pappas?

12 A Sgt. Pappas had actually confirmed it. I  
13 stopped at the mobile home realty. The actual realtor  
14 wasn't there. Other people in the office did state  
15 that they knew that he had been in negotiations in  
16 trying to buy a trailer.

17 Q Was his new residence that you finally went  
18 to that you testified to I guess to show him the  
19 statements -- was that a mobile home?

20 A No, it was not.

21 Q Where was that?

22 A That was at 269 Wonder Street in Reno.

23 Q And the reason that you knew that was  
24 because his mother had contacted you and advised you  
25 where they had moved?

1 A That is correct.

2 Q Now, with respect to the earlier check, had  
3 you ever seen that earlier check? This is the one  
4 that is for 5,026.

5 A No.

6 Q But you didn't ask him when he believed he  
7 had deposited that, isn't that correct?

8 A That is correct.

9 Q And he thought it had been Monday?

10 A Yes. Originally he told me it was Monday.

11 Q Okay. But he was mistaken. And when you  
12 told him that it was actually on the 12th, he said,  
13 Okay. I guess it was on the 12th?

14 A Yes.

15 Q But he never denied that he deposited the  
16 check, did he?

17 A No.

18 Q Now, you testified that he told you that he  
19 had written the "for deposit only"?

20 A That is correct.

21 Q And also endorsed her name. Didn't you say  
22 that?

23 A No. He told me he wrote "for deposit  
24 only".

25 Q So he denied that he had endorsed her name?

1           A     He didn't tell me he did.

2           Q     All right. Did you-- Had you asked him  
3 that?

4           A     I asked him if Beverly Baxter had signed  
5 the back of the check. He stated, No. I asked if she  
6 fill -- I said, Did she fill out "for deposit only"?  
7 He stated, No, I did that.

8           Q     So he's assuming that Beverly Baxter did it  
9 because he didn't admit that he did, is that correct?  
10 I guess I'm trying to figure out did he say he put  
11 Beverly Baxter's name on the back?

12          A     No. He said "for deposit only", but at the  
13 time I didn't know her name was on it.

14          Q     Now, you also testified that he advised you  
15 that he saw Beverly Baxter for -- the last time that  
16 he saw her was on June 13th at nine a.m.?

17          A     That is correct.

18          Q     During your investigations had you spoken  
19 to Ms. Crumb?

20          A     Yes.

21          Q     I think you saw her earlier. She had  
22 testified --

23          A     Uh-huh.

24          Q     And so were you aware that that was also  
25 the time that she had last seen him, Mr. Voss?

1 A Yes.

2 Q So that actually confirmed out to be true?

3 A We confirmed that, yes.

4 Q And, in fact, back to the check that he was  
5 attempting to cash on the 14th of June, he volunteered  
6 that he had written in his name on the payee line?

7 A Yes.

8 Q Now, you stated that during the search of  
9 the hotel room I guess the first time before you did  
10 the warrants that Mr. Voss and his mother actually  
11 assisted in that search and pointed out where things  
12 were and where to look, isn't that correct?

13 A Right.

14 Q I want to refer I guess to State's Exhibit  
15 D concerning the vehicle, a picture of the vehicle  
16 that you had found --

17 MR. CONWAY: It has not been admitted?

18 THE COURT: D has not been admitted.

19 MR. WALKER: If you seek to move it in, counsel,  
20 that is fine. I will stipulate.

21 BY MR. CONWAY:

22 Q Just look at State's Exhibit D for  
23 identification.

24 A Okay.

25 Q Do you know who took that picture?

1           A       Yes. Investigator Willy Stevenson from our  
2 Forensic Investigation Section of our crime lab.

3           Q       Were you present at about the time this  
4 picture was taken?

5           A       Yes.

6           Q       That is the vehicle then as you had found  
7 it on which day?

8           A       That was now Saturday morning, the 15th.

9           Q       Of June?

10          A       Right.

11          Q       And you told Mr. Voss that you had found  
12 Beverly Baxter's vehicle, is that correct?

13          A       Yes.

14          Q       And you asked him certain questions  
15 concerning whether he knew where it had been located?

16          A       Yes.

17          Q       And what did he say at that time?

18          A       He stated he didn't know.

19          Q       So then you informed him where you had  
20 found it?

21          A       Yes.

22          Q       And what was the reason for that?

23          A       The reason for informing him of where I  
24 found it?

25          Q       Yes.

1           A       Because we also had ATM photos of him  
2       probably 50 yards away from this vehicle at 10 a.m.,  
3       Thursday morning, the 12th. And so I asked him if he  
4       saw Beverly Baxter at that location where her car was  
5       found.

6           Q       Okay. So we now based on the testimony of  
7       Ms. Crumb or actually the investigation or interview  
8       with Ms. Crumb that the last time she saw Mr. Voss was  
9       at nine a.m. --

10          A       That is correct.

11          Q       --Mr. Voss confirms that -- volunteered  
12       that information to you, that that was the last time  
13       he saw Ms. Baxter, because that is when he left the  
14       hotel.

15               How far from the hotel to the Keystone Plaza  
16       parking lot?

17          A       That is approximately two and a half miles.

18          Q       Okay. Did you also confirm when Ms. Baxter  
19       was last seen at the Jack Pine Motel?

20          A       Yes. Ms. Crumb advised me it was about ten  
21       minutes after Mr. Voss left that she left.

22          Q       Okay. Now, you stated that you have  
23       pictures, and I guess they are time dated pictures?

24          A       That is correct.

25          Q       And obviously dated pictures?



1 A Yes.

2 Q Of Mr. Voss using the ATM?

3 A At that location.

4 Q What bank is that?

5 A It's the Versateller machine.

6 Q For Bank of America?

7 A Yes.

8 Q And in that picture can you see the car?

9 A No.

10 Q So all that does is place Mr. Voss in that  
11 area two and a half miles from where he just left at  
12 10 a.m.?

13 A That is correct.

14 MR. CONWAY: Nothing further.

15 THE COURT: Any redirect?

16

17 REDIRECT EXAMINATION

18 BY MR. WALKER:

19 Q Detective Canfield, before he acknowledged  
20 that he had been at the ATM machine he denied being  
21 there?

22 A Denied being back in the Reno area or  
23 anywhere around there.

24 Q In fact, when you confronted him, you had  
25 information that the two of them had been seen

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1 together after that, didn't you, in his truck?

2 A Yes.

3 Q And that was part of the reason that you  
4 confronted him about that, isn't it?

5 A That is correct.

6 MR. WALKER: No further questions.

7 THE COURT: Any recross?

8 MR. CONWAY: Yes, Your Honor.

9

10 RECROSS EXAMINATION

11 BY MR. CONWAY:

12 Q When you asked him had he been back in the  
13 Reno area, how did you ask that question?

14 A I stated, Once you left the Jack Pine Motel  
15 at nine a.m., I stated, where did you go? He stated,  
16 I drove back to Western Village. I stated, Did you  
17 ever return back to the Reno area? Did you ever  
18 return back to Reno for any reason?

19 That is when I advised him that, Your truck is  
20 very noticeable, and people would remember seeing  
21 that.

22 Q Where is the Western Village? It's not in  
23 Reno?

24 A It's in Sparks.

25 Q In Sparks. And if you leave the Jack Pine

1 Motel and drive to the Western Village, which is in  
2 Sparks, how would you go?

3 A Normally I would go eastbound on Fourth  
4 Street, which-- West Fourth Street in Reno to McCarran  
5 Boulevard, north on McCarran Boulevard to the freeway.

6 Q So you would come up Keystone, would you  
7 not --

8 A No.

9 Q --to get to the highway?

10 A No.

11 Q To get to McCarran?

12 A No. McCarran Boulevard west is very  
13 close-- is within a mile of the Jack Pine Motel. You  
14 come --

15 Q The Jack Pine Motel is on what street?  
16 Let's start there.

17 A West Fourth Street.

18 Q Which is on which side of Keystone?

19 A Which is about two and a half miles west of  
20 Keystone.

21 Q West of Keystone?

22 A Right. But if you leave the Jack Pine and  
23 go eastbound, you within a mile come to McCarran  
24 Boulevard. On McCarran you go north to Interstate 80,  
25 if you did not take McCarran Boulevard, continued east

1       probably another mile and a half until you get to  
2       Keystone.

3               Q       If you did not go east?

4               A       If you continued east and did not go up  
5       McCarran to get onto Interstate 80.

6               Q       Okay.  If Mr. Voss went east on Fourth  
7       Street to Keystone, went up, did a bank transaction  
8       and then got on Route 80 towards Sparks, that would be  
9       another appropriate way to go, would it not?

10              A       Yes, it would.

11              Q       He could still get to the Western Village?

12              A       That is correct.

13              Q       And given the fact that the last time he  
14       was seen anywhere near Ms. Baxter was at nine a.m. and  
15       the pictures, at least from your testimony, state that  
16       it was 10 a.m. when he was at the ATM Versateller  
17       machine, that would suggest that is probably what he  
18       did or not?

19              A       Well, it was probably about a five-minute  
20       drive, so what happened for the rest of that time.

21              Q       Would he have time to leave there, go to  
22       Western Village, come all the way back and use it by  
23       ten?

24              A       Yes, you could.

25              Q       How far apart are those?

1           A       That is probably 10 to 12 miles, but you're  
2 right on the freeway straight to Western Village, get  
3 off the freeway, and you get back on the freeway right  
4 there.

5           MR. CONWAY:   Nothing further.

6           MR. WALKER:   No further questions, Your Honor.

7           THE COURT:    You may step down, Officer Canfield.

8           MR. WALKER:   Your Honor, that is the State's  
9 case.

10          THE COURT:    Mr. Conway.

11          MR. CONWAY:   One moment, Your Honor.

12                       (A discussion was held off the record.)

13          MR. CONWAY:   Your Honor, I have advised my  
14 client of his right to testify at the preliminary  
15 hearing and present evidence on his behalf.

16               Pursuant to my advice he is not going to present  
17 his testimony or the testimony of any other witnesses.

18          THE COURT:    Very well.   Thank you.

19               Counselor, do you want to hand me Exhibit C.   I  
20 will make sure that the Court has possession of it.

21               D was not admitted at this time.

22               All right.   We will start with final arguments  
23 by the State.

24          MR. WALKER:   Your Honor, I will submit it  
25 subject to any response to any argument offered by Mr.

1 Conway.

2 THE COURT: Mr. Conway, final arguments.

3 SKWRAO: Thank you, Your Honor.

4 We are going to submit for purposes of the  
5 preliminary hearing to Counts II, III, IV and V.

6 I'm going to submit a brief argument concerning  
7 Counts I and Count VI.

8 With respect to Count I, which has been charged  
9 as Burglary, I don't believe that there has been any  
10 evidence to satisfy the elements of burglary, but the  
11 most important being that some crime was committed at  
12 any time that Mr. Voss was on the property.

13 It is quite clear that he had been on the  
14 property numerous times. It was quite clear that he  
15 entered the property with the use of the keys that had  
16 been given to Ms. Baxter on June 13th-- I mean on June  
17 12th--I apologize--and that Ms. Baxter had been seen  
18 since and obviously raised no objection that something  
19 had happened in her residence without her permission.

20 She had obviously not complained about the loss  
21 of her keys, because she was seen leaving the property  
22 on the morning of June 13th after he had been seen in  
23 the residence.

24 So there is absolutely no evidence that anything  
25 happened in the residence. And, therefore, there can

1 be no intent that he was going to commit a crime while  
2 in that residence.

3 For that reason I don't believe that there has  
4 been any evidence that a burglary was committed and  
5 would ask that be dismissed.

6 With respect to Count VI, my only concern is I  
7 believe that it is certainly a double charge in this  
8 case. The State has charged him with both forgery and  
9 uttering. They are two separate crimes. You can  
10 forge, and then you can utter.

11 Obviously when someone utters a check, and in  
12 this case I think they are referring to the  
13 5,000-dollar check that was attempted to be cashed on  
14 June 14th, that they-- that he was attempting to get  
15 money fraudulently through the use of a forged check.

16 The attempted theft relates to that, and there  
17 are no different elements in any of those charges. He  
18 is doing the same or at least he's being alleged to do  
19 the same act as in--

20 I don't know which count relates to which check,  
21 so I'm not going to confuse the Court in that way, but  
22 I believe that certainly Count VI doubles the exact  
23 same thing as the uttering charge and would ask that  
24 be dismissed. Thank you.

25 THE COURT: Mr. Walker.

1 MR. WALKER: Thank you.

2 With regard to Count VI, Your Honor, Mr. Conway  
3 I submit is wrong. The elements of attempted theft  
4 are literally having the specific intent to willfully,  
5 unlawfully attempt to control the property of another  
6 with the intent to permanently deprive her of that  
7 property, in this case cash derived from the check.  
8 There is no intent to deprive required for either  
9 uttering a forged instrument.

10 So prima facie they are different offenses, and  
11 they aren't lesser included offenses, because all of  
12 the other elements of attempted larceny or attempted  
13 theft are not included in either uttering or forgery.

14 With respect to the burglary, Your Honor, I  
15 submit this is clearly a circumstantial case, but the  
16 strong inference, which is all that is necessary for  
17 here, is that what he stole when he went in was the  
18 5,026-dollar check, which Ms. Baxter had clearly in  
19 fact after-- later on that afternoon even said to a  
20 friend, I'm going to hold onto this check. We are  
21 getting an attorney. We are going to fight this.

22 So that is what he stole when he went into her  
23 apartment. Thank you.

24 THE COURT: Based on the evidence presented here  
25 today, I find there is probable cause to believe that



1 the crimes stated in this complaint were committed and  
2 that the defendant committed the crimes.

3 I am therefore ordering that Steven Floyd Voss  
4 appear before the Second Judicial District Court to  
5 answer to this complaint.

6 Any objection to Exhibits A, B, and C being  
7 returned to the State at this time, Mr. Conway?

8 MR. CONWAY: None, Your Honor.

9 THE COURT: All right. I'm going to return A, B  
10 and C to the possession of the State.

11 MR. WALKER: Thank you, Your Honor.

12 THE COURT: This Court will be in recess.

13 (The proceedings were concluded.)

14 --o0o--

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1 I, FIDEL SALCEDO, Justice of the  
2 Peace of Reno Township, sitting as Committing  
3 Magistrate in Reno, Washoe County, Nevada do hereby  
4 certify;

5 That LYNDA CLARK, CSR #73, a Certified  
6 Shorthand Reporter, was duly appointed and sworn by me  
7 to report the proceedings had in the Preliminary  
8 examination in the case of the STATE OF NEVADA,  
9 Plaintiff, versus STEVEN FLOYD VOSS, Defendant;  
10 that the witnesses were first duly sworn and their  
11 testimony taken in stenotype notes and thereafter  
12 transcribed into typewriting as herein appears;

13 That when the examination of the witnesses  
14 and the presentation of evidence was closed, it  
15 appearing from the evidence adduced at said Preliminary  
16 Examination that there was probable cause and  
17 sufficient evidence to believe that the said  
18 STEVEN FLOYD VOSS, defendant, committed the said  
19 crimes as charged; that said defendant,  
20 STEVEN FLOYD VOSS, was therefore bound over to the  
21 Second Judicial District Court for trial.

22   
23 \_\_\_\_\_

24 Justice of the Peace of Reno  
25 Township, sitting as Committing  
Magistrate in Reno, Washoe County,  
Nevada.

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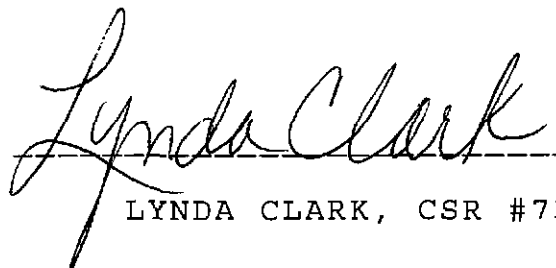
1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )  
4

5 I, LYNDA CLARK , a Certified Shorthand  
6 Reporter, do hereby certify that I was duly appointed  
7 and sworn by the Magistrate Reno, Washoe County,  
8 Nevada to report the proceedings in the within-  
9 entitled cause, that I was present on the 15th day of  
10 July, 1996, at the hour of 10:00 a.m. of the said  
11 day and reported the proceedings had in said cause  
12 in stenotype notes, which were thereafter  
13 transcribed under my direction.

14 That the foregoing transcript, consisting of  
15 pages 1 through 146, both inclusive, contains a full,  
16 true and complete transcript of my said stenotype  
17 notes and is a full, true and correct record of the  
18 proceedings had at said time and place.

19 DATED: At Reno, Nevada, this 25th day of  
20 July 1996.

21  
22  
23  
24  
25

  
LYNDA CLARK, CSR #73

DA #138461

WCSO 129294-96

IN THE JUSTICE COURT OF RENO TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

'96 JUN 27 P4:34

THE STATE OF NEVADA,

*S. Murphy*  
Plaintiff,

RJC: 79,046

v.

DEPT: 1

STEVEN FLOYD VOSS,

Defendant.

CRIMINAL COMPLAINT

EGAN WALKER of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that STEVEN FLOYD VOSS, the defendant above-named, has committed the crimeS of:

COUNT I. BURGLARY, a violation of NRS 205.060, a felony, in the manner following, to wit:

That the said defendant on or between the 12th day of June, 1996, and the 14th day of June, 1996, at Reno Township, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain apartment located at 5501 West Fourth Street, apartment #1, Reno, Washoe County, Nevada, with the intent then and there to commit larceny therein.

COUNT II. UTTERING A FORGED INSTRUMENT, a violation of NRS 205.090 and NRS 205.110, a felony, in the manner following, to wit:

That the said defendant on or between the 12th day of June, 1996, and the 14th day of June, 1996, at Reno Township,

1 within the County of Washoe, State of Nevada, did willfully and  
2 unlawfully, and with intent to defraud, utter and pass, as true  
3 and genuine, a certain false and forged check, dated May 8, 1996,  
4 in the amount of \$5,026.00, made payable to BEVERLY BAXTER, and  
5 written on an account owned by BURGESS NORTH AMERICAN MOVING AND  
6 STORAGE, at 593 East Prater Way, Sparks, Washoe County, Nevada.

7 COUNT III. UTTERING A FORGED INSTRUMENT, a violation  
8 of NRS 205.090 and NRS 205.110, a felony, in the manner  
9 following, to wit:

10 That the said defendant on or between the 12th day of June,  
11 1996, and the 14th day of June, 1996, at Reno Township, within the  
12 County of Washoe, State of Nevada, did willfully and unlawfully, and  
13 with intent to defraud, utter and attempt to pass as true and genuine,  
14 a certain false and forged check number 563 drawn upon CALIFORNIA  
15 FEDERAL BANK, Sparks office, dated June 13, 1996, and made payable to  
16 STEVEN VOSS at 593 East Prater Way, Sparks, Washoe County, Nevada,  
17 knowing the same to be false and forged.

18 COUNT IV. FORGERY, a violation of NRS 205.090, a felony, in  
19 the manner following, to wit:

20 That the said defendant on or between the 12th day of June,  
21 1996, and the 14th day of June, 1996, at Reno Township, within the  
22 County of Washoe, State of Nevada, did willfully, unlawfully, and  
23 falsely, and with intent to defraud, endorse and forge a name other  
24 than his own, to wit: that of B. A. BAXTER, upon a check drawn upon an

25 ///

26 ///

1 account owned by BURGESS NORTH AMERICAN MOVING AND STORAGE, dated May  
2 8, 1996, and made payable to FOR DEPOSIT ONLY B. A. BAXTER at 593 East  
3 Prater Way, Sparks, Washoe County, Nevada.

4 COUNT V. FORGERY, a violation of NRS 205.090, a felony, in  
5 the manner following, to wit:

6 That the said defendant on or about the 12th day of June,  
7 1996, and the 14th day of June, 1996, at Reno Township, within the  
8 County of Washoe, State of Nevada, did willfully, unlawfully, and  
9 falsely, and with intent to defraud, endorse and forge a name other  
10 than his own, to wit: that of STEVEN VOSS, upon a check number 563  
11 drawn upon CALIFORNIA FEDERAL BANK, Sparks, dated June 13, 1996, and  
12 made payable to STEVEN VOSS at 593 East Prater Way, Washoe County,  
13 Nevada.

14 COUNT VI. ATTEMPTED THEFT, a violation of NRS 193.330, being  
15 an attempt to violate NRS 205.0832, a felony, in the manner following,  
16 to wit:

17 That the said defendant on or about the 12th day of June,  
18 1996, and the 14th day of June, 1996, at Reno Township, within the  
19 County of Washoe, State of Nevada, did willfully and unlawfully attempt  
20 to control the property of BEVERLY A. BAXTER with the intent to  
21 permanently deprive her of that property in that said defendant  
22 attempted to cash a check written on the personal account of the victim

23 ///

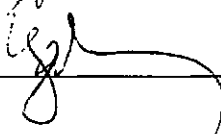
24 ///

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1 in an amount of \$5,000.00 and made payable to himself when he had no  
2 legal authority to do so.

3  
4 DATED this 27<sup>th</sup> day of June, 1996.

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24 Restitution:  
25 Custody:  
26 Bailed:  
Warrant: X  
06273294

District Attorney: WALKER  
Defense Attorney:

Bail 100,000 cash only  
per F.S.

DA #138461

1 IN THE MATTER OF AN APPLICATION  
2 FOR AN ARREST WARRANT  
3 FOR STEVEN FLOYD VOSS.

'96 JUN 27 P434

4 \_\_\_\_\_  
5 AFFIDAVIT IN SUPPORT OF  
6 COMPLAINT AND WARRANT OF ARREST

*S. Murphy*

7 STATE OF NEVADA )  
8 ) ss.  
9 COUNTY OF WASHOE)

79,046

10 EGAN WALKER does hereby swear under information and belief  
11 and penalty of perjury that the assertions of this affidavit are true.

12 1. That your affiant is a Deputy District Attorney with the  
13 Washoe County District Attorney's Office and in that capacity has  
14 become familiar with the criminal investigation and reports compiled in  
15 WASHOE COUNTY SHERIFF'S OFFICE case number 129294-96; that further,  
16 your affiant is informed and believes and thereupon alleges the  
17 following to be a sufficient representation of facts to establish  
18 probable cause to believe that STEVEN FLOYD VOSS has committed the  
19 crimes of COUNT I: BURGLARY, a violation of NRS 205.060; COUNTS II and  
20 III: UTTERING A FORGED INSTRUMENT, violations of NRS 205.090 and NRS  
21 205.110; COUNTS IV and V: FORGERY, violations of NRS 205.090; and  
22 COUNT VI: ATTEMPTED THEFT, a violation of NRS 193.330, being an  
23 attempt to violate NRS 205.0832, all felonies, which were committed on  
24 or between June 12, 1996, and June 14, 1996, in Washoe County, Nevada.

25 2. The criminal investigation conducted in order to  
26 substantiate the allegations detailed above includes conversation and  
contact with Detective Larry Canfield, of the Washoe County Sheriff's



1 Office. Detective Canfield indicates that on June 14, 1996, at  
2 approximately 12:53 p.m., the Washoe County Sheriff's Office received a  
3 report from a SANDRA CRUMB, who lives at 5501 West Fourth Street, and  
4 reported on that date that a tenant by the name of BEVERLY A. BAXTER  
5 was missing. A patrolman responded to that location, which is the  
6 JACPINE MOTEL, where he met with Ms. CRUMB and took a missing persons  
7 report. Ms. CRUMB indicated at that time that she last saw BAXTER  
8 alive leaving her apartment on Thursday, June 13, 1996, at  
9 approximately 9:10 a.m. CRUMB reports that she saw BAXTER leave  
10 approximately ten minutes after a person later identified as STEVEN  
11 VOSS left her apartment at the same location. Further investigation  
12 revealed that BAXTER is employed at MICROFLEX TECHNOLOGY at 127  
13 Woodland Drive, in the Tahoe Industrial Complex, in Reno, Nevada. Her  
14 general hours and days of work are Monday through Friday, 8:00 a.m., to  
15 5:00 p.m. Further investigation led to conversation and contact with  
16 coworkers of BAXTER at MICROFLEX TECHNOLOGY who indicated that BAXTER  
17 is a punctual, reliable, hardworking employee who has regular  
18 attendance and work patterns. BAXTER's supervisors indicate that on  
19 Thursday, June 13, 1996, BAXTER called into work indicating that she  
20 would either be in later Thursday or if not later Thursday no later  
21 than Friday, June 14, 1996. BAXTER has not been seen again by any of  
22 her coworkers.

23 3. In the company of Ms. CRUMB, agents of the Washoe County  
24 Sheriff's Office entered apartment number 1 at 5501 West Fourth Street,  
25 which is the residence of BEVERLY BAXTER. Inside, Officers discovered  
26 a telephone answering machine with several messages indicated on the

1 machine. When the recording tape was replayed, Officers heard several  
2 messages from coworkers and/or acquaintances of BAXTER, together with  
3 several messages from agents of a banking institution where BAXTER  
4 apparently conducted business. At approximately the same time as  
5 Officers were conducting an investigation at the JACPINE MOTEL, Washoe  
6 County dispatch was notified that the CALIFORNIA FEDERAL BANK at 593  
7 East Prater Way in Sparks, Nevada, was complaining of a subject by the  
8 name of STEVEN FLOYD VOSS who was attempting to cash a personal check  
9 on the account of BEVERLY A. BAXTER, in the amount of \$5,000.00.

10 4. Ultimately, Detectives from the Washoe County Sheriff's  
11 Office made contact with STEVEN FLOYD VOSS at the CALIFORNIA FEDERAL  
12 BANK. VOSS confirmed to detectives that he was at that bank to cash  
13 check number 563 owned by B. A. BAXTER and written on account located  
14 at the CALIFORNIA FEDERAL BANK, Sparks office. VOSS claimed that  
15 BAXTER had given him a check which she had personally endorsed but  
16 which contained a blank payee line in order for VOSS to secure  
17 \$5,000.00 as a loan from BAXTER toward the purchase of a mobil home.  
18 After a short conversation, VOSS asked detectives if he was required to  
19 speak with them at that date and time, and when told no, left the scene  
20 abandoning his 1980 GMC flatbed pickup in the parking lot near  
21 CALIFORNIA FEDERAL BANK. When followed, VOSS was seen to walk across  
22 McCarran Boulevard to the general area of the OUTER LIMITS BAR where he  
23 made a telephone call at a pay phone, soon thereafter, a person later  
24 identified as VOSS's mother picked him up in her vehicle and  
25 transported him to the WESTERN VILLAGE HOTEL/MOTEL.

26 ///

1           5. Subsequent investigation revealed that VOSS and his  
2 mother have been living at the WESTERN VILLAGE HOTEL/MOTEL since an  
3 apartment they shared at the PARK VISTA COMPLEX in Sparks, Nevada,  
4 burned early in June of 1996. When detectives contacted VOSS at that  
5 location later that evening, VOSS confirmed that it was his mother who  
6 had picked him up at the OUTER LIMITS BAR, and again reiterated that he  
7 had attempted to cash a check in the amount of \$5,000.00 on the account  
8 of Ms. BAXTER because it was her intention to loan him that money in  
9 light of his apartment burning. VOSS volunteered that he knew BAXTER  
10 as a social acquaintance after meeting her in a local bar some months  
11 previously, and that he and BAXTER had carried on a social relationship  
12 for some time. VOSS confirmed that he and BAXTER have had intimate  
13 relations in the past, and he confirmed that he had intimate relations  
14 with BAXTER on the evening of Wednesday, June 12, 1996. VOSS claimed  
15 that he last saw BAXTER on Thursday, June 13, 1996, at 9:00 a.m., when  
16 he left her apartment.

17           6. BAXTER's vehicle, a grey 1985 Buick Regal Somerset, was  
18 discovered in the early morning hours of June 15, 1996, abandoned in  
19 the parking lot at Keystone and Fifth Streets in the general area of  
20 the ALBERTSON's supermarket. The doors to the vehicle were locked, and  
21 the keys to the vehicle were not in the ignition or discovered in or  
22 around the car. Several cigarettes and/or cigarette butts were  
23 discovered on the fresh pavement around the vehicle, and substances  
24 consistent with cigarette ash were discovered in the front ashtray of  
25 the vehicle. BAXTER is known to be a nonsmoker. When detectives made  
26 contact with VOSS and his mother at WESTERN VILLAGE, they noted that

1 VOSS and his mother smoked cigarettes of a brand consistent with the  
2 butts discovered in or around BAXTER's vehicle.

3 7. Subsequent investigation has led to conversation and  
4 contact with several witnesses who place VOSS' distinctive flatbed  
5 truck in and around the area where BAXTER's car was abandoned on  
6 Thursday, June 13, 1996. In subsequent interviews, VOSS has confirmed  
7 that he utilized an automated teller machine in the shopping center at  
8 that location. Further, interviews have confirmed that BAXTER was last  
9 seen alive in VOSS' truck in that area.

10 8. Conversation and contact with representatives of  
11 CALIFORNIA FEDERAL BANK reveals that on Wednesday, Thursday and Friday,  
12 June 12 through 14, 1996, STEVEN VOSS repeatedly contacted their  
13 business in an attempt to confirm that a check written on an account  
14 owned by BURGESS NORTH AMERICAN MOVING AND STORAGE in the amount of  
15 \$5,026.00 and dated May 8, 1996, had been deposited into and credited  
16 to the account of BEVERLY A. BAXTER. VOSS repeatedly pressed  
17 representatives of the bank to hurry the process of confirming deposit  
18 of those funds from the out of state bank into BAXTER's account. VOSS  
19 was rude and impatient with more than one of the employees. When  
20 questioned about irregularities between the handwriting on the payee  
21 portion of the personal check and the endorsement line of the personal  
22 check, VOSS offered several different explanations as to why BAXTER  
23 would put him in possession of \$5,000.00 of her money.

24 9. Conversation and contact with employees of BAXTER at  
25 MICROFLEX MEDICAL reveals that BAXTER had made it clear to her friends  
26 at her work that she had no intention of cashing the BURGESS NORTH

1 AMERICAN MOVING AND STORAGE check, which had been issued to her as a  
2 settlement offer in an outstanding civil claim. BAXTER had made it  
3 clear the she intended to dispute the amount of the claim, and that she  
4 would not deposit the check because she feared that deposit would be  
5 seen as an accord and satisfaction of her civil claim. She further  
6 communicated that her friend, STEVEN VOSS, was going to help her secure  
7 the services of an attorney to fight with the moving and storage  
8 company over the amount of the claim. When VOSS was questioned about  
9 these details, he first indicated that he did not have information as  
10 to the details of the business transactions, and then later confirmed  
11 that he had actually endorsed BEVERLY BAXTER's name on the backside of  
12 the BURGESS NORTH AMERICAN MOVING AND STORAGE check and/or that he had  
13 written the words for deposit only on that same check when he deposited  
14 the check into BURGESS' account on Monday, June 10, 1996.

15 10. Investigation has also revealed that on Wednesday, June  
16 12, 1996, VOSS was seen at BAXTER's work place where he borrowed  
17 BAXTER's keys ostensibly to check work which he had done to BAXTER's  
18 vehicle. CRUMB, the apartment manager where BAXTER lives, confirms  
19 that she saw VOSS enter BAXTER's apartment while BAXTER was not home in  
20 the same period of time when VOSS was supposedly checking BAXTER's  
21 vehicle. VOSS exited the apartment and left BAXTER's apartment after a  
22 short interval inside her apartment. When pressed about those details,  
23 after an initial denial about knowledge of BAXTER's whereabouts and/or  
24 BAXTER's business dealings, VOSS finally confirmed that he had entered  
25 BAXTER's residence and that he had taken "business" papers of BAXTERS  
26 to Sparks in order to make copies of those papers prior to going to

1 BAXTER's bank at CALIFORNIA FEDERAL. During this sequence of events,  
2 BAXTER was seen to argue with VOSS by coworkers at MICROFLEX MEDICAL.

3 11. BEVERLY A. BAXTER has not been located to date. A  
4 search of Ms. BAXTER's residence reveals unused medications which  
5 BAXTER was known to take on a regular basis, BAXTER's sole attachment  
6 namely her animal, the balance of BAXTER's clothing, and a check of  
7 BAXTER's banking records reveals no activity on her account which was  
8 her only known source of funds. Contact with BAXTER's only known  
9 family in distant states reveals that BAXTER has offered no contact or  
10 explanation to any family member as to her disappearance.

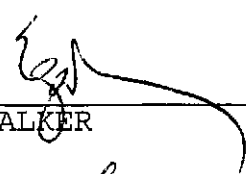
11 12. Conversation and contact with BAXTER's known  
12 acquaintances has revealed the same information. BAXTER's case has  
13 received extensive press coverage to include repeated displays of  
14 BAXTER's photographs and to date no one has come forward to identify  
15 the whereabouts of BAXTER since she was last seen in VOSS' company on  
16 June 13, 1996. VOSS remains evasive with investigators as to the  
17 possible whereabouts and location of BAXTER.

18 13. That based upon the foregoing information, your affiant  
19 has probable cause to believe that the crimes of COUNT I: BURGLARY, a  
20 violation of NRS 205.060; COUNTS II and III: UTTERING A FORGED  
21 INSTRUMENT, violations of NRS 205.090 and NRS 205.110; COUNTS IV and V:  
22 FORGERY, violations of NRS 205.090; and COUNT VI: ATTEMPTED THEFT, a  
23 violation of NRS 193.330, being an attempt to violate NRS 205.0832, all  
24 felonies, have been committed by STEVEN FLOYD VOSS.

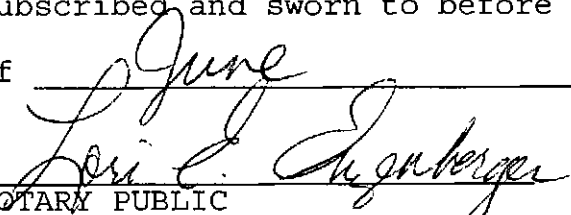
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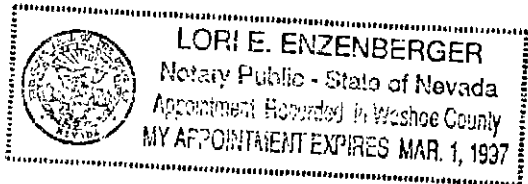
26 ///

1 WHEREFORE, your affiant prays that a Warrant of arrest issue  
2 for STEVEN FLOYD VOSS.

3  
4   
5 EGAN WALKER

6 Subscribed and sworn to before me this 27th day  
7 of June, 1996.

8   
9 NOTARY PUBLIC



06273294

DA #138461

WCSO 129294-96

IN THE JUSTICE COURT OF RENO TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

96 JUN 27 P4:34

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

*S. Murphy*

RJC:

*79,046*

v.

DEPT:

STEVEN FLOYD VOSS,

Defendant.

CRIMINAL COMPLAINT

EGAN WALKER of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that STEVEN FLOYD VOSS, the defendant above-named, has committed the crimes of:

COUNT I. BURGLARY, a violation of NRS 205.060, a felony, in the manner following, to wit:

That the said defendant on or between the 12th day of June, 1996, and the 14th day of June, 1996, at Reno Township, within the County of Washoe, State of Nevada, did willfully and unlawfully enter a certain apartment located at 5501 West Fourth Street, apartment #1, Reno, Washoe County, Nevada, with the intent then and there to commit larceny therein.

COUNT II. UTTERING A FORGED INSTRUMENT, a violation of NRS 205.090 and NRS 205.110, a felony, in the manner following, to wit:

That the said defendant on or between the 12th day of June, 1996, and the 14th day of June, 1996, at Reno Township,



1 within the County of Washoe, State of Nevada, did willfully and  
2 unlawfully, and with intent to defraud, utter and pass, as true  
3 and genuine, a certain false and forged check, dated May 8, 1996,  
4 in the amount of \$5,026.00, made payable to BEVERLY BAXTER, and  
5 written on an account owned by BURGESS NORTH AMERICAN MOVING AND  
6 STORAGE, at 593 East Prater Way, Sparks, Washoe County, Nevada.

7 COUNT III. UTTERING A FORGED INSTRUMENT, a violation  
8 of NRS 205.090 and NRS 205.110, a felony, in the manner  
9 following, to wit:

10 That the said defendant on or between the 12th day of June,  
11 1996, and the 14th day of June, 1996, at Reno Township, within the  
12 County of Washoe, State of Nevada, did willfully and unlawfully, and  
13 with intent to defraud, utter and attempt to pass as true and genuine,  
14 a certain false and forged check number 563 drawn upon CALIFORNIA  
15 FEDERAL BANK, Sparks office, dated June 13, 1996, and made payable to  
16 STEVEN VOSS at 593 East Prater Way, Sparks, Washoe County, Nevada,  
17 knowing the same to be false and forged.

18 COUNT IV. FORGERY, a violation of NRS 205.090, a felony, in  
19 the manner following, to wit:

20 That the said defendant on or between the 12th day of June,  
21 1996, and the 14th day of June, 1996, at Reno Township, within the  
22 County of Washoe, State of Nevada, did willfully, unlawfully, and  
23 falsely, and with intent to defraud, endorse and forge a name other  
24 than his own, to wit: that of B. A. BAXTER, upon a check drawn upon an

25 ///

26 ///

1 account owned by BURGESS NORTH AMERICAN MOVING AND STORAGE, dated May  
2 8, 1996, and made payable to FOR DEPOSIT ONLY B. A. BAXTER at 593 East  
3 Prater Way, Sparks, Washoe County, Nevada.

4 COUNT V. FORGERY, a violation of NRS 205.090, a felony, in  
5 the manner following, to wit:

6 That the said defendant on or about the 12th day of June,  
7 1996, and the 14th day of June, 1996, at Reno Township, within the  
8 County of Washoe, State of Nevada, did willfully, unlawfully, and  
9 falsely, and with intent to defraud, endorse and forge a name other  
10 than his own, to wit: that of STEVEN VOSS, upon a check number 563  
11 drawn upon CALIFORNIA FEDERAL BANK, Sparks, dated June 13, 1996, and  
12 made payable to STEVEN VOSS at 593 East Prater Way, Washoe County,  
13 Nevada.

14 COUNT VI. ATTEMPTED THEFT, a violation of NRS 193.330, being  
15 an attempt to violate NRS 205.0832, a felony, in the manner following,  
16 to wit:

17 That the said defendant on or about the 12th day of June,  
18 1996, and the 14th day of June, 1996, at Reno Township, within the  
19 County of Washoe, State of Nevada, did willfully and unlawfully attempt  
20 to control the property of BEVERLY A. BAXTER with the intent to  
21 permanently deprive her of that property in that said defendant  
22 attempted to cash a check written on the personal account of the victim

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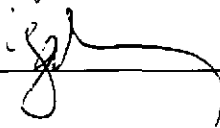
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1 in an amount of \$5,000.00 and made payable to himself when he had no  
2 legal authority to do so.

3  
4 DATED this 27th day of June, 1996.

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24 Restitution:  
25 Custody:  
26 Bailed:  
Warrant: X  
06273294

District Attorney: WALKER  
Defense Attorney:

Bail 100,000 cash only  
per F.S.

WALKER

Agency No. WCSO 129294-96

DA No. 138461

RJC No. 79,046

Department No. 1

**In the Justice Court of Reno Township**

WASHOE COUNTY, STATE OF NEVADA

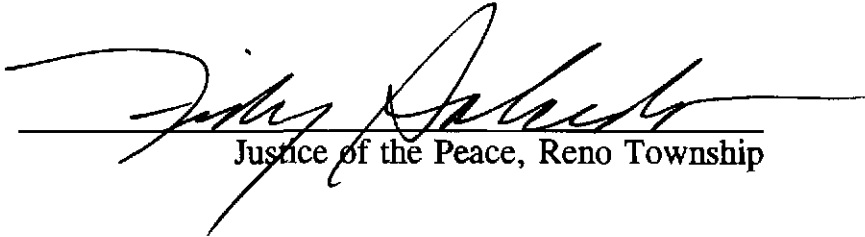
STATE OF NEVADA,

To any peace officer in Washoe County:

A complaint upon oath has this day been laid before me by Egan Walker alleging the crime(s) of CT. I. BURGLARY, a violation of NRS 205.060, CT. II-III. UTTERING A FORGED INSTRUMENT, a violation of NRS 205.090 and NRS 205.110, CT. IV.-V. FORGERY, a violation of NRS 205.090, CT. VI. ATTEMPTED THEFT, a violation of NRS 193.330, being an attempt to violate NRS 205.0832, all felonies. has been committed and accusing STEVEN FLOYD VOSS thereof. Now, therefore, you are hereby commanded forthwith to arrest the above named DEFENDANT and bring that person before me at my office in Reno Township, or in case of my absence or inability to act, before the nearest or most accessible magistrate in Washoe County.

Dated at my office in Reno Township, Washoe County, Nevada on  
June 27, 1996.

THIS WARRANT MAY BE  
SERVED DAY OR NIGHT

  
Justice of the Peace, Reno Township

V2:180

VOSS, STEVEN FLOYD

Assigned CSO: JEI

**Case#/Charges Information -**

79,046

Case#	Type	Court
1292496	Felony	Reno Justice Court

-- Charge --  
BURGLARY

Charge Type  
FELONY

Date      Counts  
06/28/1996      1

Arrest Date      Time      Location  
/ /

Warrant  
79046

Bond Type      Bond Amount  
Bondable      \$100,000.00

-- Charge --  
UTTERING A FORGED INSTRUMENT

Charge Type  
FELONY

Date      Counts  
06/28/1996      1

Arrest Date      Time      Location  
/ /

Warrant  
79046

-- Charge --  
UTTERING A FORGED INSTRUMENT

Charge Type  
FELONY

Date      Counts  
06/28/1996      1

Arrest Date      Time      Location  
/ /

Warrant

-- Charge --  
FORGERY

Charge Type  
FELONY

Date      Counts  
06/28/1996      1

Arrest Date      Time      Location  
/ /

Warrant

-- Charge --  
FORGERY

Charge Type  
FELONY

Date      Counts  
06/28/1996      1

Arrest Date      Time      Location  
/ /

Warrant

-- Charge --  
ATTEMPT TO COMMIT CRIME

Charge Type  
FELONY

Date      Counts  
06/28/1996      1

Arrest Date      Time      Location  
/ /

Warrant

**Release Recommendations/Conditions Of Bond -**

Date      Recommendation  
06/28/1996      Denied O/r

By Staff

Risk of Failure To Appear  
DEF SCORED 23 PTS

NO EMPLOYMENT--SUPPORTED BY OTHERS

V2: 181

VOSS, STEVEN FLOYD

Assigned CSO: JEI

**Demographics -**

SSN	FBI/NCIC	Booking #	HIT LIST??	Interpreter Needed?			
		113530696					
Place of Birth		Citizen Of		Language			
Castro Valley, Ca		-Doc:					
Race	Gender	DOB	Age	Height	Weight	Eyes	Hair
White	Male	01/24/1960	36	507	180	Blu	Bln

**Residence -**

Current Address	Phone	Since	
269 WONDER ST RENO, NV UNK		06/96 (0 Yr 0 Mo)	
Lives With	Length In Area	Children/Ages	Live With
P - Name: Mary Duplin	1 Yr 0 Mo	No: 1 / 6	No

**Employment/Support -**

Current Status	Since
Unemployed	10/95 (0 Yr 8 Mo)

**Details**

Last Occup: TECHNICIAN

**Education/Military Service -****Education**

Completed: High School, Some College  
Highest Grade Completed: 14

**Criminal History -**

Date	Charges	Disposition
07/95	DRIVING UNDER THE INFLUENCE	Dismissed
	Notes - PER DEF SEVERAL PROPERTY CRIMES--NO FELONIES	

UNVERIFIED

**Substance Abuse History -****Usage:**

No Substance Abuse Data On-File

Client: VOSS, STEVEN FLOYD

SSN: [REDACTED]

DOB: 01/24/60

Assigned CSO: JEI

Case#: 1292496

**I. Identification**

County: [REDACTED]

Court:  
RENO JUSTICE COURTJurisdiction:  
WASHOE COUNTY, NVCase Type:  
FELONY

## Charge(s):

BURGLARY; UTTERING A FORGED INSTRUMENT; UTTERING A FORGED INSTRUMENT, FORGERY; FORGERY; ATTEMPT TO COMMIT

## Address:

269 WONDER ST RENO, NV UNK - Since: 06/96 Length: 0 Yrs 0 Months

## Phone:

## Occupation and Employer:

Unemployed Since: 10/95

**II. Support Obligations**

Juvenile Client? No Lives w/parents? No

Dependants: Total# 1 Ages 6 Live w/client No

**III. Presumptive Eligibility****IV. Monthly Income**

Verified

Take-home pay (after deductions) \_\_\_\_\_

Spouses take-home pay \_\_\_\_\_

Contributions from any persons domiciled with client and helping to defray basic living costs \_\_\_\_\_

Interest, dividends, or other earnings \_\_\_\_\_

Non-poverty based assistance (Unemployment, Social Security, Workers Comp, pension, annuities) \_\_\_\_\_

Other income:

Notes:

Total Monthly Income: [REDACTED]

*Incarcerated***V. Monthly Expenses**

Verified

## Basic Living Costs

Shelter (rent, mortgage, board) \_\_\_\_\_

Utilities \_\_\_\_\_

Food \_\_\_\_\_

Clothing \_\_\_\_\_

Health Care \_\_\_\_\_

Transportation \_\_\_\_\_

Loan payments:

## Court Imposed Obligations

Bail/bond paid or anticipated \_\_\_\_\_

Other expenses \_\_\_\_\_

Notes:

Total Monthly Expenses: [REDACTED]

V2.183

Client: VOSS, STEVEN FLOYD

DOB: 01/24/60

Assigned CSO: JEI

Case(s): 1292496

## VI. Total Income Part IV, minus Total Expenses Part V

Disposal Net Monthly Income:

## VII. Liquid Assets

Verified

Cash, savings, bank accounts (including joint accounts) \_\_\_\_\_

Stocks, bonds, certificates of deposit: \_\_\_\_\_

Equity in real estate: \_\_\_\_\_

Equity in motor vehicle required for employment: Type: - Year: - Color \_\_\_\_\_

Equity in additional vehicles \_\_\_\_\_

Personal property: \_\_\_\_\_

Notes: \_\_\_\_\_

Total Liquid Assets: 

## VIII. Affidavit and Notification

I hereby apply for appointment of the Washoe County Public Defender and state under penalty of perjury: (1) I am indigent; and (2) I am without financial means to hire an attorney because: (a) I have no personal funds and no family or friends who can hire an attorney for me and/or (b) I have no assets of any kind in this state or elsewhere which can be used to hire an attorney.

Signed: STEVEN FLOYD VOSS Date: \_\_\_\_\_ Place: \_\_\_\_\_

## IX. Determination of Indigency

a. Disposable Net Monthly Income (from Section VI) \_\_\_\_\_

b. Total Liquid Assets (from Section VII) \_\_\_\_\_ +

c. Total Available Funds (a plus b) \_\_\_\_\_ =

d. Anticipated Cost of Counsel for Offense Type(s) \_\_\_\_\_

Determination: \*

Assessment Amount:

## X. Recommendation

SUPPORTED BY FAMILY

The above constitutes my recommendation to the court. I have explained my recommendation to the party.

Screening Agent/Witness: IRVIN, J. Date: 06/28/96Signature: \_\_\_\_\_ Agency/Organization: Washoe County, Nevada (Server)

## XI. Finding

☐ Indigent ☐ Not Indigent ☐ Indigent and Able to Contribute Assessment Amount: \$ \_\_\_\_\_

Judge or Judge's Designee: \_\_\_\_\_ Title: \_\_\_\_\_

MR. VOSS HAS NO ASSETS, IS UNEMPLOYED @  
CURRENTLY INCARCERATED.



IN THE JUSTICE COURT OF RENO TOWNSHIP,  
COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

APPLICATION FOR  
APPOINTMENT OF  
PUBLIC DEFENDER

Against

Steven F. Voss

Defendant.

RJC

79046 (1)

I apply for appointment of the Washoe County Public Defender and state under penalty of perjury: (1) I am indigent; and (2) I am without financial means to hire an attorney because: (a) I have no personal funds and no family or friends who can hire an attorney for me and/or (b) I have no assets of any kind in this State or elsewhere which can be used to hire an attorney.

DEFENDANT

WITNESSED: June 28 1996.

COURT SERVICES OFFICER

ORDER

The Court has reviewed Defendant's answers to Financial Inquiry To Determine Eligibility For Washoe County Public Defender and Application For Appointment Of Public Defender given and executed under penalty of perjury.

Application denied. The Court finds the Defendant is not indigent.

Comment:

The Court finds that the Defendant is without means to employ an attorney or otherwise determines that representation by the Washoe County Public Defender is required. Reimbursement may be ordered by the Justice Court or the District Court at a later time.

The Washoe County Public Defender is appointed to represent Defendant.

THE COURT BELIEVES SOME REIMBURSEMENT SHOULD BE REQUIRED AT A LATER TIME.

The Washoe County Public Defender is appointed to represent Defendant on the following condition(s):

DATED: 7/3, 1996.

JUSTICE OF THE PEACE

Defendant notified and agrees to condition(s).

Date

CSO Initials V2.184

# In the Justice Court of Reno Township

County of Washoe, State of Nevada

THE STATE OF NEVADA,

Plaintiff,

Against

STEVEN FLOYD VOSS

Defendant.

## FELONY COMMITTMENT

RJC 79,046

COUNTY OF WASHOE }  
STATE OF NEVADA } ss.

The State of Nevada to the Sheriff of the County of Washoe, Nevada:

An order having been this date made by me that the above named Defendant be held to answer upon a charge of BURGLARY; UTTERING A FORGED INSTRUMENT; FORGERY; ATTEMPTED THEFT.

(stating briefly the nature of the offense)

committed in RENO Township, Washoe County, Nevada, on or about June 12-14, 19 96.

Your are commanded to receive the Defendant into your custody, and detain the Defendant until the Defendant is legally discharged.

DATE: July 16, 19 96.

EDWARD DANNAN

JUSTICE OF THE PEACE

Bail fixed at \$ 100.00.00 CASH ONLY

*By [Signature] Deputy Criminal Clerk*

CASE NO. CR96-1581

STATE OF NEVADA VS. STEVEN FLOYD VOSS

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.

CR96-1581  
STATE VS STEVEN FLOYD VOSS ( 1 Page  
District Court 08/06/1996 01:50 PM  
Washoe County

'96 AUG 16 P4:24

1 Case No. CR96-1581

2 Dept. No. 3

JUDICIAL CLERK

BY *Richard*  
DEPUTY

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

M O T I O N

STEVEN FLOYD VOSS,

Defendant.

COMES NOW, THE STATE OF NEVADA by and through RICHARD  
A. GAMMICK, District Attorney of Washoe County, Nevada, by EGAN  
WALKER, Deputy District Attorney, and moves this Honorable court  
for an Order as follows:

That the Information heretofore filed herein be amended  
to add the following names as witnesses:

BARBARA JACOBSEN  
1300 W. 2nd. Street, #71  
Reno, NV

EDWARD PROWSE  
5501 W. 4th Street., #6  
Reno, NV

///

1 CLAY ROBINSON  
2 5501 W. 4th Street, #2  
3 Reno, NV

4 TIM STURDAVANT (Victim's Cousin)  
5 (801) 540-1467  
6 Utah

7 KELLY WHITGSELL  
8 230 Arletta St., #A  
9 Reno, NV

10 VERNON WOODARD  
11 710 Wyoming  
12 Reno, NV

13 LEON MARNANKA  
14 2259 Glen Vista St.  
15 Sparks, NV

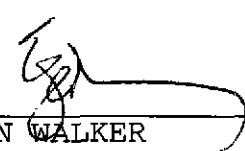
16 TERI VILLAYERDE  
17 P.O. Box 51514  
18 Sparks, NV

19 CAROL STURY  
20 9215 Ogden Trail Dr.  
21 Sparks, NV

22 Endorsement of the above names is respectfully  
23 requested for the reason that the said names were not known at  
24 the time of filing the Information and said witnesses are  
25 required for the successful prosecution of the case.

26 DATED this 16<sup>th</sup> day of August, 1996.

RICHARD A. GAMMICK  
District Attorney  
Washoe County, Nevada

By   
EGAN WALKER  
Deputy District Attorney

CERTIFICATE OF FORWARDING

I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I forwarded a true copy of the foregoing document, through the Washoe County interagency mail, addressed to:

Conner Conway  
Deputy Public Defender  
P.O. Box 11130  
Reno, NV 89520

DATED this 16<sup>th</sup> day of August, 1996.

Penny McHardy  
Penny McHardy

6-3V2.190  
9-3  
Trial

'96 AUG 21 P1:51

JUDICIAL CLERK  
BY *W. Stewart*  
DEPUTY

DC-990002626-020  
CR96-1581  
STATE VS STEVEN FLOYD VOSS 3 Pages  
District Court 08/21/1996 01 51 PM  
Washoe County  
3370

1 Case No. CR96-1581  
2 Dept. No. 3  
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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF WASHOE.

\* \* \*

THE STATE OF NEVADA,  
Plaintiff,

v.

O R D E R

STEVEN FLOYD VOSS,  
Defendant.

UPON MOTION of the District Attorney of Washoe County,  
Nevada, and pursuant to Section 173.045, Nevada Revised Statutes,  
and good cause appearing therefor,

IT IS HEREBY ORDERED that the Information heretofore  
filed in this matter be amended to include the names of the  
following witnesses for the Plaintiff:

BARBARA JACOBSEN  
1300 W. 2nd. St., #71  
Reno, NV

EDWARD PROWSE  
5501 W. 4th. St., #6

CLAY ROBINSON  
5501 W. 4th. St., #2  
Reno, NV

///

1 TIM STURDAVANT  
2 (801) 540-1467  
3 Utah

4 KELLY WHITGSELL  
5 230 Arletta St., #A  
6 Reno, NV

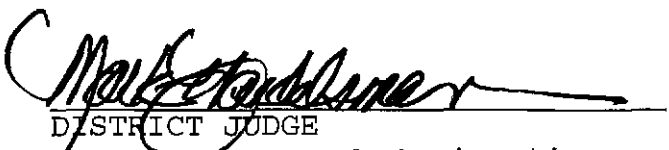
7 VERNON WOODARD  
8 710 Wyoming  
9 Reno, NV

10 LEON MARNANKA  
11 2259 Glen Vista St.  
12 Sparks, NV

13 TERI VILLAYERDE  
14 P.O. Box 51514  
15 Sparks, NV

16 CAROL STURY  
17 9215 Ogden Trial Dr.  
18 Sparks, NV

19 DATED this 19 day of August, 1996.

20   
21 DISTRICT JUDGE

22 For Judge Deborah A. Agosti  
23  
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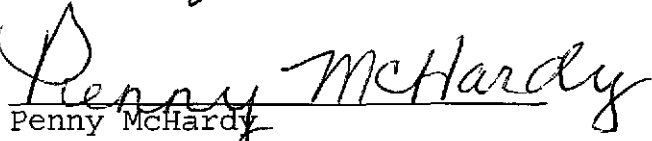


CERTIFICATE OF FORWARDING

I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I forwarded a true copy of the foregoing document, through the Washoe County interagency mail, addressed to:

Conner Conway  
Deputy Public Defender  
P.O. Box 11130  
Reno, NV 89520

DATED this 21 day of August, 1996.

  
Penny McHardy

CASE NO. CR96-1581

STATE OF NEVADA VS. STEVEN FLOYD VOSS

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 ( 1 Page  
District Court 09/03/1996 01:49 PM  
Washoe County  
MIN

FILED

'96 SEP -9 A9:49

1 No. CR96-1581

2 Dept. 3

3

JUDICIAL CLERK  
BY   
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,  
Plaintiff,vs.  
STEVEN FLOYD VOSS,  
Defendant.**MOTION FOR RELEASE  
ON OWN RECOGNIZANCE OR  
FOR REDUCTION IN BAIL**

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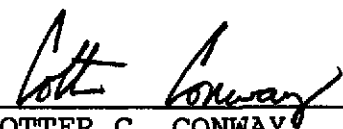
26

Comes now, Defendant STEVEN FLOYD VOSS, by and through counsel, Deputy Public Defender Cotter C. Conway, and moves this Court for an Order for a release on his own recognizance or in the alternative for a reduction of bail.

This Motion is made and based upon the attached Points and Authorities, all the papers and records on file in this case, and NRS 178.484, 178.4851, 178.4853 and 178.498.

DATED this 9th day of September, 1996.

MICHAEL R. SPECCHIO  
Washoe County Public Defender

By   
COTTER C. CONWAY  
Deputy Public Defender

POINTS AND AUTHORITIES

STEVEN FLOYD VOSS has been accused of one count of Burglary, a felony, and related counts of forgery and attempted theft, also felonies. Specifically he is accused of unlawfully entering the apartment of Beverly Baxter in Reno and taking a check in the amount of \$5,026, and then attempting to obtain \$5,000 from the account of Beverly Baxter at California Federal Bank. Mr. VOSS has been in custody at the Washoe County Detention Facility since June 28, 1996.

Mr. VOSS currently faces a \$100,000 cash only bail. Pursuant to the Bail Schedule established by the Reno Justice Court, his bail should have been approximately \$14,750. In addition, given the nature of the charges, it would have been bondable.

Prior to his incarceration, he had lived in the Reno area for a little over one year. If released, Mr. VOSS has made arrangements to reside with his mother, Mary Louise Duplin, at 269 Wonder Street, Reno, Nevada 89502, phone #324-0793. In addition, Mr. VOSS intends to seek work as an electrician.


Bail is intended to secure a person's attendance at court. It is respectfully submitted that Mr. VOSS's bail is too high in his current circumstances. A lesser sum or a release on his own recognizance should be sufficient to secure his return to court to defend himself.

Mr. VOSS may have suffered a failure to appear many years ago relating to a misdemeanor traffic offense, but has

1 resolved that matter. He does not have any prior felony  
2 convictions. Based upon the foregoing, it is respectfully  
3 requested that this Court entertain releasing Mr. VOSS on his  
4 own recognizance or in the alternative, reducing his bail to a  
5 more reasonable amount pursuant to the factors set forth in NRS  
6 178.498.

7  
8 DATED this 9th day of September, 1996.

9 MICHAEL R. SPECCHIO  
10 Washoe County Public Defender

11 By   
12 COTTER C. CONWAY  
13 Deputy Public Defender  
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AFFIDAVIT OF COUNSEL

STATE OF NEVADA )  
 ) ss.  
 COUNTY OF WASHOE )

I, COTTER C. CONWAY, hereby affirm under penalty of perjury that the assertions of this affidavit are true:

1. Your Affiant is a licensed Nevada attorney and counsel of record for STEVEN FLOYD VOSS in Case No. CR96-1581.

2. Your Affiant is informed and believes Mr. VOSS has no prior felony convictions.

FURTHER your Affiant Sayeth Naught.

DATED this 9th day of September, 1996.

Cotter C. Conway  
 COTTER C. CONWAY

Subscribed and Sworn to before me this 9th day of

September, 1996.

Amy A. Peterson  
 NOTARY PUBLIC



AMY A. PETERSON  
 Notary Public - State of Nevada  
 Appointment Recorded in Washoe County  
 No: 96-0224-2 - EXPIRES DEC. 8, 1999

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V2. 198

No. CR96-1581

Dept. No. 3

FILE

'96 SEP -9 A9:49

JUDICIAL CLERK

## Second Judicial District Court

State of Nevada, Washoe County

STATE OF NEVADA

Plaintiff,

vs.

STEVEN FLOYD VOSS,

Defendant.

### APPLICATION FOR SETTING

TYPE OF ACTION: CRIMINAL

MATTER TO BE HEARD: MOTION FOR O/R RELEASE OR BAIL REDUCTION

Date of Application: 9/9/96

Made by: DEFENDANT

Plaintiff or Defendant

NAME AND ADDRESS OF COUNSEL FOR PLAINTIFF:

EGAN WALKER, DEPUTY DISTRICT ATTORNEY

NAME AND ADDRESS OF COUNSEL FOR DEFENDANT:

COTTER CONWAY, DEPUTY PUBLIC DEFENDER

Instructions: Check the appropriate box. Indicate clearly who is requesting the jury.

☐ Jury Demanded By (Name):

CUSTODY STATUS

Estimated No. of Jurors:

Bail

☐ No Jury Demanded By (Name):

OR

Estimated Duration of Trial:

X In Custody

Attorney(s) for Plaintiff

Attorney(s) for Defendant

Motion - No. Setting at 8:45 A. m. on the 10th day of September, 1996.

Trial - No. Setting at m. on the day of , 19.

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 ( 1 Page  
District Court 09/10/1996 01:47 PM  
Washoe County  
MIN



FILED

96 SEP 16 10:22

Case No. CR96-1581

Dept. No. 3

JUDICIAL CLERK  
BY *[Signature]*  
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
THE HONORABLE DEBORAH A. AGOSTI, DISTRICT JUDGE

--oOo--

STATE OF NEVADA,	)	TRANSCRIPT OF PROCEEDINGS
	)	
Plaintiff,	)	Motion to Confirm Trial
	)	
vs.	)	
	)	
STEVEN FLOYD VOSS,	)	August 6, 1996
	)	
Defendant.	)	Reno, Nevada

## APPEARANCES:

For the Plaintiff:

EGAN WALKER  
Deputy District Attorney  
Washoe County Courthouse  
Reno, Nevada

For the Defendant:

COTTER CONWAY  
Deputy Public Defender  
195 South Sierra Street  
Reno, Nevada

The Defendant:

STEVEN FLOYD VOSS

Reported by:

REBECCA BRUCH, CSR #258, RPR, RMR, RDR  
Computer-Aided Transcription

ORIGINAL

1 RENO, NEVADA; TUESDAY, AUGUST 6, 1996; 8:45 A.M.

2 --oOo--

3  
4 THE COURT: State versus Steven Floyd Voss. Mr. Voss  
5 is present with Mr. Conway; Mr. Walker is here for the State.  
6 This is a motion to confirm trial for September 3rd at nine.  
7 Mr. Conway.

8 MR. CONWAY: Thank you, your Honor. Just for the  
9 record, on Friday we finally received the preliminary hearing  
10 transcript. I'm in the process of preparing to file a writ.  
11 We are going to confirm at this time, but I think it's going to  
12 be waived by the filing of the writ. In addition, I have a  
13 number of pretrial motions.

14 THE COURT: Well, wait a minute, wait a minute, what  
15 will be waived by the filing of the writ?

16 MR. CONWAY: The trial date.

17 THE COURT: Well, no, you don't have a right to waive  
18 trial date, you have a right to waive the 60-day rule.

19 MR. CONWAY: That's right, I apologize.

20 THE COURT: But you don't get an automatic  
21 continuance by filing a writ, let's not get ahead of ourselves.

22 MR. CONWAY: I do intend to file a writ, your Honor,  
23 and also do intend to file a number of pretrial motions. I'm  
24 still trying to work out a few discovery requests with

1 Mr. Walker and the State.

2 THE COURT: Okay. Well, here's the thing. September  
3 3rd is my first day back from my vacation, and so if anything  
4 needs my attention, I won't be here to provide it. That was  
5 the purpose for the confirmation today, to get everything out  
6 of the way by today. And I think primarily, by virtue of the  
7 trial transcript, which is beyond everyone's control, it just  
8 simply couldn't happen. So I am going to suggest that if  
9 things arise in either motion to continue or expedited hearing  
10 on a writ of habeas corpus or any protracted motions, pretrial,  
11 should be handled first according to the local rules by  
12 addressing either of the judges on this floor, and if they are  
13 unavailable, then by addressing the chief judge. And I would  
14 recommend not to bother anybody with pretrial motions, if both  
15 of you have in mind to stipulate to continuance because of the  
16 lateness of the transcript. And if there are simple pretrial  
17 motions, and it looks like the trial date can be maintained,  
18 you may as well just save them for me on the morning of trial.

19 MR. CONWAY: Your Honor, at this time then we'll just  
20 confirm, and I will be discussing with Mr. Walker concerning  
21 some evidentiary issues we want to resolve.

22 THE COURT: How many days do you expect trial will  
23 require?

24 MR. WALKER: Three, your Honor.

1 MR. CONWAY: I'd say four.

2 THE COURT: Okay. Three for State's evidence;  
3 additional day for the defense?

4 MR. CONWAY: That's correct.

5 THE COURT: Four days for trial. We'll confirm that  
6 for September 3rd. And you are aware of the issues that are  
7 created by the lateness of the transcript, and then by my  
8 absence on vacation, and know what to do.

9 So we'll see you on September 3rd for whatever the  
10 status of the case is.

11 MR. WALKER: Thank you, your Honor.

12 (Proceedings concluded.)

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1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )

4 I, REBECCA BRUCH, official reporter of the Second  
5 Judicial District Court of the State of Nevada, in and for the  
6 County of Washoe, do hereby certify:

7 That as such reporter I was present in Department  
8 No. 3 of the above court on Tuesday, August 6, 1996, at the  
9 hour of 8:45 A.M. of said day, and I then and there took  
10 verbatim stenotype notes of the proceedings had and testimony  
11 given therein upon the Motion to Confirm Trial of the case of  
12 the STATE OF NEVADA, Plaintiff, vs. STEVEN FLOYD VOSS,  
13 Defendant, Case No. CR96-1581.

14 That the foregoing transcript, consisting of  
15 pages numbered 1 to 5, both inclusive, is a full, true and  
16 correct transcript of my said stenotype notes, so taken as  
17 aforesaid, and is a full, true and correct statement of the  
18 proceedings had and testimony given upon the trial of the  
19 above-entitled action to the best of my knowledge, skill and  
20 ability.

21  
22 DATED: At Reno, Nevada, this 31st day of August, 1996.

23   
24 REBECCA BRUCH, CSR #258

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

DC-9900026626-014  
09/24/1996 01 47 PM  
WASHOE COUNTY  
NAC

FILED

'96 SEP 25 P2:58

81

1 No. CR96-1581

2 Dept. 3

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CR96-1581  
DC-9900026626-024  
STATE VS STEVEN FLOYD VOSS 10 Pages  
District Court 09/25/1996 02 06 PM 2490  
Washoe County

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

THE STATE OF NEVADA,  
Plaintiff,

vs.

DEFENDANT'SSTEVEN FLOYD VOSS  
Defendant.MOTIONS IN LIMINE

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COMES NOW, STEVEN FLOYD VOSS, by and through the  
Washoe County Public Defender and Cotter C. Conway, Deputy  
Public Defender, and presents the following Motions in Limine  
in anticipation of October 7, 1996 trial:

1. MOTION IN LIMINE RE: HEARSAY STATEMENTS OF VICTIM

Hearsay evidence is evidence of a statement made  
other than by a witness while testifying at the trial, which is  
offered to prove the truth of the matter asserted. NRS 51.035.  
Deutscher v. State, 95 Nev. 669 at 683 (1979). It is  
inadmissible unless it comes within an exception. NRS 51.065.

The State intends to present the testimony of various  
witnesses regarding statements made by the victim concerning a  
certain Burgess North American Moving & Storage check. The  
admission of such evidence will also violate Mr. VOSS' rights  
under the confrontation clause because the victim is not

1 available for cross-examination. See California v. Green, 399  
2 U.S. 149 (1970); see also Downey v. State, 103 Nev. 4 at 7  
3 (1987); Corbin v. State, 97 Nev. 245 (1981).

4 Therefore, Mr. VOSS requests that this Court preclude  
5 testimony of witnesses regarding hearsay statements made by the  
6 victim.

7 2. MOTION THAT DEFENDANT NOT BE EXPOSED TO JURORS  
8 WHILE IN PRISON GARB OR RESTRAINTS.

9 A criminal defendant clearly has the right to appear  
10 before his jurors clad in the apparel of an innocent person.  
11 Estelle v. Williams, 425 U. S. 501 (1976); Grooms v. State, 96  
12 Nev. 142, 144 (1980). The presumption of innocence is  
13 incompatible with the garb of guilt (handcuffs, leg restraints,  
14 inmate clothing, etc.). Such an error is reversible. See  
15 Grooms, supra.

16 Therefore, Mr. VOSS requests that this Court order  
17 his custodians that he may not, at any time, be exposed in  
18 prison garb and/or restraints to members of the jury panel.

19 3. MOTION TO PRECLUDE REFERENCE TO IN CUSTODY STATUS

20 The rule that one is innocent until proven guilty  
21 means that a defendant is entitled to not only the presumption  
22 of innocence, but also to indicia of innocence. Illinois v.  
23 Allen, 397 U.S. 334 (1970); Haywood v. State, 107 Nev. 285  
24 (1991). Informing the jury that a defendant is in jail raises  
25 an inference of guilt. See Haywood, supra.

26 ///



1           Therefore, Mr. VOSS requests that this Court preclude  
2 reference to his in custody status during the jury trial of  
3 this case.

4           4. MOTION TO PRECLUDE IMPROPER COMMENTS AND ARGUMENT

5           An injection of personal beliefs into an argument  
6 detracts from the "unprejudiced, impartial, and nonpartisan"  
7 role that a prosecuting attorney assumes in the courtroom. By  
8 stepping out of the prosecutor's role, which is to seek  
9 justice, and by invoking the authority of his or her own  
10 supposedly greater experience and knowledge, a prosecutor  
11 invites undue jury reliance on the conclusions personally  
12 endorsed by the prosecuting attorney. Howard v. State, 106 Nev.  
13 713 (1990); Collier v. State, 101 Nev. 473 (1985). This would  
14 include disparaging the defense counsel and/or his argument.  
15 See Green v. State, 94 Nev. 731 (1978).

16           In addition, arguments asking the jury to place  
17 themselves in the shoes of a party or the victim are improper.  
18 McGuire v. State, 100 Nev. 153 (1984). It is equally improper  
19 to ask the jury to vote in favor of future victims and against  
20 the defendant. See Howard, supra; McGuire, supra.

21           5. MOTION TO PRECLUDE REFERENCE IN ARGUMENT TO  
22 EVIDENCE NOT BEFORE THE JURY

23           Mr. VOSS requests that this Court preclude reference  
24 in argument to evidence not properly before the jury. Jimenez  
25 v. State, 106 Nev. 769 at 772 (1990); Ybarra v. State,  
26 103 Nev. 8 at 15 (1987).

1                   6.   MOTION IN LIMINE RE: RELEVANT EVIDENCE

2                   "Relevant evidence" means evidence having any  
3 tendency to make the existence of any fact that is of  
4 consequence to the determination of the action more or less  
5 probable than it would be without the evidence. NRS 48.015.  
6 Pasgove v. State, 98 Nev. 434 at 436 (1982). Evidence which is  
7 not relevant is not admissible. NRS 48.025.

8                   Even if this Court determines certain evidence  
9 offered by the State to be relevant, evidence is not admissible  
10 if its probative value is substantially outweighed by the  
11 danger of unfair prejudice, of confusion of the issues or of  
12 misleading the jury. NRS 48.035.

13                  Based upon a review of the discovery and an  
14 investigation into the facts of this case, Mr. VOSS will object  
15 to the testimony of the following witnesses: Claudette Andrews,  
16 Dave Boyd, Leon Marhanka, Tim Sturdavant, Teri Villaverde,  
17 Kelly Whitesell and Vernon Woodard. Their testimony is not  
18 relevant to any issue in this case. Absent some substantial  
19 connection between their testimony and the State's theory of  
20 the case, this Court should exclude the evidence.  
21 NRS 48.025(2); Abram v. State, 95 Nev. 352 (1979).

22                  Mr. VOSS will also object to the testimony of the  
23 following witnesses: Barbara Jacobsen, Sophia Pantoja, Ed Park,  
24 Joyce Pea, Edward Prouse, Clay Robinson and Linda Weeks. Their  
25 testimony consists of hearsay statements of the victim and is  
26 otherwise not relevant to any issue in this case.

1 In addition, any probative value that these 14  
2 witnesses may have at this trial will be substantially  
3 outweighed by the danger of unfair prejudice, of confusion of  
4 the issues or of misleading the jury. NRS 48.035.

5 Thus, Mr. VOSS requests that the State make an offer  
6 of proof to this Court of the relevancy of their testimony  
7 prior to presenting the witness (and his or her name) before  
8 the jury.

9 7. MOTION IN LIMINE RE: PRIOR BAD ACTS

10 Evidence of other crimes, wrongs or acts is not  
11 admissible to prove the character of a person in order to show  
12 that he acted in conformity therewith. NRS 48.045. It may,  
13 however, be admissible for other purposes.

14 Before evidence of a prior or subsequent bad act can  
15 be admitted, the State must show, by plain, clear and  
16 convincing evidence that the defendant committed the offense.  
17 Kimberly v. State, 104 Nev. 336 (1988).

18 The proper procedure is as follows: 1) the State must  
19 raise the issue of a collateral offense at a hearing outside  
20 the presence of the jury; 2) the State must present its reasons  
21 why the collateral offense is admissible pursuant to NRS  
22 48.045(2); 3) the State must apprise the trial judge of the  
23 quantum and quality of its evidence proving that the defendant  
24 committed the prior or subsequent offense; and 4) the trial  
25 judge must weigh the probative value of the proffered evidence

26 ///

1 against its prejudicial effect. Petrocelli v. State, 101 Nev.  
2 46 (1985).

3 The fourth element, balancing the probative value  
4 against the prejudicial effect, requires this Court to make a  
5 specific ruling or finding that the probative value outweighs  
6 the prejudicial impact of such evidence. Cirillo v. State,  
7 96 Nev. 489 (1980). The reason for the rule is to prevent  
8 improper consideration by the jury of matters not charged in  
9 the information or indictment. As the Court in Nester v.  
10 State, 75 Nev. 41 (1959), observed regarding the trial judge's  
11 discretion to exclude otherwise relevant evidence if the  
12 prejudicial effect outweighs its probative value:

13 [t]he trial judge should be recognized to have a  
14 discretion to decide whether the probative weight of  
15 the evidence outweighs its mere prejudice. ... he  
16 should be allowed to say...whether it is the peg of  
17 relevance or the dirty linen hung thereon, upon which  
18 the jury is going to concentrate; and if in his  
19 opinion, the peg is so small and the linen so bulky  
20 and dirty that a jury will never see the peg, but  
21 merely yield to indignation at the dirt, he should be  
22 allowed to exclude it. Nester, supra, at 55 (citation  
23 omitted).

24 Evidence of uncharged misconduct "should be received  
25 with extreme caution, and if its relevancy is not clear, the  
26 evidence should be excluded." McMichael v. State, 94 Nev. 184  
at 190 (1978); Shults v. State, 96 Nev. 742 (1980). The Nevada  
Supreme Court in Shults, supra, held:

Evidence of other crimes committed by a  
criminal defendant is generally excluded due  
to its highly prejudicial effect. A  
defendant should not have to defend against  
charges for which he is not on trial.

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Supreme Court in Shults, supra, held:

Evidence of other crimes committed by a  
criminal defendant is generally excluded due  
to its highly prejudicial effect. A  
defendant should not have to defend against  
charges for which he is not on trial.

1           The admission of uncharged evidence exposes a  
2 defendant to the risk that the jury will be diverted from the  
3 charge at hand and will convict on an improper basis. Nester,  
4 supra. Admission of improper prior bad act evidence is  
5 reversible error. Armstrong v. State, 110 Nev. 1322 (1994).

6           Thus, Mr. VOSS requests that the State disclose any  
7 uncharged collateral or prior bad acts which it intends to  
8 introduce during the trial and that a hearing pursuant to  
9 Petrocelli be held prior to the trial.

10           8. MOTION IN LIMINE RE: PRIOR CONVICTIONS

11           For the purpose of attacking the credibility of a  
12 witness, evidence that he has been convicted of a crime is  
13 admissible but only if the crime was punishable by death or  
14 imprisonment for more than 1 year under the law under which he  
15 was convicted. NRS 50.095(1).

16           In addition, there can be only one irrefutable  
17 documentation of the conviction and that is from the  
18 exemplified copy of the judgment. Boley v. State, 85 Nev. 466  
19 at 470 (1969). See also NRS 176.105; Miller v. Hayes, 95 Nev.  
20 927 (1979) [Judgment of conviction must be signed by a judge];  
21 Fairman v. State, 83 Nev. 287 (1967) [A verdict of a jury is  
22 not a judgment of the court nor is it the final determination];  
23 Revuelta v. State, 86 Nev. 224 (1970) [Failure to include the  
24 penal sentence in the written judgment rendered it incompetent  
25 at the time it was offered in evidence].

26       ///

1           Thus, the State must have exemplified copies of  
2 convictions to offer into evidence. Further, in order to  
3 introduce any prior convictions, the State must comply with NRS  
4 50.095. If not, the this Court should preclude from  
5 introduction into evidence any reference, either direct or  
6 indirect, to any felony or other criminal conviction of Mr.  
7 VOSS.

8           9. MOTION TO BE PERMITTED TO PRESENT INSTRUCTIONS TO  
9 JURY ON DEFENSE THEORY OF CASE IF ANY EVIDENCE

10           Mr. VOSS requests that he be allowed to present jury  
11 instructions on his theory of the case so long as there is some  
12 evidence, no matter how weak or incredible, to support it. Earl  
13 v. State, 111 Nev.Adv.Op. 148 (1995); McCraney v. State, 110  
14 Nev. 250 (1994); Harris v. State, 106 Nev. 667 (1990). It is  
15 reversible error not to instruct the jury as to a defendant's  
16 theory of the case unless substantially covered by other  
17 instructions. Earl v. State, supra; Harris v. State, supra.

18           10. MOTION TO PRECLUDE COMMENT UPON OR REFERENCE TO  
19 MATTERS PRIVILEGED BY LAW

20           Mr. VOSS requests that this Court preclude reference  
21 by the State or its witnesses to his fifth amendment privilege  
22 or to his decision not to testify. Nev. Const. Art. 1, sec. 8;  
23 Harkness v. State, 107 Nev. 800 (1991).

24           11. MOTION IN LIMINE TO PRECLUDE INVASION OF THE  
25 PROVINCE OF THE JURY REGARDING CREDIBILITY OF  
26 WITNESSES

          In Townsend v. State, 103 Nev. 113 (1987), the Nevada  
Supreme Court ruled:

1 "it is generally inappropriate for either a  
2 prosecution or defense expert to directly  
3 characterize a putative victim's testimony as  
4 being truthful or false."

5 The Court reasoned that such testimony invades "the  
6 prerogative of the jury to make unassisted factual  
7 determinations where expert testimony is unnecessary."

8 12. MOTION FOR RULE OF EXCLUSION

9 Mr. VOSS requests pursuant to NRS 50.155 that this  
10 Court enter an order excluding all potential witnesses from the  
11 courtroom until called to testify. See also Givens v. State,  
12 99 Nev. 50 (1983).

13 CONCLUSION

14 Mr. VOSS respectfully requests the preceding motions  
15 be granted based upon the authority given and pleadings and  
16 papers on file in this case.

17 DATED this 25<sup>th</sup> day of September, 1996.

18 MICHAEL R. SPECCHIO  
19 Washoe County Public Defender

20 By Cotter C. Conway  
21 COTTER C. CONWAY  
22 Deputy Public Defender  
23  
24  
25  
26



FILED

Case No. CR96-1581

Dept. No. 3

'96 OCT -2 P2:45



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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

vs.

OPPOSITION TO MOTION  
IN LIMINE

STEVEN FLOYD VOSS,


\_\_\_\_\_  
Defendant./

COMES NOW the State of Nevada by and through RICHARD A. GAMMICK, District Attorney of Washoe County, and EGAN WALKER, Deputy District Attorney, and opposes the Defendant's first Motion in Limine filed on September 25, 1996.

This Opposition is based upon the attached Points and Authorities and all of the papers and pleadings on file with the Court to date.

DATED this 2<sup>ND</sup> day of October, 1996.

RICHARD A. GAMMICK  
District Attorney

By:   
EGAN WALKER  
Deputy District Attorney

POINTS AND AUTHORITIESFACTS

The evidence in this case will show that Beverly Baxter was last seen on June 13, 1996, in the presence of the Defendant. When interviewed about her disappearance, the defendant claims he received a five thousand dollar "loan" from Beverly Baxter that same day which was to be used to buy a mobile home. He claims the "loan" was accomplished by delivery of a personal check in the amount of five thousand dollars drawn by Ms. Baxter on her own account, on which she deliberately left the payee line blank. According to the defendant, he then signed his own name to the payee portion of that check and attempted to negotiate it at two different branches of Ms. Baxter's bank the next day. The defendant told at least one bank official he needed the funds because Baxter was repaying a loan she had received from him. He, nonetheless, later told detectives he needed the money for a down payment on a mobile home.

The evidence will further show that the defendant had previously deposited a five thousand and twenty-six dollar check, (the "settlement" check), which he endorsed with the signature "B A Baxter," into Ms. Baxter's account on June 12, 1996. That check was issued the month before to Ms. Baxter and represented the proceeds of a forced sale of her personal property which had been stored at a storage unit business in California.

Every one of Ms. Baxter's friends, family, and coworkers will testify that her stated intention, even as late as the night before her disappearance, was to never deposit or

1 negotiate that check because she feared that act would be seen as  
2 an accord and satisfaction of her claim against the storage  
3 company which auctioned her property.

4 At least one co-worker and friend, Linda Weeks, recalls  
5 that Baxter mentioned authoring a check which the defendant was  
6 to use in order to retain an attorney. She recalls that  
7 conversation took place at approximately 2:30 p.m. on June 12,  
8 1996. Another friend, Gary Plank, will testify that as late as  
9 9:00 p.m. on the same day, Baxter indicated that she and the  
10 defendant were going to meet an attorney, that evening, that the  
11 defendant had contacted on Baxter's behalf regarding the  
12 settlement check.

#### 13 ARGUMENT

#### 14 I. HEARSAY TESTIMONY ABOUT BEVERLY BAXTER'S INTENT REGARDING A 15 SETTLEMENT CHECK FALLS WITHIN A FIRMLY ROOTED EXCEPTION TO 16 THE HEARSAY RULE AND DOES NOT VIOLATE THE CONFRONTATION 17 CLAUSE

18 It is well established in American Jurisprudence that  
19 declarations of intent by unavailable witnesses to prove their  
20 action or non-action in conformity with their stated intent are  
21 admissible at trial. Mutual Life Insurance Co. v. Hillmon, 145  
22 U.S. 285 (1892).

23 The Hillmon doctrine has been frequently applied in the  
24 criminal arena in cases where the intent of an unavailable victim  
25 is a relevant issue in the case. The Court of Appeals for the  
26 Ninth Circuit has instructed in such cases, that where a hearsay  
27 declarant is not present for cross-examination at trial, the  
28 Confrontation Clause of the sixth amendment usually requires a

1 showing that the declarant is unavailable for trial. See  
2 Terrovona v. Kincheloe, 852 F.2d 424 (C.A.9 (Wash.) 1988), citing  
3 ( Ohio v. Roberts, 448 U.S. 56, 66, (1980). If that showing is  
4 made, the unavailable declarant's statement is admissible when it  
5 bears "indicia of reliability." United States v. Miller, 830  
6 F.2d 1073, 1077 (9th Cir.1987), cert. denied --- U.S. ---, 108  
7 S.Ct. 1592 (1988). Reliability can be inferred without more in a  
8 case where the evidence falls within a firmly rooted hearsay  
9 exception." Roberts, 448 U.S. at 66.

10 When evidence falls within a "firmly rooted" exception  
11 to the hearsay rule, the declarant is unavailable, and the  
12 performance or non-performance of a particular act is a relevant  
13 issue in a case, therefore, hearsay can be admitted to show an  
14 individual's stated intention (state of mind) to perform or not  
15 perform that act. United States v. Pheaster, 544 F.2d 353, 376  
16 (9th Cir.1976), cert. denied 429 U.S. 1099 (1977).

17 In Nevada, the doctrine discussed above has been  
18 recognized and applied in criminal cases through NRS 51.105. In  
19 order for the "state of mind" exception to the hearsay rule to  
20 apply in Nevada, the declarant's state of mind must be a relevant  
21 issue, the relevance must be weighed against the prejudice to the  
22 defendant, and a proper limiting instruction must be given to the  
23 jury about their ability to use the evidence. Shults v. State,  
24 96 Nev. 742 (1980).

25 The issue of Ms. Baxter's intent vis-a-vis the  
26 "settlement" check is central to this case. If, as the  
27 defendant maintains, she intended to deposit the settlement check  
28

1 and loan him five thousand dollars, he committed no crime. If,  
2 however, Baxter had no such intention, then the defendant's  
3 assertions about her intentions must be false, and the intent to  
4 defraud necessary for the bulk of the criminal charges lodged in  
5 this case is present.

6           Statements Baxter made to her friends, co-workers and  
7 relatives, in close proximity to her disappearance, that she had  
8 no intention of cashing the "settlement" check, are clearly  
9 relevant to refute the defendant's "explanation" and to prove up  
10 the necessary intent to defraud. For example, at least one co-  
11 worker and friend recalls that Baxter told her at 2:30 p.m. on  
12 June 12, 1996, that the defendant had requested that she provide  
13 him with a check which was to be used as a retainer for an  
14 attorney the defendant had contacted on behalf of Baxter in  
15 California. If believed, that intent directly refutes the  
16 defendant's claims.

17           All of Ms. Baxter's actions and all of her out of court  
18 statements about her intent, therefore, are contrary to the  
19 assertions of the defendant. They are all probative on the issue  
20 of the lawfulness of the defendant's actions, which is a central  
21 issue in the case. They are also prejudicial only to the extent  
22 that they tend to show his guilt, as opposed to inflaming the  
23 passions of the jury or reflecting negatively on the defendant's  
24 character.

25           The defendant's motion in limine should be denied as to  
26 paragraph 1, consequently. Likewise, the defendant's argument in  
27 paragraph 6 of his Motion to Suppress is largely a reiteration of

1 the argument in paragraph 1, and it, too, should be denied.

2 The remainder of the defendant's arguments are either  
3 premature, or simply restate the rules of evidence or theories of  
4 law which control in every criminal case. The State does not  
5 offer argument or opposition to those assertions at this time,  
6 therefore, but reserves the right to do so when they may become  
7 an issue in the case or for the Court.

8 CONCLUSION

9 Hearsay statements attributable to Beverly Baxter are  
10 relevant to issue of her intent with regard to the use and/or  
11 non-use of a large settlement check which the defendant  
12 effectively attempted to cash. She is unavailable, her  
13 statements are relevant, their relevance outweighs any  
14 prejudicial effect, and they are probative to a central issue in  
15 the case.

16 For all of the reasons stated above, therefore, the  
17 State respectfully requests that the defendant's Motion in Limine  
18 be denied as to paragraphs 1 and 6, and that the remainder of the  
19 legal assertions be decided on their merits when the are ripe for  
20 consideration.

21 DATED this 2nd day of October, 1996.

22 RICHARD A. GAMMICK  
23 District Attorney

24  
25  
26 By:   
27 EGAN WALKER  
28 Deputy District Attorney

FILED

1 Case No. CR96-1581

2 Dept. No. 3

OCT 04 1996

JUDICIAL  
By: *[Signature]*  
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
THE HONORABLE DEBORAH AGOSTI, DISTRICT JUDGE

--oOo--

11	STATE OF NEVADA,	)	TRANSCRIPT OF PROCEEDINGS
		)	
12	Plaintiff,	)	MOTION TO CONTINUE TRIAL
		)	
13	vs.	)	
		)	
14	STEVEN FLOYD VOSS,	)	September 3rd, 1996
		)	
15	Defendant.	)	Reno, Nevada
		)	

## APPEARANCES:

17 For the Plaintiff: ELLIOTT SATTLER  
Deputy District Attorney  
18 Washoe County Courthouse  
Reno, Nevada

19 For the Defendant: MAIZIE PUSICH  
20 Deputy Public Defender  
195 South Sierra  
21 Reno, Nevada

22 The Defendant: STEVEN FLOYD VOSS

23 Reported by: STEPHANIE KOETTING, CSR #207, CP, RPR  
24 Computer-Aided Transcription

ORIGINAL

1           RENO, NEVADA, Tuesday, September 3rd, 1996, 8:45 a.m.

2                               --oOo--

3  
4           THE COURT:   State versus Steven Floyd Voss.

5           Mr. Voss is present in court with Miss Pusich.

6           And Mr. Sattler is here for the State.

7           As I understand it, this matter was continued by way of  
8 stipulation. I don't think I have the stipulation in the file,  
9 but my office went ahead and calendared it for this morning,  
10 because the stipulation did not reflect the defendant's  
11 personal waiver of speedy trial rights that might exist, if the  
12 case were continued. Is that correct?

13          MS. PUSICH:   That's my understanding, your Honor. It's Mr.  
14 Conway's case. Unfortunately, because he thought the paper  
15 work has been properly completed, he's finishing a federal  
16 court case he had from private practice, so I told your office  
17 this morning that I would help Mr. Voss. My understanding is a  
18 significant amount of discovery was provided to Mr. Conway last  
19 week. Because of that, Mr. Walker asked Mr. Conway if this  
20 matter could be continued. I have spoken to Mr. Voss, and he  
21 would ask that it be set on the next available trial date.

22          THE COURT:   Mr. Voss, you have the right to a speedy trial  
23 in addition to a right to be tried within 60 days of your  
24 arraignment. Your arraignment was on July 19th and you did not



1 waive your right to be tried within 60 days. So we set this  
2 for September 3rd. Your lawyer, I assume, has discussed with  
3 you the necessity for a continuance to review the discovery  
4 that has been provided by the State. Have you in fact had a  
5 discussion with your lawyer about that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Do you agree with this continuance?

8 THE DEFENDANT: Yes. Yes, ma'am.

9 THE COURT: Do you give up your right to be tried within 60  
10 days of July 19th in order to get the continuance?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you give up your right to a speedy trial  
13 insofar as it might be affected by this continuance?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Okay.

16 THE DEFENDANT: I would ask the next possible date.

17 THE COURT: Sure. I'm not going to trick you into any  
18 three- or four-month continuance. That's not what anyone has  
19 in mind. I'll set it for October the 7th at 9:00 a.m..

20 How many days? Do you have any idea?

21 MS. PUSICH: I have some idea, because although the case is  
22 charged as a theft-related, it's also being investigated as a  
23 crime of violence, and I believe will be four days because of  
24 that.

1 THE COURT: I know it's not your case anymore than it is  
2 Miss Pusich's. Mr. Sattler, do you share that view?

3 MR. SATTLER: I'm looking through Mr. Walker's file. It  
4 looks like as recently as August 16th, he endorsed six or seven  
5 additional witnesses in addition to whoever is on the  
6 information. So that sounds about right.

7 THE COURT: That will be the order.

8 MS. PUSICH: Are you setting a motion to confirm?

9 THE COURT: Thank you. I appreciate that. Yes, I will.  
10 We'll set a motion to confirm on September 24th at 8:45.

11 MS. PUSICH: Thank you, your Honor. There will probably be  
12 motions. I know Mr. Voss wants his custody status addressed  
13 and I believe the discovery gave rise to some motions, but  
14 we'll calendar those separately.

15 --oOo--  
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1 STATE OF NEVADA       )  
                              ) ss.  
2 County of Washoe     )

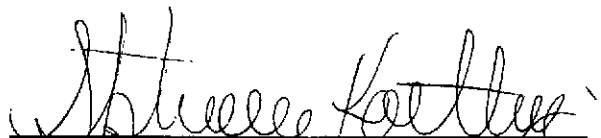
3           I, STEPHANIE KOETTING, a Certified Shorthand Reporter  
4 of the Second Judicial District Court of the State of Nevada,  
5 in and for the County of Washoe, do hereby certify;

6           That I was present in Department No. 3 of the  
7 above-entitled Court on Tuesday, September 3rd, 1996, at the  
8 hour of 8:45 a.m., and took verbatim stenotype notes of the  
9 proceedings had upon the motion to continue in the matter of  
10 THE STATE OF NEVADA, Plaintiff, vs. STEVEN FLOYD VOSS,  
11 Defendant, Case No. CR96-1581, and thereafter, by means of  
12 computer aided transcription, transcribed them into typewriting  
13 as herein appears;

14           That the foregoing transcript, consisting of pages 1  
15 through 5, both inclusive, contains a full, true and complete  
16 transcript of my said stenotype notes, and is a full, true and  
17 correct record of the proceedings had at said time and place.

18           DATED: At Reno, Nevada, this 2nd day of October, 1996.

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STEPHANIE KOETTING, CSR #207

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Case No. CR96-1581  
Dept. No. 3

OCT 04 1996

JUDICIAL CLERK  
By: *[Signature]*  
DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
THE HONORABLE DEBORAH AGOSTI, DISTRICT JUDGE

--oOo--

STATE OF NEVADA,	)	TRANSCRIPT OF PROCEEDINGS
	)	
Plaintiff,	)	ARRAIGNMENT
	)	
vs.	)	
	)	
STEVEN FLOYD VOSS,	)	July 19th, 1996
	)	
Defendant.	)	Reno, Nevada
	)	

APPEARANCES:

For the Plaintiff: EGAN WALKER  
Deputy District Attorney  
Washoe County Courthouse  
Reno, Nevada

For the Defendant: COTTER CONWAY  
Deputy Public Defender  
195 South Sierra  
Reno, Nevada

The Defendant: STEVEN FLOYD VOSS

Reported by: STEPHANIE KOETTING, CSR #207, CP, RPR  
Computer-Aided Transcription

ORIGINAL

CR96-1581  
STATE VS. STEVEN FLOYD VOSS  
District Court  
Washoe County  
DC-9900026626-026  
7 Pages  
10/04/1996 02:45 PM  
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1           RENO, NEVADA, Friday, July 19th, 1996, 8:45 a.m.

2                               --oOo--

3  
4           THE COURT:   State versus Steven Floyd Voss.

5           Mr. Voss is present with his attorney Mr. Conway.

6           Mr. Walker is here for the State.

7           This is an arraignment on an information filed July 16,  
8   charging Mr. Voss in Count One with Burglary, a felony; Counts  
9   Two and Three, Uttering A Forged Instrument, each felonies;  
10   Counts Four and Five, each counst of Forgery, felonies; and  
11   Count Six, Attempted Theft, a felony.

12          Mr. Conway, I'll provide you and your client with a copy of  
13   that document.

14          Mr. Voss, please look at that document at line 12 and tell  
15   me if it is your true and correct name and if it is correctly  
16   spelled.

17          THE DEFENDANT:   Yes, your Honor.

18          THE COURT:   I'll advise you if that is not your true and  
19   correct name and if no further corrections or additions are  
20   made at this time, all further proceedings will be against you  
21   in that name. The record should reflect Mr. Voss' appearance  
22   in custody. Mr. Conway?

23          MR. CONWAY:   Thank you, your Honor. Your Honor, the record  
24   should reflect that we have received a copy of the information.

1 Mr. Voss is familiar with the contents of the information and  
2 would waive a formal reading at this time. It is his desire to  
3 enter a plea of not guilty to all counts and ask that a trial  
4 be set within 60 days.

5 THE COURT: Mr. Voss, do you understand everything your  
6 attorney said?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Do you understand the charges, there are six  
9 felony charges, against you in the information of July 16?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Do you give up your right to have me read these  
12 charges to you in open court?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: To Count One, Burglary, a felony, how do you  
15 plead?

16 THE DEFENDANT: Not guilty.

17 THE COURT: Count Two, Uttering A Forged Instrument, a  
18 felony, how do you plead?

19 THE DEFENDANT: Not guilty.

20 THE COURT: Count Three, Uttering A Forged Instrument, a  
21 felony, how do you plead?

22 THE DEFENDANT: Not guilty.

23 THE COURT: Count Four, Forgery, a felony, how do you  
24 plead?

1 THE DEFENDANT: Not guilty.

2 THE COURT: Count Five, Forgery, a felony, how do you  
3 plead?

4 THE DEFENDANT: Not guilty.

5 THE COURT: And Count Six, Attempted Theft, a felony, how  
6 do you plead?

7 THE DEFENDANT: Not guilty.

8 THE COURT: We'll set this matter for trial. Has your  
9 attorney explained to you that you may require a trial within  
10 60 days?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you wish to have that right?

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: We'll set it for September 3rd at 9:00 a.m..  
15 And we'll set the motion to confirm for August 6th at 8:45.

16 MR. CONWAY: Your Honor, two quick matters. At this time,  
17 because of the short set, we have not received a copy of the  
18 preliminary hearing transcript. We do intend to file a writ of  
19 habeas corpus in this case. And if we do not receive that in  
20 time, it may cause some trouble to get it within 21 days. I  
21 want to put the Court on notice. In addition, I would like the  
22 record to reflect that I am supplying Mr. Walker with a  
23 stipulation and order regarding discovery. Nothing further,  
24 your Honor.

1 THE COURT: Will counsel please approach the bench very  
2 briefly?

3 (Discussion at the bench.)

4 MR. WALKER: Your Honor, at this time, I'd like to state on  
5 the record the preliminary hearing in this matter was conducted  
6 this last Monday. Consequently, I am quite certain that Mr.  
7 Conway will not receive a copy of the preliminary hearing  
8 transcript in the required time on -- at this time, I  
9 affirmatively waive on the record any objection as to the  
10 timeliness of the filing of any writ, because of that issue. I  
11 would prefer that the Court be able to decide any issues to be  
12 raised in the writ on the merits of the writ as opposed to  
13 raising any procedural objection thereto.

14 THE COURT: And as we discussed at the bench, the fact that  
15 the transcript is not available and the fact that Mr. Conway  
16 will need time to review the transcript and time to write his  
17 opening points and authorities in support of the petition for a  
18 writ of habeas corpus, by the time the State exercises its  
19 option for adequate time to respond, we may be past the 60  
20 days. I also have an intervening vacation. I hope, Mr.  
21 Conway, you explain to your client his trial date might be  
22 delayed if he wants to pursue the writ. Under the law, when  
23 you file a writ, you waive your right to trial within 60 days.  
24 I don't want your client to have an unrealistic expectation



1 with the transcript unavailable there's any way to get the writ  
2 hearing heard and decided prior to the 60 days -- prior to the  
3 trial in September 3rd, because that's not that far away.

4 MR. CONWAY: I understand that, your Honor, and we  
5 discussed this yesterday.

6 THE COURT: Thank you. And we'll leave the dates pending  
7 now on August 6th. If the writ hasn't been filed and opposed  
8 by that date, we can have an adjustment of the trial date. It  
9 wouldn't be a lengthy adjustment, Mr. Voss. You don't need to  
10 think that it's going into January or March or something like  
11 that.

12 MR. CONWAY: Thank you, your Honor.

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1 STATE OF NEVADA       )  
2 County of Washoe     ) ss.

3 I, STEPHANIE KOETTING, a Certified Shorthand Reporter  
4 of the Second Judicial District Court of the State of Nevada,  
5 in and for the County of Washoe, do hereby certify;

6 That I was present in Department No. 3 of the  
7 above-entitled Court on Friday, July 19th, 1996, at the hour of  
8 8:45 a.m., and took verbatim stenotype notes of the proceedings  
9 had upon the arraignment in the matter of THE STATE OF NEVADA,  
10 Plaintiff, vs. STEVEN FLOYD VOSS, Defendant, Case No.  
11 CR96-1581, and thereafter, by means of computer aided  
12 transcription, transcribed them into typewriting as herein  
13 appears;

14 That the foregoing transcript, consisting of pages 1  
15 through 7, both inclusive, contains a full, true and complete  
16 transcript of my said stenotype notes, and is a full, true and  
17 correct record of the proceedings had at said time and place.

18 DATED: At Reno, Nevada, this 1st day of October, 1996.

19  
20  
21   
22 STEPHANIE KOETTING, CSR #207  
23  
24

FILED

10-10-96

JUDY BAILEY, Clerk

By

Deputy Clerk

CR96-1581  
STATE VS STEVEN FLOYD VOSS  
District Court  
Washoe County  
10/10/1996 09:21 AM  
1890  
JME

We have one juror who cannot decide on several counts in that that juror has an unclear understanding of the law in regards to "intent to defraud" and all attempts to clarify have failed. The instructions given are still unclear to no avail. Please advise how to proceed.

10-10-96 Kelly P. Ackert-Stoddard

We're looking for further definitions to give you when we have agreed upon them. It will take a little time to get this for you. Continue your deliberations.

10-10-96

James H. Stone

Count 2 -

"INTENT TO DEFRAUD" -

IS THAT SOLELY BASED ON THE  
BELIEF THAT THE CHECK WAS SIGNED  
BY SOMEONE OTHER THAN BEVERLY  
BAXTER -

OR -

IS INTENT TO DEFRAUD THAT THE MONEY  
WAS INTENDED FOR SOMETHING OTHER  
THAN TO BE DEPOSITED INTO BEVERLY  
BAXTER'S ACCOUNT?

10-10-96 Holly P. McKint-Stockland

Please refer to instruction #23.  
While instruction 23 refers to  
the existence an intent to defraud  
as an essential element of the  
crime of forging an intent to  
defraud is also an essential

element of the crime of Uttering  
a forged instrument. The instruction  
applies to both.

Also, refer to instruction  
#17 for the essential elements  
of Count 2

10-10-96

James A. Stone

FILED

10-10-96 1:30 PM

JUDI BAILEY, Clerk

By J. E. Smith  
Deputy Clerk

1 Case No. CR96-1581

2 Dept. No. 10

3

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

V E R D I C T

11 STEVEN FLOYD VOSS,

12 Defendant.

13

14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the  
16 defendant, STEVEN FLOYD VOSS, GUILTY of COUNT VI: ATTEMPTED  
17 THEFT.

18 DATED this 10 day of October, 19 96.

19

20 Wally P. Schmitt-Stoddard  
FOREPERSON

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CR96-1581  
STATE VS. STEVEN FLOYD VOSS ( 1 Page  
District Court 10/10/1996 01 30 PM  
Washoe County 4245

FILED

10-10-96 1:30 PM

JUDI BAILEY, Clerk

By

*J. E. [Signature]*

Deputy Clerk

1 Case No. CR96-1581

2 Dept. No. 10

3

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

11 STEVEN FLOYD VOSS,

12 Defendant.

13

14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the  
16 defendant, STEVEN FLOYD VOSS, GUILTY of COUNT V: FORGERY.

17 DATED this 10 day of October, 19 96.

18

19 Holly P. Schmitt-Stoddard  
20 FOREPERSON

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CR96-1581  
DC-9900026626-030  
STATE VS. STEVEN FLOYD VOSS ( 1 Page  
District Court 10/10/1996 01:30 PM  
Washoe County 4245

FILED

10-10-96 1:30 PM  
JUDY BAILEY, ClerkBy [Signature]  
Deputy Clerk

1 Case No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

V E R D I C T

STEVEN FLOYD VOSS,

Defendant.

We, the jury in the above-entitled matter, find the  
defendant, STEVEN FLOYD VOSS, GUILTY of COUNT IV: FORGERY.

DATED this 10 day of October, 1996.

Molly P. Ackert Stoddard  
FOREPERSON

CR96-1581  
STATE VS STEVEN FLOYD VOSS ( 1 Page  
District Court 10/10/1996 01:30 PM  
4245  
Washoe County



FILED

10-10-96 1:30 PM  
JUDI BAILEY, ClerkBy E. J. [Signature]  
Deputy Clerk

1 Case No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

11 STEVEN FLOYD VOSS,

12 Defendant.

13  
14 \_\_\_\_\_/  
15 We, the jury in the above-entitled matter, find the  
16 defendant, STEVEN FLOYD VOSS, GUILTY of COUNT III: UTTERING A  
17 FORGED INSTRUMENT.

18 DATED this 10 day of October, 1996.  
19

20 Abby P. Achard - Stoddard  
21 FOREPERSON  
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CR96-1581  
STATE VS STEVEN FLOYD VOSS (1 Page)  
District Court 10/10/1996 01:30 PM  
Washoe County  
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FILED

10-10-96 1:30 PM  
JUDI BAILEY, ClerkBy J. E. [Signature]  
Deputy Clerk

1 Case No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

STEVEN FLOYD VOSS,

Defendant.

\_\_\_\_\_/

We, the jury in the above-entitled matter, find the  
defendant, STEVEN FLOYD VOSS, GUILTY of COUNT II: UTTERING A  
FORGED INSTRUMENT.

DATED this 10 day of October, 19 96.

Wally P. Stoddard  
FOREPERSON

DC-9900026626-033  
STATE VS STEVEN FLOYD VOSS ( 1 Page  
District Court 10/10/1996 01 30 PM/J  
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Washoe County

FILED

10-10-96 1:30 PM  
JUDI BAILEY, ClerkBy [Signature]  
Deputy Clerk

1 Case No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

VERDICT

STEVEN FLOYD VOSS,

Defendant.

We, the jury in the above-entitled matter, find the  
defendant, STEVEN FLOYD VOSS, GUILTY of COUNT I: BURGLARY.

DATED this 10 day of October, 19 96.

[Signature]  
FOREPERSON

DC-990026626-034  
CR96-1581 STEVEN FLOYD VOSS (1 Page  
STATE VS District Court 10/10/1996 01 30 PM  
Washoe County 42453  
JUDIC

**FILED**10-10-96  
RONALDA A. LONGTIN, JR., ClerkBy [Signature]  
Deputy Clerk

1 No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

UNUSED VERDICT

11 STEVEN FLOYD VOSS,

12 Defendant.

13

14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the

16 defendant, STEVEN FLOYD VOSS, NOT GUILTY of COUNT I: BURGLARY.

17 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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CR96-1581  
STATE VS. STEVEN FLOYD VOSS ( 1 Page  
District Court 10/10/1996 01:30 PM  
Washoe County 4235

**FILED**10-10-96  
RONALDA LONGTIN, JR., ClerkBy Shirley  
Deputy Clerk

1 No. CR96-1581

2 Dept. No. 10

3

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

11 STEVEN FLOYD VOSS,

12 Defendant.

VERDICT

UNUSED

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14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the

16 defendant, STEVEN FLOYD VOSS, NOT GUILTY of COUNT VI: ATTEMPTED

17 THEFT.

18 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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CR96-1581 DC-9900026626-036  
STATE VS STEVEN FLOYD VOSS ( 1 Page  
District Court 10/10/1996 01 30 PM  
Washoe County 4235  
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FILED

10-10-96  
RONALD A. LONGTIN, JR., ClerkBy Shince  
Deputy Clerk

1 No. CR96-1581

2 Dept. No. 10

3

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

11 v.

UNUSED

VERDICT

12 STEVEN FLOYD VOSS,

13 Defendant.

14 \_\_\_\_\_/

15 We, the jury in the above entitled matter, find the

16 defendant, STEVEN FLOYD VOSS, NOT GUILTY of COUNT V: FORGERY.

17 DATED this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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CR96-1581  
STATE VS. STEVEN FLOYD VOSS (1 Page)  
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Washoe County 4235

FILED

10-13-96  
RONALD A. LONGTIN, JR., ClerkBy Shice  
Deputy Clerk

1 No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

UNUSED

VERDICT

11 STEVEN FLOYD VOSS,

12 Defendant.

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14 \_\_\_\_\_/  
15 We, the jury in the above-entitled matter, find the  
16 defendant, STEVEN FLOYD VOSS, NOT GUILTY of COUNT III: UTTERING  
17 A FORGED INSTRUMENT.

18 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
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CR96-1581 DC-9900026626-038  
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**FILED**10-10-96  
RONALTA LONGTIN, JR., ClerkBy Quince  
Deputy Clerk

1 No. CR96-1581

2 Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

**UNUSED** VERDICT

11 STEVEN FLOYD VOSS,

12 Defendant.

13

14 \_\_\_\_\_/

15 We, the jury in the above-entitled matter, find the

16 defendant, STEVEN FLOYD VOSS, NOT GUILTY of COUNT IV: FORGERY.

17 DATED this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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**FILED**  
 10-10-96  
 RONALD A. LONGTIN, JR., Clerk  
*[Signature]*  
 Deputy Clerk

No. CR96-1581

Dept. No. 10

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

UNUSED

VERDICT

STEVEN FLOYD VOSS,

Defendant.

We, the jury in the above-entitled matter, find the  
 defendant, STEVEN FLOYD VOSS, NOT GUILTY of COUNT II: UTTERING A  
 FORGED INSTRUMENT.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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 FOREPERSON

CR96-1581  
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