

**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 10 OF 15**

**POST DOCUMENTS**

**APPELLANT**

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**RESPONDENT**

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FILED

2000 MARCH 9

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

BY

DEPUTY

STEVEN FLOYD VOSS,

Petitioner,

VS.

THE STATE OF NEVADA,

Respondent,

CASE NO.

DEPARTMENT NO.

DOCKET NO.

PETITION FOR WRIT OF HABEAS  
CORPUS

(Post-Conviction)

CR96P1581A  
DC-9900026664-030  
POST STEVEN FLOYD VOSS (D 23 Pages  
District Court 03/09/2000 01:47 PM  
Washoe County 3585

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty? ; LOVELOCK CORRECTIONAL CENTER, COUNTY OF PERSHING, NEVADA.
2. Name and location of the court which entered the Judgment under attack? ; THE SECOND JUDICIAL DISTRICT COURT IN AND FOR THE COUNTY OF WASHOE, AT RENO NEVADA.
3. Date Judgment of conviction Imposed? ; NOVEMBER 27, 1996
4. Case number? : CR 96-1581
5. Lenth of sentence? : (SIX CONSECUTIVE COUNTS) COUNT ONE 120 MONTHS, COUNT TWO 48 MONTHS, COUNT THREE 48 MONTHS, COUNT FOUR 48 MONTHS, COUNT FIVE 48 MONTHS AND COUNT SIX 48 MONTHS.
6. Are you presently serving a sentence for a conviction other than that under attack in this Petition? : If "YES", List crime, case number and sentence being served at this time; CASE NUMEER CR97-2077 COUNT ONE MURDER WITH THE USE OF A DEADLY WEAPON. COUNT TWO KIDNAPPING IN

1 THE FIRST DEGREE.

2 7. Nature of offenses involved in convictions being Challenged?  
3 : COUNT ONE BURGLARY, COUNTS TWO AND THREE UTTERING A FORGED  
4 INSTRUMENT, COUNTS FOUR AND FIVE FORGERY, COUNT SIX ATTEMPTED  
5 THEFT.

6 8. What was your Plea?: NOT GUILTY

7 9. NOT APPLICABLE

8 10. If you were found Guilty after a Plea of not Guilty, the finding  
9 was made by?: JURY

10 11. Did you testify at trial? NO

11 12. Did you appeal from the Judgment of conviction? YES

12 13. If you did appeal, answer the following;

13 (A) Name of the court: THE SUPREME COURT OF THE STATE OF NEVADA

14 (B) Case Number or Citation: NO. 29783

15 (C) Result: ORDER DISMISSING APPEAL

16 (D) Date of Result: MARCH, 11, 1999

17 14. NOT APPLICABLE

18 15. Other than a direct appeal from the Judgment of conviction  
19 and sentence, have you previously filed any petitions,  
20 applications or motions with respect to this Judgment in any  
21 court, state or Federal?; YES

22 16. If your answer to No. 15 was "YES", give the following in-  
23 formation:

24 (A) (1) Name of Court: SECOND JUDICIAL DISTRICT COURT OF THE  
25 STATE OF NEVADA.

26 (2) Nature of Proceedings: MOTION FOR A JUDGMENT OF ACQUITT  
27 -AL OR A NEW TRIAL

1

2

(3) Grounds raised: INSUFFICIENT EVIDENCE TO SUPPORT GUILTY  
VERDICTS BEYOND A REASONABLE DOUBT, IMPROPER JUROR CON-  
DUCT.

3

4

5

(4) Did you receive an evidentiary hearing on your petition,  
Application or motion? : YES

6

7

(5) Result; MOTION DENIED

8

(6) Date of result : NOVEMBER, 27, 1996

9

(7) If known, Citations of any written opinion or date of  
orders entered pursuant to such result; NONE

10

11

(B). As to any second petition, application or motion, give the  
same information;

12

13

(1) Name of court; SECOND JUDICIAL DISTRICT COURT OF THE  
STATE OF NEVADA.

14

15

(2) Grounds raised; COUNT SIX ATTEMPTED THEFT MUST BE DIS-  
MISSED, IT IS NECESSARILY INCLUDED IN COUNT THREE UTTER-  
RING A FORGED INSTRUMENT.

16

17

18

(3) Nature of proceeding: MOTION TO DISMISS

19

(4) Did you receive an evidentiary hearing on your petition  
application or motion; YES

20

21

(5) Result: MOTION DENIED

22

(6) Date of result: NOVEMBER, 27, 1996.

23

(7) If known, citations of any written opinion or date of  
orders entered pursuant to such result: NONE

24

25

(C). As to any third petition, application or motion give the  
same information;

26

27

28

(1) Name of court: SECOUND JUDICIAL DISTRICT COURT OF NEVADA.

(2) Nature of proceeding: MOTION TO SET ASIDE VERDICT.

(3) Grounds raised: THE STATE FAILED TO DISCLOSE MATERIAL EXCULPITORY EVIDENCE.

(4) Did you receive an evidentiary hearing on your petition, application or motion; YES

(5) Result; NON-CONCLUSIVE (INCOMPLETE).

(6) Date of Result; NONE

(7) If known, Citations of any written opinion or date of orders entered pursuant to such result: THIS MOTION WAS HEARD MAY,21,1998 BY THE HONORABLE DEBORAH AGOSTI, SHE ELECTED TO EVALUATE THE TESTOMONY OF EDWARD ANTHONY VILARDI DURING THE TRIAL OF CR97-2077 DUE TO TIME CONSTRAINTS AND HIS EXPECTED TESTOMONY DURING THAT TRIAL. THEN TO RENDER HER DECISSION AFTER HEARING THAT TESTOMONY, HOWEVER TO MY KNOWLEDGE NO DECISSION HAS EVER BEEN RENDERED IN REGARDS TO THIS MOTION.

(D). Did you appeal to the highest state or federal court having Jurisdiction, the result or action taken on any petition, application or motion?:

(1) First petition, application or motion?: YES

(2) Second petition, application or motion?: YES

(3) Third petition, application or motion?: NO

(E). If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: IN REGARDS TO THE THIRD MOTION FILED, MOTION TO SET ASIDE VERDICT, THE APPOINTED COUNCIL REPRESENTING ME

1 FAILED TO FOLLOW UP ON MY REPEATED REQUESTS FOR  
2 INFORMATION IN THIS MATTER.AS WELL AS TO ADDRESS THE COURT  
3 WITH MY CONCERNS AS TO ITS APPARENT OVERSIGHT IN RESPONDING  
4 TO THIS MOTION.

5 17. Has any ground being raised in this petition been previous-  
6 ly presented to this or any other court by way of petition  
7 for habeas corpus, motion, application or any other post-  
8 conviction proceeding? If so, Identify:

9 (A) Which of the grounds is the same?; THE STATE FAILED TO  
10 DISCLOSE MATERIAL EXCULPITORY EVIDENCE.

11 (B) Name the proceeding in which these grounds were raised:  
12 MOTION TO SET ASIDE VERDICT, MAY,21,1998 IN THE SECOND  
13 JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA AT RENO,  
14 NEVADA.

15 (C) Explain why you are again raising these grounds: THE  
16 PRESIDING JUDGE FAILED TO MAKE A DECISSION IN REGARDS  
17 TO MY MOTION.

18 (18). If any of the grounds listed in NO.23 (a), (b), (c), (d),  
19 (e) and (f) were not previously presented in any other  
20 court, state or federal. List what grounds were not so  
21 presented, and give your reasons for not presenting them.  
22 Ground Two; THE DEFENDANT WAS EXPOSED TO JURORS IN PRISON  
23 GARB. IN MANICLE RESTRAINTS OR PHYSICAL RESTRAINT BY  
24 SHERRIFF DEPUTIES AND COURT BAILIFF ON AT LEAST TWO  
25 OCCASIONS.

26 Ground Three; JURY MEMBERS WERE ALLOWED TO HEAR COMMENTS  
27 BETWEEN COURT BAILIFF AS TO THE DEFENDANTS IN CUSTODY  
28 STATUS.

1       Ground Four; THE SECOND JUDICIAL DISTRICT COURT OF THE  
2       STATE OF NEVADA. ERRORED WHEN IT FAILED TO REACH A DECIS-  
3       ION, IN REGARD TO A MOTION TO SET ASIDE VERDICT. AND  
4       SHOULD NOW BE HELD IN DEFAULT OF SAID MOTION.

5       Ground Five; APOINTED COUNCIL WAS INEFFECTIVE AND INCOM-  
6       PETENT.

7       Ground Six; THE SENTENCING COURT ERRORED, AND VIOLATED THE  
8       DEFENDANTS INDEPENDENT STATE AND FEDERAL CONSTITUTIONAL  
9       GUARANTEES TO DUE PROCESS OF LAW, WHEN IT IMPOSED SENTENCE  
10      BASED IN PART ON ALLEGATIONS, OF A MURDER THE DEFENDANT  
11      HAD NOT BEEN TRIED FOR.

12      Ground Seven; SHERRIFFS INVESTIGATORS NEGLECTED TO GIVE WARNINGS,  
13      CONCERNING THE DEFENDANTS CONSTITUTIONAL PRIVLEDGE AGAINST  
14      SELF INCRIMINATION AND TO HIS RIGHT TO LEGAL COUNCIL AS A PRE-  
15      REQUISITE, TO POLICE DOMINATED INTERRIGATIONS, VIOLATING THE  
16      DEFENDANTS RIGHTS UNDER THE FIFTH AND SIXTH AMENDMENTS. AND THERE  
17      FORE ALL DEFENDANT STATEMENTS INCLUDING, WRITEN STATEMENTS,  
18      RECORDED AUDIO STATEMENTS, RECORDED VIDEO STATEMENTS, AND ANY  
19      OTHER STATEMENT BY DEFENDANT TO POLICE. SHOULD HAVE BEEN EXCLUDED  
20      AT TRIAL.

21      GROUND. TWO, THREE, FOUR, FIVE, SIX AND SEVEN WERE NOT A MATTER  
22      OF COURT RECORD IN CR96-1581 AND AS SUCH COULD NOT BE INCLUDED  
23      IN DIRECT APPEAL.

24  
25  
26      (19). Not Applicable

1  
2 20. Do you have any petition or appeal now pending in any court,  
3 state or federal, as to the Judgement under attack?: NO

4 21. Give the name of each attorney who represented you in the  
5 proceedings resulting in your conviction and on direct  
6 appeal: COTTER C. CONWAY, MARY LOU WILSON, JENNIFER LUNT.

7 22. Do you have any future sentences to serve after you complete  
8 the sentence imposed by the Judgement under attack?: YES

9 23. State concisely every ground on which you claim you are be-  
10 ing held unlawfully.

11 (A) Ground One: THE STATE FAILED TO DISCLOSE MATERIAL  
12 EXCULPITORY EVIDENCE, THE VALUE OF WHICH WOULD HAVE CLEARLY  
13 PLAYED A SIGNIFICANT ROLE TO THE DEFENCE OF THESE CHARGES,  
14 AND THE VALUE OF WHICH WAS KNOWN BY THE STATE BEFORE TRIAL.  
15 Supporting Facts: THE STATE HAD KNOWLEDGE OF AN ESSENCIAL  
16 DEFENCE WITNESS EDWARD ANTHONY VILARDI FROM A SECRET WITNESS  
17 REPORT DATED JUNE, 19, 1996 THEN FAILED TO DISCLOSE THIS INFOR  
18 -MATION TO THE DEFENCE BEFORE TRIAL IN OCTOBER, OF 1996. IN  
19 FACT THE DEFENCE WAS NOT MADE AWARE OF THE EXISTANCE OF THIS  
20 WITNESS UNTIL DECEMBER, 23, 1997. WELL OVER ONE YEAR AFTER  
21 THE TRIAL OF CR96-1581 EVEN THOUGH DURING THE ARRAINMENT  
22 PROCEEDING FOR THAT CASE ON JULY, 19, 1996 THE HONORABLE  
23 DEBORAH AGOSTI ORDERED THAT FULL DISCOVERY TAKE PLACE  
24 PURSUANT TO TRIAL COUNCIL'S STIPULATION, BY WITHOLDING THE  
25 EXISTANCE OF THIS ESSENCIAL WITNESS, THE STATE COLLECTIVLY  
26 AND ADVERSLY AFFECTED THE OUTCOME OF THE TRIAL. AND SEVERELY  
27 INFLUENSED SENTENCING.  
28



1 (B) Ground Two; THE DEFENDANT WAS EXPOSED TO JURORS IN PRISON  
2 GARB, IN MANICLE RESTRAINTS OR PHYSICAL RESTRAINT BY SHERRIFF  
3 DEPUTIES AND COURT BAILIFF ON ATLEAST TWO OCCASIONS.

4 Supporting Facts: THE FIRST INCIDENT TOOK PLACE ON OCTOBER, 7  
5 1996. I WAS TRANSPORTED TO THE NEVADA SECOND JUDICIAL  
6 DISTRICT COURTHOUSE IN RENO, NEVADA. FROM THE WASHOE COUNTY  
7 JAIL, 911 PARR BLVD. RENO, BY WASHOE COUNTY SHERRIFF DEPUTIES  
8 FOR THE PURPOSE OF TRIAL, UPON ARRIVAL AT THE COURTHOUSE  
9 MYSELF AND APPROXIMATELY TEN OTHER PRISONERS WERE ESCORTED  
10 FROM THE SHERRIFFS TRANSPORT VAN PARKED ON THE STREET, IN  
11 JAIL CLOTHING AND FULL RESTRAINTS PAST BYSTANDERS. INCLUDING  
12 THEN PROSPECTIVE JURORS OUTSIDE AT THAT TIME SMOKING CIGARE-  
13 TTS. THEN INTO THE COURTHOUSE LOBBY AREA. THEN ORDERED TO  
14 STAND WITH OUR FACES TO THE WALL, WHILE DEPUTIES ATTEMPTED TO  
15 COMMANDEER AN ELEVATOR TO BRING US UPSTAIRS. THIS IN DIRECT  
16 VEIW AND EARSHOT OF PROSPECTIVE JURORS, NOW ENTERING THE  
17 COURTHOUSE, AND THOSE STANDING IN THE AREA OF THE ELEVATORS.  
18 LATTER THAT MORNING DURING JURY SELECTION, I POINTED OUT THE  
19 PROSPECTIVE JURORS THAT HAD SEEN ME EARLYER. HOWEVER APPOIN-  
20 TED COUNCIL COTTER CONWAY TOOK NO ACTION TO BRING THIS TO  
21 TH ATTENTION OF THE TRIAL JUDGE. RESULTING IN ATLEAST ONE OF  
22 THE JURORS SELECTED FOR TRIAL TO SEE ME IN PRISON GARB AND  
23 FULL RESTRAINTS. AS WELL AS HEAR THE VERBAL COMMANDS OF THE  
24 SHERRIFF DEPUTIES, AND TO HEAR AND TO SEE PRISONER RESPONCES  
25 TO THOSE COMMANDS, AND IN ANOTHER INCIDENT ON OCTOBER, 9, 1996  
26 AT APPROXIMATELY 12:30PM WHILE THE COURT WAS AT RECESS FOR  
27 LUNCH AND WHILE THE BAILIFF, DEPUTY GARY CLIFFORD ESCORTED  
28 ME FROM THE COURTROOM TO THE LOCKUP ON THAT SAME FLOOR.

1 AND WHILE THE JURY WAS SUPPOSED TO BE SECURED IN THE JURY ROOM.  
2 DEPUTY CLIFFORD FIRST CONFERED WITH ANOTHER BAILIFF WHO WAS  
3 TO TAKE CHARGE OF SECURING THE JURY IN THE JURY ROOM.HE THEN  
4 LOOKED OUT THE DOOR INTO THE HALLWAY. HE THEN ESCORTED ME OUT  
5 OF THE COURTROOM,AND WALKED ALONGSIDE ME DOWN THE HALLWAY TOWARD  
6 THE LOCKUP AREA. AS WE APPROACHED THE AREA NEAR THE PUBLIC  
7 TELEPHONES IN THAT SAME HALLWAY. DEPUTY CLIFFORD AND MYSELF WERE  
8 APPROACHED BY ANOTHER DEPUTY.WHO WAS CARRYING THE KEYS FOR THE  
9 LOCKUP , THIS DEPUTY ASKED DEPUTY CLIFFORD IF HE WAS READY TO  
10 GO TO LUNCH, BECOULDS IF HE WAS THEN, HE WOULD PLACE ME IN LOCK-  
11 UP AND FEED ME. DEPUTY CLIFFORD REPLIED THAT HE WOULD LOCK ME  
12 UP AND THAT MY LUNCH WAS IN A BAG ON THE DESK, AND HIS LUNCH WAS  
13 ON THE WAY. DEPUTY CLIFFORD THEN TOOK HOLD OF MY ARM TO ESCORT  
14 ME THE REST OF THE WAY DOWN THE HALL,AT THAT TIME I SAW A MALE  
15 JUROR WHO WAS ON THE TELEPHONE JUST A FEW FEET AWAY. HE WAS  
16 LOOKING DIRECTLY AT THE TWO DEPUTIES AND MYSELF,I INFORMED  
17 DEPUTY CLIFFORD OF THE JUROR ON THE TELEPHONE AND OF THE FACT  
18 THE JUROR SAW HIM RESTRAINING ME AND THAT HE CERTAINLY HEARD  
19 THE CONVERSATION BETWEEN THE TWO DEPUTIES.HE CONTINUED DOWN  
20 THE HALLWAY HOLDING MY ARM UNTILL HE PLACED ME IN THE LOCKUP.  
21 THEN AT APPROXIMATLY 1:30 PM AS COURT WAS TO BE RECONVEINED  
22 I NOTIFIED MY APOINTED COUNCIL COTTER CONWAY WHO AGAIN REFUSED  
23 TO BRING THIS TO THE ATTENTION OF THE TRIAL JUDGE. IT SHOULD  
24 BE NOTED THAT ON OCTOBER,7,1996 THE HONORABLE JAMES A.STONE  
25 GRANTED THE FOLLOWING DEFENCE MOTIONS IN LIMNE. MOTION THAT  
26 DEFENDANT NOT BE EXPOSED TO JURORS IN PRISON GARB. AND MOTION  
27 TO PRECLUDE REFERENCE TO IN CUSTORY STATUS.  
28

1 (C)Ground Three: JURY MEMBERS WERE ALLOWED TO HEAR COMMENTS  
2 BETWEEN COURT BAILIFFS OR SHERRIFF DEPUTIES. AS TO THE  
3 DEFENDANTS IN CUSTODY STATUS.

4 Supporting Facts: ( SAME AS GROUNDS TWO ).

5 (D)Ground Four: THE SECOND JUDICIAL DISTRICT COURT OF THE STATE  
6 OF NEVADA. ERRORED WHEN IT FAILED TO REACH A DECISSION. IN  
7 REGARD TO A MOTION TO SET ASIDE VERDICT, AND SHOULD NOW BE  
8 HELD IN DEFAULT OF SAID MOTION.

9 Supporting Facts: ON APRIL,30,1998 A MOTION TO SET ASIDE VER-  
10 DICT, WAS FILED WITH THE CLERK OF THE SECOND JUDICIAL DISTRICT  
11 COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF WASHOE  
12 LOCATED IN RENO NEVADA. IN BEHALF OF STEVEN FLOYD VOSS BY AND  
13 THROUGH THE WASHOE COUNTY PUBLIC DEFENDERS OFFICE, THE BASIS OF  
14 THIS MOTION LIED STRONGLY ON THE FACT THAT A WITNESS EDWARD,  
15 ANTHONY VILARDI HAD CALLED SECRET WITNESS ON JUNE 19,1996  
16 REPORTING TO HAVE CONTACT WITH A THEN,MISSING PERSON BEVERLY  
17 ANN BAXTER,THE ALLEGED VICTOM IN THIS CASE,AT ABOUT 10:30 PM,  
18 SITTING WITH A MAN IN A PICKUP TRUCK THAT WAS CLEARLY DIFFERENT,  
19 FROM THE PICKUP TRUCK BELONGING TO STEVEN VOSS. AND TWELVE HOURS  
20 OR SO AFTER THE TIME THE PROSICUTION CLAIMED THAT MISS BAXTER  
21 HAD BEEN SEEN FOR THE LAST TIME, AT A GAS STATION IN THE TRUCK  
22 BELONGING TO STEVEN VOSS, THE HONORABLE DCBORAH AGOSTI HEARD  
23 THE MOTION ON MAY 21,1998 DURING PROCEEDINGS TO CONFIRM A TRIAL  
24 DATE. THE JUDGE DETERMINED THAT IN ORDER TO REACH A DECISSION,  
25 IT WOULD BE NECESSARY TO HEAR TESTOMONY FROM THE WITNESS EDWARD  
26 VILARDI.HOWEVER DUE TO THE DOCKET AND THE APPROACHING TRIAL DATE  
27 OF CR97-2077 THE JUDGE CHOSE TO EVALUATE THE WITNESS AS HE TEST-  
28 IFIED IN THE UPCOMING CASE. EDWARD VILARDI DID TESTIFIE DURING

1 THOSE PROCEEDINGS, HOWEVER JUDGE DEBARA AGOSTI NEVER MADE THE  
2 EXPECTED FINNAL DECISION IN REGARDS TO THE MOTION.

3 (E) Ground Five: APPOINTED COUNCIL WAS INEFFECTIVE AND INCOMPETENT  
4 IN REPRESENTING THE DEFENCE

5 Supporting Facts: SINCE HIS APPOINTMENT AS COUNCIL FOR THE  
6 DEFENCE COTTER C. CONWAY WAS EVASIVE, IRRESPONSIBLE AND DISHONEST  
7 HE WOULD CONTINUALY FAIL TO ARRIVE AT SCHEDULED MEETINGS WITH  
8 ME TO DISCUSS THE CASE. AND ON THE OCCASSION HE WOULD ARRIVE HE  
9 WOULD QUICKLY END THE MEETING WITH EXCUSSES AND FALSE PROMISES.  
10 HE DENIED ME ANY INPUT INTO MY DEFENCE. THEN REFUSED ME ANY  
11 EXPLANATION OF HOW HE INTENDED TO APPROACH MY DEFENCE, HE FAILED  
12 TO INVESTIGATE SUSPECTS AND TO LOCATE AND INTERVEIW WITNESSES.  
13 WHILE CONTINUALY TELLING ME HE WAS WORKING ON IT. APPOINTED  
14 COUNCIL COTTER C. CONWAY REFUSED TO REPORT THE FIRST INCIDENT  
15 OF INPROPER JUROR CONTACT WITH ME TO THE TRIAL JUDGE THE  
16 HONORABLE JUDGE JAMES A. STONE ON OCTOBER 7, 1996. THEN THAT SAME  
17 MORNING AT APPROXIMATLY 9:00 AM COTTER CONWAY WAIVED MY APPEAR-  
18 ANCE TO BE PRESENT AT A HEARING ON DEFENCE MOTIONS IN LIMINE  
19 THIS BOLD AND CALLOUS MOVE BY COUNCIL WAS DONE JUST MINITES  
20 AFTER I SPECIFICLY REQUESTED TO BE PRESENT DURING THOSE PRO-  
21 CEEDING. PARTLY BECOULDS HE CLAIMED HE DID NOT HAVE TIME TO LET  
22 ME READ THE MOTIONS BEFORHAND. AND EVEN AFTER HE HAD AGREED TO SEE  
23 THAT I WAS PRSENT AT THAT HEARING. AT THE TIME OF THAT HEARING  
24 I WAS ALLREADY IN THE COURT HOUSE AND DRESSED FOR COURT . I WAS  
25 IN THE LOCKUP ON THAT VERY SAME FLOOR. WHEN I ASKED WHY I WAS NOT  
26 PRESENT, COTTER CONWAY LIED WHEN HE TOLD ME THAT THE JUDGE WAS  
27 IN A HURRY AND WOULD NOT ALLOW ME TO BE PRESENT. A MISREPRESENT-  
28 TATION THAT IS CLEARLY POINTED OUT IN THE TRIAL TRANSCRIPTS.

1 (F). Ground Six : THE SENTENCING COURT ERRORED, AND VIOLATED  
2 THE DEFENDANTS INDEPENDENT STATE AND FEDERAL CONSTITU-  
3 TIONAL GUARANTEES TO DUE PROCESS OF LAW. WHEN IT IMPOSED  
4 SENTENCE BASED IN PART ON ALLEGATIONS, OF A MURDER THE  
5 DEFENDANT HAD NOT BEEN TRIED FOR.

6 Supporting Facts : PRIOR TO SENTENCING ON NOVEMBER 27, 1996  
7 THE SENTENCING JUDGE THE HONORABLE JAMES A. STONE MADE  
8 THE FOLLOWING INAPPROPRIATE COMMENTS DIRECTLY BEFORE  
9 SENTENCING. "WE ARE ALL ADULTS HERE! MISS BAXTER WILL NOT  
10 BE FOUND ALIVE! MR. VOSS YOU ARE A MENACE, A MENACE TO  
11 SOCIETY AND A MENACE TO THE COMMUNITY! THEREFORE I SENT-  
12 ENCE YOU AS FOLLOWS!" THE JUDGE THEN IMPOSED THE MAXIMUM  
13 ALLOWABLE SENTENCE FOR EACH COUNT, WITH EACH COUNT TO BE  
14 SERVED CONSECUTIVE TO THE NEXT.

15  
16 (G) Ground Seven; SHERRIFFS INVESTIGATORS NEGLECTED TO GIVE WARN-  
17 INGS, CONCERNING DEFENDANTS CONSTITUTIONAL PRIVLEDGE AGAINST  
18 SELF INCRIMINATION, AND TO HIS RIGHT TO LEGAL COUNCIL. AS A  
19 PREREQUISITE TO POLICE DOMINATED INTERRIGATIONS. VIOLATING THE  
20 DEFENDANTS RIGHTS UNDER THE FIFTH AND SIXTH AMENDMENTS. THERE-  
21 FORE ALL DEFENDANT STATEMENTS, INCLUDING WRITEN STATEMENTS,  
22 RECORDED AUDIO STATEMENTS, RECORDED VIDEO STATEMENTS, AND ANY  
23 OTHER STATEMENTS BY OR FROM DEFENDANT TO POLICE. SHOULD HAVE BEEN  
24 EXCLUDED AT TRIAL.

1 Supporting Facts: ON MULTIPLE OCCASIONS THE DEFENDANT STEVEN  
2 FLOYD VOSS WAS QUESTIONED BY DEPUTIES OF THE WASHOE COUNTY,  
3 NEVADA SHERRIFFS DEPARTMENT.

4 THE FIRST INCIDENT: TOOK PLACE ON JUNE 14, 1996 STARTING AT APPR-  
5 OXIMATELY 4:30PM. IN THE LOBBY AREA OF THE SPARKS, NEVADA BRANCH  
6 OF THE CALIFORNIA FEDERAL BANK. WHILE MR VOSS WAS SPEEKING WITH  
7 MS. YVONNE KLINE. THE OPERATIONS MANAGER FOR THE BANK, MR VOSS  
8 WAS APPROACHED BY DETECTIVE STACEY HILL. THE DETECTIVE IMMEDIATLY  
9 ORDERED MR. VOSS TO SIT DOWN. HE THEN BEGAN QUESTIONING MR. VOSS  
10 WITHOUT ADMONISHMENT OF HIS RIGHTS. SHORTLY THEREAFTER DETECTIVE  
11 DALE PAPAS ALSO APPROACHED MR. VOSS. FIRST REQUESTING TO SEE HIS  
12 IDENTIFICATION. AND THEN A \$5,000.00 CHECK DRAWN ON THE CHECKING  
13 ACCOUNT OF BEVERLY ANN BAXTER. MR. VOSS COMPLIED WITH THOSE  
14 REQUEST. THEN BOTH DETECTIVES STEPED AWAY TO TALK PRIVATLY. WHEN  
15 THEY HAD FINNISHED THEIR CONVERSATION. DETECTIVE HILL ADDRESSED  
16 A QUESTION TO MR. VOSS AND THEN BEFORE HE COULD ANSWER, DETECTIVE  
17 PAPAS THEN ASKED A DIFFERENT QUESTION OF MR. VOSS. THE TWO DETEC-  
18 TIVES CONTINUED TO ALTERNATLY ASK QUESTIONS. WITHOUT ALLOWING  
19 MR. VOSS TO ANSWER ANY OF THEIR QUESTIONS. THIS DOUBLE TEAMING  
20 APPROACH WENT ON FOR SEVERAL MINITES. AND WAS OBVIOUSLY INTTENDED  
21 TO HARASS, CONFUSE, OR TO INTIMIDATE MR. VOSS. NEXT DETECTIVE  
22 HILL PLACED A BLANK STATEMENT FORM IN FRONT OF MR. VOSS THEN  
23 DEMANDED HE MAKE A WRITEN STATEMENT. DETECTIVE PAPAS SIGNALLED  
24 TO DEPUTY GAZES, STANDING AT THE LOBBY ENTRANCE TO COME OVER.  
25 DETECTIVE PAPAS INSTRUCTED DEPUTY GAZES TO DETAIN MR. VOSS, UNTILL  
26 HE RETURNED. AS MR. VOSS ATTEMPTED TO WRITE A STATEMENT. DEPUTY  
27 GAZES BEGAN TO QUESTION HIM. AND AS WITH DETECTIVES HILL, AND  
28

1 PAPAS. DEPUTY GAZES ALSO FAILED TO ADMONISH MR. VOSS AS TO HIS  
2 RIGHTS. AFTER SEVERAL MINUTES THE DETECTIVES RETURNED. AND ALL  
3 THREE DEPUTIES NOW INTERRIGATED MR. VOSS. AFTER SOME TIME THE  
4 DETECTIVES LEFT THE BANK, LEAVING DEPUTY GAZES TO DETAIN MR. VOSS  
5 APPOXIMATLY TEN MINUTES OR SO LATTER MR. VOSS COMPLETED THE WRIT-  
6 EN STATEMENT. HE THEN ASKED DEPUTY GAZES "ARE YOU THROUGH WITH  
7 ME". DEPUTY GAZES INFORMED MR. VOSS THAT HE WOULD HAVE TO WAIT  
8 FOR THE DETECTIVES TO RETURN BEFORE HE COULD LEAVE. MR. VOSS AS-  
9 KED IF HE COULD ATLEAST STEP OUTSIDE FOR A CIGARETT. DEPUTY  
10 GAZES RELUCTANTLY AGREED TO ASK THE DETECTIVES. BUT ONLY AFTER  
11 WARNING MR. VOSS TO STAY IN THE CHAIR UNTILL HE RETURNED. DEPUTY  
12 GAZES OBTAINED PERMISSION FROM THE DETECTIVES ALLOWING MR. VOSS  
13 TO STEP OUTSIDE, AND TO RETRIEVE HIS CIGARETTS FROM THE POCKET  
14 OF HIS JACKET, LOCATED INSIDE HIS TRUCK, UNDER THE SUPERVISION  
15 OF DEPUTY GAZES. AT THAT TIME MR. VOSS ASKED DEPUTY GAZES "HOW  
16 LONG ARE YOU GOING TO DETAIN ME HERE". HE RESPONDED "I DONT  
17 KNOW". HE THEN WALKED SEVERAL YARDS TO WHERE THE DETECTIVES WERE  
18 STANDING. DETECTIVE HILL THEN WALKED OVER AND ASKED MR. VOSS  
19 WERE HE NEEDED TO GO. MR. VOSS RESPONDED "THATS NOT THE POINT,  
20 HOW LONG DO YOU INTEND TO DETAIN ME". DETECTIVE HILL STATED HE  
21 WOULD CHECK WITH DETECTIVE PAPAS. WHEN DETECTIVE HILL RETURNED  
22 HE STATED "DETECTIVE PAPAS WOULD LIKE TO SEARCH YOUR TRUCK".  
23 AND ASKED IF MR. VOSS WOULD COMPLIE, MR. VOSS AGREED TO THE  
24 SEARCH. AND DETECTIVE HILL SEARCHED THE VEHICLE FOR SEVERAL  
25 MINUTES OCCASIONALLY STOPING TO ASK MR. VOSS, VARIOUS QUESTIONS  
26 ABOUT ITEMS IN THE CAB OF THE TRUCK. UPON COMPLETION OF THE SEARCH  
27 MR. VOSS ASKED DETECTIVE HILL IF HE WAS NOW FREE TO LEAVE.  
28

1 DETECTIVE HILL STATED THAT "DETECTIVE PAPAS WOULD ALSO LIKE TO  
2 SEARCH YOUR APPARTMENT LOCATED AT 565 SPARKS BLVD." MR. VOSS INF-  
3 ORMED DETECTIVE HILL THAT DUE TO A FIRE HE NO LONGER LIVED AT  
4 THAT ADDERESS. AND THAT HE CURRENTLY WAS LODGING AT THE WESTERN  
5 VILLAGE INN, ROOM NUMBER 135. DETECTIVE HILL ASKED IF HE COULD  
6 SEARCH THAT ROOM MR. VOSS DECLINED THAT REQUEST, DETECTIVE HILL  
7 THEN CONSULTED PRIVATLY WITH DETECTIVE PAPAS. THEN BOTH DETECTIVE  
8 WALKED OVER TO MR. VOSS, WHO AGAIN ASKED IF HE COULD LEAVE. DETE-  
9 CTIVE PAPAS LAUGHED AND SAID "YOU ARE FREE TO GO, YOU HAVE ALWAYS  
10 BEEN FREE TO LEAVE AT ANY TIME". DETECTIVE PAPAS TURNED AND  
11 WALKED AWAY AND DETECTIVE HILL FOLLOWED. WHEN MR. VOSS SAT DOWN  
12 INSIDE HIS TRUCK DETECTIVE PAPAS RETURNED. AND STATED "MR. VOSS  
13 YOU HAVE NO DRIVERS LICENCE". MR. VOSS RESPONDED. "I THINK YOUR  
14 MISTAKEN". DETECTIVE PAPAS STATED "THIS IS THE ONLY FAVOR I AM  
15 GOING TO GIVE YOU" AND RETURNED TO HIS VEHICLE. MR. VOSS THEN  
16 SECURED HIS VEHICLE AND WALKED SEVERAL BLOCKS TO THE WESTERN  
17 VILLAGE INN WITH THE DETECTIVES SHADOWING BEHIND HIM IN THEIR  
18 CAR.

19 THE SECOND INCIDENT: TOOK PLACE LATTER THAT SAME EVENING AT APP-  
20 ROXIMATELY 8;00PM. MR. VOSS AND HIS MOTHER, MARY DUPLIN WERE IN  
21 THEIR ROOM AT THE WESTERN VILLAGE INN. WHEN THERE WAS A KNOCK ON  
22 THE DOOR. MRS. DUPLIN OPENED THE DOOR. THEN TWO PLAIN CLOTHED  
23 DEPUTIES FROM THE WASHOE COUNTY SHERRIFFS DEPARTMENT. PUSHED  
24 PAST HER AND ENTERED THE ROOM UNINVITED. THEY IDENTIFIED THEM  
25 SELVES AS DETECTIVES LARRY CANFIELD AND JOHN YARYAN. THEY WERE  
26 ACOMPANIED BY A THIRD OFFICER IN A BLUE UNIFORM (POSBLY  
27 SPARKS POLICE) HE NEVER IDENTIFIED HIMSELF AND HE LEFT AFTER A  
28 FEW MINITES. DETECTIVE YARYAN STATED "ARE YOU STEVEN FLOYD VOSS"



1 MR. VOSS RESPONDED "YES". DETECTIVE YARYAN THEN STATED "I HAVE  
2 SOME QUESTIONS TO ASK YOU" HE CONTINUED TO SAY THAT HE WAS IN-  
3 VESTIGATING A REPORT OF A MISSING PERSON. NAMED BEVERLY ANN  
4 BAXTER HE THEN STATED "MR. VOSS YOUR NAME KEEPS COMMING UP".  
5 AS WITH THE PREVIOUS DEPUTIES DETECTIVES CANFIELD AND YARYAN  
6 ALSO FAILED TO ADMONISH MR. VOSS AS TO HIS RIGHTS, BEFORE THEY  
7 BEGAN QUESTIONING. AFTER A FEW MINITES OR SO DETECTIVE YARYAN  
8 STATED "YOU KNOW IT DOES'NT LOOK GOOD FOR YOU". AND THEN INCRE-  
9 ACED THE INTENSITY OF THE INTERRIGATION. THE DETECTIVES CONTI-  
10 NUED THEIR QUESTIONING UNTILL APPROXIMATELY 11;30PM. BEFORE LEAV-  
11 ING DETECTIVE CANFIELD ASKED IF HE AND DETECTIVE YARYAN COULD  
12 SEARCH THE ROOM. BOTH MR. VOSS AND MRS. DUPLIN CONCENTED TO THE  
13 SEARCH. THE SEARCH WAS COMPLETED WITHOUT ANYTHING OF ANY CON-  
14 SEQUENCE FOUND. DETECTIVE CANFIELD THEN REQUESTED THAT MR. VOSS  
15 COME TO THE SHERRIFFS STATION AND MAKE A TAPED STATEMENT. MR.  
16 VOSS DECLINED THAT REQUEST, NOTING THE LATE HOUR TO THE DETEC-  
17 TIVES. BOTH OF THE DETECTIVES CONTINUED TO PRESS MR. VOSS FOR A  
18 TAPED STATEMENT UNTILL HE FINNALLY AGREED TO MEET THEM THE NEXT  
19 DAY. AND ONLY AT THAT TIME 11;55PM DID THE DETECTIVES LEAVE THE  
20 ROOM.

21 THE THIRD INCIDENT TOOK PLACE AT APPROXIMATLY 12;00PM ON JUNE  
22 15,1996. MR. VOSS ARRIVED AS AGREED WITH MRS. DUPLIN AND WERE  
23 ESCORTED UPSTAIRS TO THE DETECTIVE DIVISION LOBBY. AT THIS TIME  
24 DETECTIVES CANFIELD AND YARYAN SAID THEY WOULD INTERVIEW MRS.  
25 DUPLIN FIRST. MR. VOSS STATED THAT HE WOULD LIKE TO BE PRESENT  
26 DURRING THAT INTERVIEW. THE DETECTIVES REPLIED THAT NORMALLY  
27 THEY LIKE TO DO INTERVIEWS SEPARATELY. BUT THEN DECIDED MR. VOSS  
28 COULD BE PRESENT IF HE DID NOT INTERFERE WITH THERE QUESTIONING

1 UPON COMPLETION OF MRS. DUPLINS INTERVIEW. THE DETECTIVES THEN  
2 INTERVIEWED MR. VOSS FROM APPROXIMATELY 12:52PM UNTILL APPROXI-  
3 MATELY 4:00PM NEARLY TWENTY MINUTES OF THAT INTERVIEW WAS SPENT  
4 TRYING TO COAX MR. VOSS TO AGREE TO A POLYGRAPH EXAMINATION,  
5 AFTER HE HAD REFUSED TO PARTISIPATE IN SUCH AN EXAM. AND VOICED  
6 HIS GENERAL DISTRUST IN POLYGRAPH EXAMS. IT SHOULD BE NOTED THAT  
7 THIS "INTERVIEW" WAS NO LESS THAN AN INTERRIGATION WITHIN A  
8 POLICE CONTROLLED ENVIRONMENT. AND THE VIDEO TAPE OF THIS INTER-  
9 RIGATION AMOUNTS TO A STAGED PRODUCTION BY POLICE. THE POLICE  
10 WENT TO GREAT MEASURES TO MAKE MR. VOSS AWARE OF AUDIO TAPEING  
11 EVEN USING A HAND HELD RECORDER AND CHANGING THE TAPE AS NECESS-  
12 ARY. HOWEVER THE DETECTIVES MADE NO MENTION OF VIDIO TAPEING BE-  
13 FORE OR AFTER THE INTERRIGATION. IN ADDITION AT NO TIME BEFORE  
14 OR DURING THIS INTERRIGATION. WERE MR. VOSS OR MRS. DUPLIN  
15 ASMONISHED AS TO THEIR RIGHTS. EVEN THOUGH MR. VOSS,THROUGH THE  
16 EYES OF LAW INFORCEMENT WAS CLEARLY A SUSPECT.

17 THE FOURTH INCIDENT: BEGAN IN THE CASSINO AREA OF THE WESTERN  
18 VILLAGE INN ON JUNE 17,1996 AT APPOXIMATELY 6:30PM. MR. VOSS  
19 AND HIS MOTHER MRS. MARY DUPLIN WERE ABOUT TO BE SEATED FOR DIN-  
20 NER, WHEN THEY WERE APPROUCHED BY SEVERAL PLAIN CLOTHES SHERRIFF  
21 DEPUTIES. THE DEPUTIES INFORMED MR. VOSS AND MRS.DUPLIN THAT THEY  
22 WERE EXECUTING A SEARCH WARRANT ON THEIR ROOM. AND THAT THEY MUST  
23 BE PRESENT DURING THAT SEARCH. BOTH MR. VOSS AND MRS. DUPLIN  
24 COMPLIED WITH THAT REQUEST, AND WALKED OUT OF THE CASSINO, ESCOR-  
25 TED BY THE DEPUTIES,AS THEY WALKED ACCROSS THE PARKING LOT WALK-  
26 ING IN THE DIRECTION OF THEIR ROOM,THEY PASSED DETECTIVE CAN-  
27 FIELD STANDING BY A GOLD COLORED SEDAN,DETECTIVE CANFIELD ASKED  
28 IF THEY WOULD LIKE A RIDE TO THEIR ROOM. MR. VOSS,

1 DECLINED THE RIDE STATEING "MY ROOM IS JUST RIGHT OVER THERE"  
2 POINTING IN THE DIRECTION OF THE ROOM. MR. VOSS, MRS. DUPLIN  
3 AND SEVERAL PLAIN CLOTHED DEPUTIES CONTINUED WALKING IN THAT  
4 DIRECTION. AS MR. VOSS APPROACHED THE ENTRANCE TO THE BUILDING  
5 WHERE HIS ROOM WAS LOCATED HE OBSERVED SIX ADDITIONAL PLAIN  
6 CLOTHED OFFICERS, THEN AS HE ENTERED THE BUILDING TWO OF THOSE  
7 OFFICERS PHYSICALLY SIEZED MR. VOSS. AND PLACED HANDCUFFS ON HIS  
8 WRIST. THE OFFICERS RAPIDLY ESCORTED HIM DOWN THE HALLWAY AND  
9 PAST HIS ROOM. WHERE HE COULD SEE A SEARCH WAS ALLREADY UNDER-  
10 WAY. THEN OUT THE REAR ENTRANCE OF THE BULDING . AT THAT TIME  
11 MR. VOSS OBSERVED TOW TRUCKS CONNECTING TO BOTH HIS TRUCK AND  
12 TO MRS. DUPLINS CAR. AT THIS TIME DETECTIVES CANFIELD AND YAR-  
13 YAN ARRIVED IN THE GOLD COLORED SEDAN. AS THEY APPROACHED MR.  
14 VOSS HE ASKED WHY THE VEHICLES WERE BEING TOWED. DETECTIVE  
15 YARYAN RESPONDED STATING THAT THE VEHICLES WERE BEING IMPOUN-  
16 DED FOR SEARCH. MR VOSS THEN ASKED WHEN THE VEHICLES WOULD BE  
17 RETURNED. AT THAT TIME WASHOE COUNTY DEPUTY DISTRICT ATTORNEY  
18 EGAN WALKER STATED "YOU ARE NOT GOING TO GET THEM BACK."  
19 THEN DETECTIVE YARYAN STATED "WE'VE GOT YOU NOW" AND PHYSICALLY  
20 TOOK HOLD OF MR. VOSS'S RIGHT ARM AND ESCORTED HIM TO THE GOLD  
21 SEDAN, AND THEN TO THE WASHOE COUNTY JAIL. ARRIVING AT 7:03PM  
22 ONCE THERE HE WAS ESCORTED INTO THE D.U.I. LAB AREA WHERE  
23 HE WAS DETAINED IN HANDCUFFS FOR APPROXIMATLY FOURTY FIVE  
24 MINITES BEFORE BEING ASKED TO COMPLIE WITH A SEIZURE ORDER  
25 FOR BLOOD, HAIR, AND SALIVA SAMPLES, MR. VOSS THEN ASKED TO SEE  
26 A COPY OF THE ORDER. AND WAS TOLD BY DETECTIVE CANFIELD THAT  
27 HE DID NOT HAVE A COPY. BUT HE WAS SURE MR. VOSS WOULD RECEIVE  
28

1 A COPY LATTER. IT WAS AT THAT TIME MR. VOSS RECIEVED WARNING FROM  
2 INVESTIGATOR CHUCK LOWE THAT HE HAD BETTER COMPLIE, OR THE ORDER  
3 WOULD BE EXECUTED BY FORCE. MR VOSS COMPLIED WITH ALL DEMANDS.  
4 AFTER ALL SAMPLES WERE OBTAINED MR. VOSS WAS DETAINED IN THE D.  
5 U.I. LAB FOR AN ADDITIONAL THIRTY MINITES OR SO. BEFORE DETEC-  
6 TIVES CANFIELD AND YARYAN ESCORTED MR. VOSS TO AN ELEVATOR AND  
7 UPSTAIRS TO A LOBBY AREA. AT THAT TIME MR. VOSS ASKED THE DETEC-  
8 TIVES, WHERE THEY WERE TAKEING HIM . DETECTIVE CANFIELD STATED  
9 "WE ARE FINNISHED WITH YOU". THEN MR. VOSS STATED "THEN I AM  
10 NOT UNDER ARREST". DEPUTY D.A. WALKER STATED "NOT YET" MR. VOSS  
11 STATED "THEN I'M FREE TO GO" AND STARTED WALKING IN THE DIRECTION  
12 OF THE PAY TELEPHONES TO CALL A CAB. AS MR. VOSS STARTED TO PLACE  
13 A CALL. DETECTIVE YARYAN STATED THAT "YOUR MOTHER IS ALLRIGHT  
14 THERE ARE SEVERAL DEPUTIES WITH HER RIGHT NOW" AND TOLD MR. VOSS  
15 THAT HE WOULD DRIVE HIM BACK TO THE WESTERN VILLAGE. AT THAT TIME  
16 BOTH DETECTIVES AND MR. WALKER ESCORED MR. VOSS IN THE DIRECTION  
17 OF THE FRONT DOORS. HOWEVER AS THEY APPROACHED THE MAIN ELEVA-  
18 TORS DETECTIVE YARYAN STOPED AND STATED "MR. VOSS I WOULD LIKE  
19 YOU TO COME UPSTAIRS, THERE ARE SOME THINGS I WOULD LIKE TO CLEAR  
20 UP" MR. VOSS DECLINED STATING "I AM NOT GOING TO TALK TO YOU UN-  
21 TILL I CAN RETAIN AN ATTORNEY AND IF YOU ARE NOT GOING TO GIVE  
22 ME A RIDE, I WILL CALL A CAB" DETECTIVE CANFIELD STATED "THAT WONT  
23 BE NESESSARY WE WILL DRIVE YOU BACK". WITH THAT EVERYBODY WALKED  
24 OUT THE MAIN ENTRANCE AND TO THE GOLD SEDAN NOW PARKED IN THE  
25 FIRE ZONE DIRECTLY IN FRONT OF THE MAIN ENTRANCE. BEFORE MR. VOSS  
26 AND THE OTHERS REACHED TO CAR DETECTIVE YARYAN ENGAGED IN CON-  
27 VERSATION WITH AN UNIDENTIFIED MAN. DETECTIVE YARYAN CONTINUED  
28

1 THIS CONVERSATION FOR SEVERAL MINUTES. MR. VOSS USED THIS TIME  
2 TO SMOKE A CIGARETT. WHEN DETECTIVE YARYAN FINNISHED HIS CON-  
3 VERSATION. HE ADDRESSED MR. VOSS STATING THAT THERE WERE SOME  
4 PROBLEMS RELATIVE TO MR. VOSS'S PREVIEOUS STATEMENT. MR. VOSS  
5 STATED "ARE YOU DRIVING ME BACK OR NOT". DETECTIVE YARYAN STATED  
6 "YES" BUT CONTINUED IN HIS ATTEMPTS TO COAX MR. VOSS BACK INTO  
7 THE BUILDING. DETECTIVE CANFIELD INSTRUCTED MR. VOSS TO SIT IN  
8 THE PASSENGER FRONT SEAT OF THE VEHICLE, AND TO FASTEN HIS SAFETY  
9 BELT. DETECTIVE CANFIELD SAT IN THE DRIVERS SEAT. DETECTIVE YAR-  
10 YAN AND MR. WALKER SAT IN THE REAR SEATS. AS THE CAR WAS STARTED  
11 DETECTIVE YARYAN GOT OUT OF THE CAR. HE OPENED THE FRONT PASSEN-  
12 GER DOOR, AND THEN STATED "NO YOU ARE GOING TO TALK TO ME" MR.  
13 VOSS PROTESTED. STATING "I AM NOT GOING IN THERE VOLUNTARILY" THE  
14 DETECTIVE AND MR. WALKER ESCORTED MR. VOSS BACK INTO THE BUILD-  
15 ING AND UPSTAIRS TO THE DETECTIVE DIVISION. MR. VOSS STATED " I  
16 WANT TO TALK TO AN ATTORNEY FIRST" DEPUTY D.A. WALKER ASKED "DO  
17 YOU HAVE AN ATTORNEY" MR. VOSS REPLIED "I THINK YOU HAVE TO GIVE  
18 ME ONE" DETECTIVE CANFIELD STEPED BETWEEN MR. VOSS AND MR. WALKER  
19 AS MR. VOSS WAS SPEEKING LOUD AND WAS NOTICEABLY ANGERED BY HIS  
20 DETAINMENT, DETECTIVE CANFIELD PULLED MR. VOSS TO THE SIDE  
21 INITIALY TO DISARM THE SITUATION AND THEN TO MANIPULATE MR. VOSS  
22 INTO ANOTHER INTERRIGATION. STATING AMONG OTHER THINGS THAT MR.  
23 VOSS"SHOULD LISTEN TO WHAT DETECTIVE YARYAN HAS TO SAY, AND  
24 THEN YOU WILL BE DRIVEN HOME" ULTIMATELY MR. VOSS AGREED TO COM-  
25 PLIE, AT APPROX 8:30PM. HOWEVER HIS REPEATED REQUEST FOR COUNCIL  
26 WERE NOT MET BEFORE INTERRIGATION. AND HIS COMPLIANCE CAN ONLY  
27 BE VEIWD AS A RESULT OF OFFICIAL OVERBEARING AND COMPULSION,  
28

1 WITHIN A GOVERNMENT CONTROLLED SETTING. MR. VOSS ONLY MADE A PAR-  
2 TIAL WAIVER OF RIGHTS. AFTER BEING DENIED COUNCIL AND WHILE UNDER  
3 UNLAWFULL DETAINMENT. AND WHILE SECURED IN A SMALL INTERRIGATION  
4 ROOM WITH TWO DETECTIVES. IN ADDITION FROM THE TIME MR. VOSS FIRST  
5 REQUESTED COUNCIL, HE NEVER INITIATED ANY CONVERSATION WITH THE  
6 DETECTIVES. DURING THIS INTERRIGATION MR. VOSS COMPLIED FULLY  
7 UNTILL THE DETECTIVES RESORTED TO ACCUSATORY REMARKS. DETECTIVES  
8 STATED THAT "THEY KNEW MISS. BAXTER WAS DEAD AND THAT MR. VOSS  
9 KNEW WHERE SHE COULD BE FOUND." WITH THIS ACCUSATION MR. VOSS  
10 REFUSED TO FURTHER COMPLIE, AND AGAIN REQUESTED TO LEAVE. AS  
11 THIS WAS ON VIDEO TAPE THE DETECTIVES HAD NO CHOICE BUT TO ALLOW  
12 MR. VOSS HIS REQUEST, BUT ONCE MR. VOSS WAS INSIDE THEIR VEHICLE  
13 IN ROUTE BACK TO THE WESTERN VILLAGE. BOTH DETECTIVES CONTINUALY  
14 TRIED TO INITIATE CONVERSATION WITH MR. VOSS. UPON ARRIVAL AT THE  
15 WESTERN VILLAGE MR. VOSS CONTACTED AN ATTORNEY BY TELEPHONE. AFTER  
16 THAT TELEPHONE CALL MR. VOSS ADVISED BOTH DETECTIVE LARRY CANFIE-  
17 LD AND JOHN YARYAN THAT ON THE ADVICE OF COUNCIL HE WOULD NOT BE  
18 ANSWERING ANY FURTHER QUESTIONS. AND EVEN AFTER THAT STATEMENT  
19 BY MR. VOSS. THE DETECTIVES CONTINUED TO CONTACT HIM STATING  
20 "JUST ONE MORE QUESTION!" EACH TIME, MR. VOSS TOLD THE DETECTIVES  
21 THAT IF THEY WISHED TO SPEEK WITH HIM HIS LAWWER WOULD HAVE TO  
22 BE PRESENT. THIS CARRIED NO WIEGHT WITH THE DETECTIVES. AND THEY  
23 CONTINUED TO ASK QUESTIONS. THIS PRACTICE CONTINUED EVERYDAY  
24 UNTILL JUNE, 28, 1996 WHEN MR. VOSS WAS ARRESTED ON THE CHARGES  
25 RELATIVE TO THIS PETITION.

1        IT SHOULD BE FURTHER NOTED THAT THE DEFENDANT HAD  
2        PREVIOUSLY AGREED TO VOLUNTARILY SUBMIT BLOOD, HAIR,  
3        AND SALIVA SAMPLES IF NEEDED. IN FACT THE SAMPLES SEIZED  
4        BY POLICE WERE NEVER EXAMINED. THE SEIZURE ORDER WAS  
5        USED ONLY AS A PLOY TO COMPEL, STATEMENT OR CONFESSION.  
6        BY TRICKING THE THEN SUSPECT INTO A POLICE -- GOVERNMENT  
7        CONTROLLED ENVIRONMENT. FOR THE PURPOSE OF INTERRIGATION  
8        WITH NO HONEST CONCERN FOR THE SUSPECTS CONSTITUTIONAL  
9        RIGHTS.

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14  
15        WHEREFORE, Petitioner prays that the court grant Petitioner  
16        Relief to which he may be entitled in this proceeding

17        EXECUTED at \_\_\_\_\_ On the 3 day of  
18        March, 2000.

19  
20  
21  
22        Petitioner; STEVEN FLOYD VOSS #52094

23        Steven F Voss

24        LOVELOCK CORRECTIONAL CENTER

25        POST OFFICE BOX, 359

26        LOVELOCK, NEVADA 89419  
27  
28

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge except as to those matters stated on information and belief, and as to such matters he believes them to be true.

By; STEVEN FLOYD VOSS #52094

Steven F. Voss  
LOVELOCK CORRECTIONAL CENTER  
POST OFFICE BOX, 359  
LOVELOCK NEVADA 89419

CERTIFICATE OF SERVICE BY MAIL

I STEVEN FLOYD VOSS hereby certify pursuant to N.R.C.P 5(b) that on this 3 day of March, 2000, I mailed a true and correct copy of the foregoing petition for WRIT OF HABEAS CORPUS. Addressed to:

JACKIE CRAWFORD, WARDEN

FRANKIE SUE DEL PAPA,

LOVELOCK CORRECTIONAL CENTER

NEVADA ATTORNEY GENERAL

Post Office Box, 359

100 N. Carson St

Lovelock, Nevada 89419

Carson City Nevada 89701

RICHARD A. GAMMICK

Washoe County, District Attorney

Post Office Box 11130

Reno, Nevada 89520

By: STEVEN FLOYD VOSS #52094

Steven F. Voss  
Lovelock Correctional Center  
Post Office Box 359  
Lovelock Nevada 89419



FILED

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

2000 MAR -9 PM 1:43

AMY HARRIS, CLERK

BY [Signature]  
DEPUTY

STEVEN FLOYD VOSS

Petitioner,

VS.

THE STATE OF NEVADA

Respondent,

Case No. CR96A581ADept NO. D-3MOTION FOR LEAVE TO PROCEED  
IN FORMA PAUPERIS

COMES NOW, The Petitioner, in propria persona, pursuant to NRS 12.015, and respectfully moves this court for an order granting STEVEN FLOYD VOSS Leave to proceed in the above entitled action in forma pauperis without requiring security for the payment of costs of prosecuting this action.

This motion is made and based upon the attached affidavit and certificate of inmate's institutional account.

Respectfully Submitted,

STEVEN FLOYD VOSS #52094Steven F. Voss

Lovelock Correctional Center  
Post Office Box 359  
Lovelock, Nevada 89419

CR96P1581A  
DC-9900026664-031  
POST: STEVEN FLOYD VOSS (D10 1 Page  
District Court 03/09/2000 01:47 PM  
Washoe County 2490  
FILED

FILED

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

2000 MAR 19 PM 1:47  
BY AMANDA ALERK  
DEPUTY

STEVEN FLOYD VOSS

Petitioner,

VS.

THE STATE OF NEVADA

Respondent,

Case NO. CR96P1581A  
Dept NO. D-18

AFFIDAVIT IN SUPPORT OF REQUEST  
TO PROCEED IN FORMA PAUPERIS

I, STEVEN FLOYD VOSS, First being duly sworn, depose and say that I am the Petitioner in the above entitled action; that in support of my motion for leave to proceed in forma Pauperis without being required to prepay fees, costs, or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I am entitled to relief.

I, STEVEN FLOYD VOSS, Do request an attorney to be appointed

I further swear that the responses which I have made to questions and instructions below are true and correct to the best of my knowledge.

1. Are you presently employed? NO

a. If the answer is yes, state the amount of your salary or wages per month, and give the name and address of your employer;

NOT APPLICABLE

b. If the answer is no, state the date of last employment and the amount of salary and wages per month you received;

1995, AMOUNT OF WAGES UNKNOWN.

CR96P1581A DC-9900026664-032  
POST STEVEN FLOYD VOSS (D1 4 Pages  
District Court 03/09/2000 01:47 PM  
Washoe County 1075

1        2. Have you received within the past twelve months any money  
2 from any of the following sources?

3        a. Business, profession or form of self- emploment?: NO

4        b. Rent payment, interest or dividends?: NO

5        c. Pensions, annuities or life insurance payments?: NO

6        d. Gifts or Inheritances?: YES

7        e. Any other sources?: NO

8        If the answer to any of the above is "YES" decribe each  
9 source of money and state the amount received from each during  
10 the past twelve months; CASH GIFTS FROM FAMILY. ESIMATED TOTAL  
11 AMOUNT OF GIFTS COMBINED, APPROXIMATELY 500.00.

12       3. Do you own cash or equivalent prison currency, or do you  
13 have money in a checking or savings account? YES

14       If the answer is "YES" state the total value of the items;  
15 AT TIMES AS A RESULT OF FAMILY GIFTS. I SOMETIMES HAVE AN AMOUNT  
16 OF APPROXIMATELY 50.00 TO 100.00 IN CREDIT TO MY INMATE ACCOUNT  
17 WHICH IS USED FOR MEDICAL COST, HYGEINE ITEMS, ETC.

18       4. Do you own any real estate, stocks, bonds, notes, auto-  
19 mobiles, or other valuable property (excluding ordivary house-  
20 hold furnishings and clothing)? : NO

21       5. List the persons who are dependent upon you for support,  
22 state your relationship to those persons, and indicate how much  
23 you contribute toward their support; NOT APPLICABLE

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1 UNDER THE PENALTY OF PERJURY, pursuant to NRS 208.165, the  
2 above affidavit is true and correct to the best of affiants  
3 personal knowledge.

4 DATED this 3 day of March 2000.

7 By; STEVEN FLOYD VOSS #52094

8 Steven F Voss  
9 Lovelock correctional center  
10 Post Office Box 359  
11 Lovelock, Nevada 89419

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

STEVEN FLOYD VOSS

Petitioner,

VS.

THE STATE OF NEVADA,

Respondent.

Case NO. \_\_\_\_\_

Dept NO. \_\_\_\_\_

CERTIFICATE OF INMATE'S  
INSTITUTIONAL ACCOUNT

I, the undersigned, hereby certify that STEVEN FLOYD VOSS.  
# 52094, Petitioner above named has a balance of \$49.21  
on account to his credit at the Lovelock Correctional Center,  
Lovelock, nevada, where he is presently confined.

I, further certify that the said Petitioner owes Departmen-  
tal Charges in the amount of 0 and that he has no  
securities to his credit according to our records.

DATED this 17<sup>th</sup> day of February 2000.

*Sandra L. Haman*  
Institutional Officer's Signature  
and Title

Submitted by: STEVEN FLOYD VOSS #52094

Signature: *Steven F. Voss*

Date Subitted: March 2, 2000

ROVD IN SER '00FEB17

ORIGINAL

FILED

MAR 21 2000

3:30 pm

AMY HARVEY, CLERK

S. Butcher

3370

CR96P1581A DC-9900026664-033  
 POST STEVEN FLOYD VOSS (D1 3 Pages  
 District Court 03/21/2000 03 30 PM  
 Washoe County 3370

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STEVEN FLOYD VOSS,

Petitioner,

vs.

Case No. CR96P1581

Dept. No. 10

STATE OF NEVADA,

Respondent.

ORDER FOR RESPONSE AND GRANTING MOTION  
FOR LEAVE TO PROCEED IN FORMA PAUPERIS

On March 9, 2000, petitioner filed a Petition for Writ of Habeas Corpus and a Motion for Leave to Proceed In Forma Pauperis. After reviewing the Petition, this court determined that a response would assist it in determining whether petitioner is illegally imprisoned and restrained against his liberty. See NRS 34.745. Pursuant to NRS 34.735, petitioner has fulfilled the requirements to proceed in forma pauperis and, therefore, pursuant to NRS 34.750(1), this court is satisfied that the allegation of indigence is true.

1                    ACCORDINGLY, IT IS HEREBY ORDERED that respondent shall, within 45  
2 days after the date of this Order, answer or otherwise respond to the petition and file a return in  
3 accordance with the provisions of NRS 34.360 to 34.830, inclusive.

4                    IT IS FURTHER ORDERED petitioner's Motion for Leave to Proceed In Forma  
5 Pauper is GRANTED.

6                    DATED this 21 day of March 2000.

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9 STEVEN P. ELLIOTT  
10 District Judge  
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 21 day of March, 2000, I deposited for mailing at Reno, Nevada, a true copy of the attached document to:

Gary Hatlestad,  
Chief Appellate Deputy  
District Attorney's Office  
P.O. Box 30083  
Reno, NV 89520-3083  
(Interoffice Mail)

Steven Voss, #52094  
Lovelock Correctional Center  
P.O. Box 359  
Lovelock, NV 89419

Dated this 21 day of March, 2000.

Stephene Bartlett



BY                       
LEPUTY

CODE No. 1130  
RICHARD A. GAMMICK  
#001510  
P. O. Box 30083  
Reno, Nevada 89520-3083  
(775) 328-3200  
Attorney for Respondent

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

\* \* \*

STEVEN FLOYD VOSS,

Petitioner,

V.

Case No. CR96P1581

THE STATE OF NEVADA,

Dept. No. 10

Respondent:

ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS  
(POST-CONVICTION)

COMES NOW, Respondent, by and through counsel, to answer the petition as follows:

1. That Respondent denies all allegations in the  
Petition.

2. That your affiant is informed and does believe that all relevant pleadings and transcripts necessary to resolve the Petition are currently available.

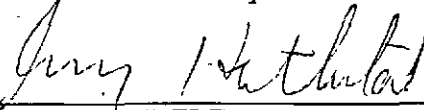
3. That Respondent is informed and does believe that

1 aside from an unsuccessful appeal from his jury verdict,  
2 Petitioner has not applied for any other relief from this  
3 conviction.

4 DATED: May 5, 2000.

5 RICHARD A. GAMMICK  
6 District Attorney

7 By

  
8 GARY H. HATLESTAD  
9 Chief Appellate Deputy

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Steven F. Voss, Inmate #52094  
Lovelock Correctional Center  
P. O. box 359  
Lovelock, Nevada 89419

DATED: May 5, 2000

*Linda Jackling*

ORIGINAL

FILED

2000 JUL -5 PM 2:08

CLERK  
BY *[Signature]*  
DEPUTY

3897  
RICHARD A. GAMMICK  
Nevada Bar No. 1510  
Post Office Box 30083  
Reno, Nevada 89520-3083  
(775) 328-3200  
Attorney for Respondents

CR96P1581A  
DC-9900026664-035  
POST STEVEN FLOYD VOSS (D1 B Pages  
District Court 05/05/2000 02:08 PM 3897  
Washoe County

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

STEVEN FLOYD VOSS,

Petitioner,

vs.

STATE OF NEVADA,

Respondents.

Case No. CR96P1581

Dept. No. 10

RETURN

ROBERT BAYER, in his official capacity as the Director of the Nevada Department of Prisons,  
by way of a return to the order, respectfully shows this Court:

1. Director Bayer has constructive custody of the Petitioner STEVEN FLOYD VOSS  
(Nevada Department of Prisons #52094), who is presently housed at the Lovelock Correctional Center  
in Lovelock, Nevada. Warden Jackie Crawford has actual custody.

2. That the authority by which Director Bayer has and retains custody of the Petitioner  
VOSS is a judgment of conviction dated November 27, 1996, in Case No. CR96-1281, in the Second  
Judicial District Court of the State of Nevada, in and for the County of Washoe, in which VOSS was  
found guilty of the crime of Burglary (Count I); Uttering a Forged Instrument (Count II and III);  
Forgery (Count IV and V); and Attempted Theft (Count VI), all felonies, and was sentenced to the  
Nevada State Prison for a maximum term of imprisonment of one hundred twenty (120) months with a  
minimum term of forty-eight (48) months on Count I; a maximum term of forty-eight (48) months with  
a minimum term of sixteen (16) months on Count II, consecutive to Count I; a maximum term of forty-

1 eight (48) with a minimum term of sixteen (16) months on Count III, consecutive to Counts I and II; a  
2 maximum term of forty-eight (48) with a minimum term of sixteen (16) months on Count IV,  
3 consecutive to Counts I, II and III; a maximum term of forty-eight (48) with a minimum term of sixteen  
4 (16) months on Count V, consecutive to Counts I, II, III, and IV; a maximum term of forty-eight (48)  
5 with a minimum term of sixteen (16) months on Count VI, consecutive to all counts. The defendant  
6 was furthered ordered to pay Seven Hundred Fifty Dollars (\$750.00) attorney fees and the statutory  
7 Twenty-Five dollar (\$25.00) administrative assessment fee. Defendant was given credit for one  
8 hundred thirty-seven (137) days time served.

9 3. That an exemplified or certified duplicate of the judgment of conviction referenced  
10 above accompanies this return and by this reference is incorporated into this return.

11 DATED this 11<sup>th</sup> day of April, 2000.

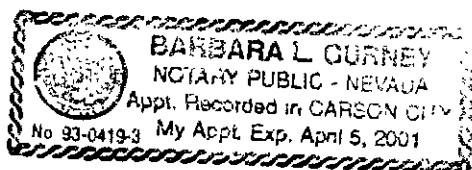
12  
13   
14 ROBERT BAYER, Director  
Nevada Department of Prisons

15 SUBSCRIBED and SWORN to before me

16 this 11<sup>th</sup> day of April, 2000,

17 by Robert Bayer.

18   
19 NOTARY PUBLIC



CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Steven F. Voss, Inmate #52094  
Lovelock Correctional Center  
P. O. box 359  
Lovelock, Nevada 89419

DATED: May 5, 2000

Linda Jackling



No. CR 96-1581

Dept. No. 10

52094

FILED

11-27-96

JUDITH BAILEY, Clerk

By

*J. E. H. H. H.*

Deputy Clerk

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

STATE OF NEVADA,

Plaintiff,

Reporter: R. Walker

vs.

STEVEN FLOYD VOSS

Defendant.

## J U D G M E N T

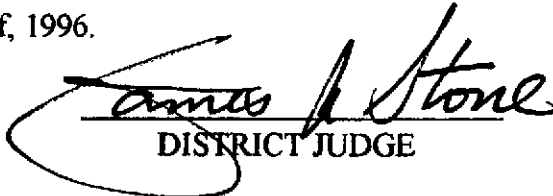
No sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

That Steven Floyd Voss is guilty of the crimes as charged in the Information that he be punished by imprisonment in the Nevada State Prison for a maximum term of one hundred twenty (120) months with a minimum term of forty-eight (48) months on Count I Burglary; Count II Uttering A Forged Instrument to a term of a maximum term of forty-eight (48) months with a minimum term of sixteen (16) months, consecutive to Count I; Count III Uttering A Forged Instrument to a term of a maximum of forty-eight (48) months with a minimum term of sixteen (16) months consecutive to Count I and II; Count IV Forgery to a term of a maximum of forty-eight (48) months with a term of a minimum of sixteen (16) months, consecutive to Count I, II and III; Count V Forgery to a term of a maximum term of forty eight (48) months with a minimum



term of sixteen (16) months consecutive to Count's I, II, III and IV; Count VI Attempted Theft to a term maximum of forty-eight (48) months with a minimum term of sixteen (16) months, consecutive to all Counts, with credit for one hundred thirty-seven (137) days time served. It is further ordered that the Defendant pay Seven Hundred Fifty Dollars (\$750.00) attorney fees and the statutory administrative assessment fee of Twenty-Five Dollars (\$25.00).

Dated 27th this November day of, 1996.
















  
DISTRICT JUDGE

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE 12-2-96  
JUDI SALLON, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By  Deputy.

LEAVE BLANK		CRIMINAL		(STAPLE HERE)				LEAVE BLANK							
		STATE USAGE		<input type="checkbox"/> NFF SECOND											
				SUBMISSION				APPROXIMATE CLASS		AMPUTATION		SCAR			
STATE USAGE		LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX													
		VOSS, STEVEN F.													
SIGNATURE OF PERSON FINGERPRINTED				SOCIAL SECURITY NO.				LEAVE BLANK							
															
ALIASES/MAIDEN LAST NAME, FIRST NAME, MIDDLE NAME, SUFFIX ALAN VOSS, RICHARD ALAN VOSS															
FBI NO.		STATE IDENTIFICATION NO.		DATE OF BIRTH		MM	DD	YY	SEX	RACE	HEIGHT	WEIGHT	EYES	HAIR	
779 22 V5		NV02120981		01 24 60					M	W	5'7"	180	BLU	BLD	
															
R. THUMB		2. R. INDEX		3. R. MIDDLE		4. R. RING		5. R. LITTLE							
															
6. L. THUMB		7. L. INDEX		8. L. MIDDLE		9. L. RING		10. L. LITTLE							
															
LEFT FOUR FINGERS TAKEN SIMULTANEOUSLY				L. THUMB				R. THUMB				RIGHT FOUR FINGERS TAKEN SIMULTANEOUSLY			

(U.S. Rev. Statutes, Sec. 906. Attestation by Legal Keeper of Records with Certificate  
(seal attached) of Secretary of State to official capacity of said Legal Keeper.)

STATE OF NEVADA

COUNTY OF CARSON CITY

} ss.

I, Bennie McGuinness, hereby certify:

Name of Official Custodian

That I am the Correctional Case Records Manager of the Nevada Department of Prisons,

Official Position

a penal institution of the State of Nevada, situate in the County and State aforesaid; that in my legal custody as such officer are the original files and records of persons heretofore committed to said penal institution; that the

(1) Photograph, (2) Fingerprint Record and (3) Commitment attached hereto are copies of the original records of Steven Floyd Voss NDOP# 52094,

a person heretofore committed to said penal institution and who served a term of imprisonment therein; that I have compared the foregoing and attached copies with their respective originals now on file in my office and each thereof contains, and is, a full, true and correct transcript and copy from its said original.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of March, A.D. 2000

Bennie McGuinness  
Signature

Correctional Case Records Manager  
Official Title

STATE OF NEVADA

COUNTY OF CARSON CITY

} ss.

I, Dean Heller, Secretary of State of the State of Nevada,

Name of Secretary of State

do hereby certify that Bennie McGuinness, whose name is subscribed

Name of Person Certifying Above

to the above Certificate, was at the date thereof, and is now, the Correctional Case Records Manager

Official Capacity of One Certifying

of the Nevada Department of Prisons, and is the Legal Keeper and the officer having the legal custody of the original records of said Nevada Department of Prisons; that the said Certificate is in due form; and that the signature subscribed thereto is his genuine signature.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of the State of Nevada this 27th day of March, A.D. 19 00

[SEAL]

Dean Heller  
Signature

Secretary of State of the State of Nevada

By \_\_\_\_\_  
Deputy

Court Copy

FILED  
May 10, 2000

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

3 BY [Signature]  
DEPUTY

STEVEN FLOYD VOSS,

PETITIONER,

VS.

THE STATE OF NEVADA

RESPONDENT,

CASE NO. CR 96P1581A  
DEPT NO. 10

PETITION FOR WRIT OF HABEAS  
CORPUS  
( POST-CONVICTION )

11 SUPPLEMENTAL PETITION

12 COMES NOW PETITIONER STEVEN FLOYD VOSS IN PROPERIA  
13 PERSONA AND SUPPLEMENTS THE PETITION FOR WRIT OF HABEAS CORPUS  
14 FILED ON MARCH 9, 2000. THIS SUPPLEMENT IS MADE AND BASED ON THE  
15 ATTACHED SUPPORTING FACTS, THE PAPERS AND PLEADINGS ON FILE  
16 HEREIN, AND ANY OTHER MATTER THIS COURT MAY WISH TO CONSIDER.  
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CR96P1581A DC-9900025554-037  
POST STEVEN FLOYD VOSS (D 14 Pages  
District Court 05/10/2000 03 56 PM  
Washoe County 3565

STATEMENT OF THE CASE

1 STEVEN FLOYD VOSS ( HERE IN AFTER CALLED MR. VOSS ) WAS  
2 FOUND GUILTY AFTER A JURY TRIAL AND PUNISHED BY IMPRISONMENT  
3 IN THE NEVADA STATE PRISON FOR A MAXIMUM TERM OF ONE HUNDRED  
4 TWENTY (120) MONTHS WITH A MINIMUM TERM OF FORTY-EIGHT (48)  
5 MONTHS ON COUNT I BURGLARY; COUNT II UTTERING A FORGED INSTRUMENT  
6 TO A MAXIMUM TERM OF FORTY-EIGHT (48) MONTHS WITH A MINIMUM  
7 TERM OF SIXTEEN (16) MONTHS, CONSECUTIVE TO COUNT ONE; COUNT III  
8 UTTERING A FORGED INSTRUMENT TO A MAXIMUM TERM OF FORTY-EIGHT  
9 (48) MONTHS WITH A MINIMUM TERM OF SIXTEEN (16) MONTHS, CON-  
10 SECUTIVE TO COUNTS I AND II; COUNT IV FORGERY TO A MAXIMUM  
11 TERM OF FORTY-EIGHT (48) MONTHS WITH A MINIMUM TERM OF SIX-  
12 TEEN (16) MONTHS, CONSECUTIVE TO COUNTS I, II, III; COUNT V  
13 FORGERY TO A MAXIMUM TERM OF FORTY-EIGHT (48) MONTHS WITH  
14 A MINIMUM TERM OF SIXTEEN (16) MONTHS, CONSECUTIVE TO COUNTS  
15 I, II, III AND IV ; COUNT VI ATTEMPTED THEFT TO A MAXIMUM TERM  
16 OF SIXTEEN (16) MONTHS, CONSECUTIVE TO ALL COUNTS, WITH CREDIT  
17 FOR ONE HUNDRED THIRTY-SEVEN (137) DAYS TIME SERVED. MR. VOSS  
18 WAS FURTHER ORDERED TO PAY SEVEN HUNDRED FIFTY DOLLARS (\$750.00)  
19 ATTORNEY FEES AND THE STATUTORY ADMINISTRATIVE ASSESSMENT FEE  
20 OF TWENTY FIVE DOLLARS (\$25.00).

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LEGAL ISSUES PRESENTED

1       **GROUND EIGHT:** THE STATE DENIED THE DEFENDANT A FAIR TRIAL  
2 WHEN THE STATE INCLUDED EVIDENCE AT TRIAL THAT HAD BEEN OBTAINED  
3 WITHOUT A VALID SEARCH WARRENT.

4       **GROUND NINE:** THE STATE DENIED THE DEFENDANT A FAIR TRIAL.  
5 WHEN THE STATE FAILED TO FIRST DEMONSTRATE THE USE OF PROCEDURAL  
6 SAFEGUARDS EFFECTIVE TO SECURE THE DEFENDANTS PRIVILEGE AGAINST  
7 SELF INCRIMINATION. BEFORE INCLUDING THE DEFENDANTS STATEMENTS  
8 AT TRIAL.

9       **SUPPORTING FACTS:** ON JUNE 17, 1996 WASHOE COUNTY SHERIFFS  
10 DEPUTIES AND INVESTIGATORS EXECUTED SEVERAL SEARCH WARRANTS  
11 AND A SEIZURE ORDER. UPON PROPERTY OWNED OR CONTROLLED BY  
12 STEVEN FLOYD VOSS, OR (HIS MOTHER) MARY DUPLIN. MR. VOSS FIRST  
13 BECAME AWARE OF A SEARCH WARRANT WHEN DEPUTIES INFORMED HIM  
14 OF A WARRANT TO SEARCH ROOM #135 OF THE WESTERN VILLAGE INN.  
15 WHERE HE WAS LODGING. THIS WARRANT SPECIFICALLY DETAILED THE  
16 FOLLOWING LIST OF ITEMS THAT COULD BE COLLECTED: TRACE EVIDENCE  
17 INCLUDING HAIR, FIBERS AND BODILY FLUIDS; PERSONAL PROPERTY OF  
18 BEVERLY BAXTER INCLUDING KEY'S, A PURSE, A WALLET AND A CHECK  
19 BOOK.

20       NEITHER ON THAT WARRANT, OR DURING THE HEARING HELD FOR  
21 THE APPLICATION OF THAT SEARCH WARRANT. WAS ANY MENTION MADE  
22 OF ANY INTENT TO REMOVE ANY PERSONAL PROPERTY BELONGING TO  
23 STEVEN VOSS, OR TO MARY DUPLIN. HOWEVER NUMEROUS ITEMS OF  
24 PERSONAL PROPERTY WERE REMOVED, WITHOUT WARRANT AND WITHOUT  
25 THE PERMISSION OF STEVEN VOSS OR OF MARY DUPLIN.

26       THE FOLLOWING IS A LIST OF THOSE ITEM'S. ONE COMPUTER  
27 PRINTOUT, ONE WHITE BALL POINT PEN, ONE BUSINESS SIZE ENVELOPE  
28 CONTAINING A CHECK,

1 ONE 1995 POCKET PAL DATE BOOK, ONE UNOPENED CONTINENTAL CABLE-  
2 VISION BILL BEARING THE NAME STEVEN VOSS, THESE ITEMS APPEAR  
3 ON THE WARRANT RETURN. ROOM RECORDS AND TELEPHONE RECORDS FOR  
4 ROOM #135 WERE ALSO COLLECTED. AND THESE ITEMS WERE NOT LISTED  
5 ON THE WARRANT RETURN. ALSO ON JUNE 17, 1996 STEVEN VOSS WAS  
6 HANDCUFFED AND TAKEN INTO CUSTODY BY DEPUTIES OF THE WASHOE  
7 COUNTY SHERIFFS DEPARTMENT. MR. VOSS WAS TRANSPORTED TO THE  
8 WASHOE COUNTY DETENTION FACILITY LOCATED AT 911 PARR, BLVD.  
9 RENO NV. WITHOUT ANY EXPLANATION OF WHY HE WAS BEING TRANSPOR-  
10 TED. IN FACT MR. VOSS THOUGHT THAT HE WAS UNDER ARREST BASED  
11 ON A STATMENT MADE TO HIM BY DETECTIVE, JOHN YARYAN " WE'VE  
12 GOT YOU NOW". SOMETIME AFTER HIS ARRIVAL AT THAT FACILITY, MR.  
13 VOSS WAS LATER INFORMED OF A SEIZURE ORDER, AND REQUESTED OF  
14 DETECTIVE LARRY CANFIELD TO VEIW THAT ORDER. MR. VOSS'S REQUEST  
15 WAS DENIED. INVESTIGATOR, CHUCK LOWE THEN STATED TO MR. VOSS  
16 THAT HE HAD BETTER COMPLY OR THE SEIZURE ORDER WOULD BE EXECUTED  
17 BY FORCE. MR. VOSS INFORMED THE DEPUTIES HE INTENDED TO COMPLY  
18 FULLY WITH THAT ORDER.

19 THE SEIZURE ORDER ALLOWED FOR TRANSPORT AND FOR THE COLLEC-  
20 TION OF BLOOD AND HAIR. ONLY! THE ORDER DID NOT STATE THAT  
21 SALIVA SAMPLES WERE TO BE COLLECTED. NOR DID THE ORDER STATE  
22 THAT MR. VOSS WAS TO BE SUBJECTED TO PHYSICAL OR MANICLE RES-  
23 TRAINTS WHEN TRANSPORTED, OR FOR AN ADDITIONAL 45 MINUTES IN  
24 THE LAB AREA, BEFORE A PHLEBOTOMIST ARRIVED TO DRAW BLOOD  
25 SAMPLES. BY THAT TIME MR. VOSS HAD BEEN HANDCUFFED WITH HIS  
26 HANDS BEHIND HIS BACK FOR OVER ONE HOUR AND FIFTEEN MINUTES.  
27 THESE SAMPLES WERE NEVER EXAMINED OR COMPARED TO ANY OTHER  
28 SAMPLES. SO ULTIMATELY THERE WAS NO NEED TO COLLECT ANY OF

1 THESE SAMPLES. IF A NEED HAD AROSE AT ANY TIME THE SAMPLES  
2 COULD HAVE BEEN COLLECTED AT THAT TIME. THERE WAS NO ISSUE OF  
3 EXIGENCY.

4 THE REAL MOTIVATION OF THE DETECTIVES WAS TO LURE MR. VOSS  
5 TO THE DETENTION FACILITY. WHERE BY THEY COULD SUBJECT HIM TO  
6 PHYSICAL DISCOMFORT AND MENTAL STRESS, THAT WOULD ASSIST  
7 THEM TO COMPEL FURTHER STATEMENTS FROM HIM. A SITUATION THAT  
8 MR. VOSS DESCRIBES AS KIDNAPPING.

9 IN ADDITION ON JUNE 17, 1996. A SEARCH WARRANT WAS EXECUTED  
10 FOR THE SEARCH OF ONE 1980 GMC FLATBED TRUCK, CALIFORNIA  
11 LICENSE PLATE NUMBER 5B17583 A VEHICLE BELONGING TO STEVEN  
12 FLOYD VOSS.

13 THIS WARRANT SPECIFICALLY LISTED THE FOLLOWING ITEMS TO  
14 BE COLLECTED: TRACE EVIDENCE INCLUDING HAIR, FIBERS AND BODILY  
15 FLUIDS; PERSONAL PROPERTY OF BEVERLY BAXTER INCLUDING KEYS,  
16 A PURSE, A WALLET, AND A CHECKBOOK. THE WARRANT ALSO SPECIFICALLY  
17 DIRECTED THAT A COMPLETE SEARCH OF THE VEHICLE BE MADE WITHIN  
18 THE EXTERIOR BOUNDARIES OF 815 NICHOLS BLUD. SPARKS, NV. HOWEVER  
19 IT WAS REMOVED AND IMPOUNDED AT THE F.I.S. UNIT LOCATED AT 911  
20 PARR, BLUD RENO. WHERE TRACE EVIDENCE SAMPLES WERE COLLECTED  
21 AND MOST INTERIOR AND EXTERIOR SURFACES WERE PROCESSED  
22 FOR LATENT PRINTS. AND IN ADDITION THE FOLLOWING ITEMS WERE  
23 SEIZED WITHOUT PROPER WARRANT AND WITHOUT THE PERMISSION OF  
24 MR. VOSS: ONE UNOPENED AT&T TELEPHONE BILL, BEARING THE NAME  
25 STEVEN F. VOSS; TWO SMALL MAKEUP COMPACTS, BELONGING TO MARY  
26 DUPLIN; TWO EMPTY MARLBORO CIGARETTE BOXES; THREE ROLLS BOX  
27 TAPE, TWO CLEAR, AND ONE TAN; ALL OF THESE ITEMS ARE LISTED ON  
28 THE WARRANT RETURN. . . . THE FOLLOWING ITEMS WERE ALSO



1 REMOVED FROM THE VEHICLE WITHOUT PROPER WARRANT,  
2 AND THESE ITEMS DO NOT APPEAR ON THE WARRANT RETURN. ONE  
3 MITSUBISHI AC-DC TIME LAPSE VIDEO RECORDER, ( WHICH WAS  
4 MOUNTED BEHIND PASSENGER SEAT ); ONE T-120 VIDEO TAPE,  
5 ( LOCATED INSIDE RECORDER ); ONE MODULAR AUDIO, VIDEO AND  
6 POWER CABLE FOR C.C.D. CAMERA.

7 ALL CONTENTS OF VEHICLE NOT SEIZED WERE PLACED IN A  
8 CARDBOARD BOX AND LEFT ON THE SEAT. INCLUDING THE CONTENTS  
9 OF THE GLOVE BOX MISCELLANEOUS ITEMS FROM THE FLOOR OF THE  
10 TRUCK AND THE C.C.D. VIDEO CAMERA THAT HAD BEEN MOUNTED TO  
11 THE ROOF INSIDE THE CAB OF THE TRUCK.

12 THE TRUCK WAS RETAINED BY THE SHERIFFS DEPARTMENT FOR  
13 SEVERAL DAYS. AND WHEN IT WAS RETURNED THE TRUCK WAS COVERED  
14 INSIDE AND OUT WITH GRAPHITE DUST. NO EFFORT AT ALL HAD  
15 BEEN MADE TO CLEAN THIS COMPOUND FROM THE VEHICLE. THE DOOR  
16 PANELS AND THE WHITE PAINTED SURFACES OF THE VEHICLE WERE  
17 PERMANENTLY STAINED.

18 AGAIN ON JUNE 17, 1996. A WARRANT WAS EXECUTED FOR THE  
19 SEARCH OF ONE 1986 DODGE DAYTONA. LICENSE PLATE NUMBER 997-GKZ  
20 BELONGING TO MARY DUPLIN (MR. VOSS'S MOTHER) THE SEARCH  
21 WARRANT SPECIFICALLY LISTED THE FOLLOWING ITEMS TO BE COLL-  
22 ECTED: PERSONAL PROPERTY OF BEVERLY BAXTER INCLUDING KEYS,  
23 A PURSE, A WALLET AND A CHECKBOOK.

24 THIS WARRANT MADE NO REFERENCE TO THE COLLECTION OF  
25 ANY TRACE EVIDENCE OR TO ANY PERSONAL PROPERTY NOT BELONGING  
26 TO BEVERLY BAXTER.

27  
28

1 FURTHERMORE THE WARRANT DIRECTED THAT THE SEARCH OF  
2 THE VEHICLE BE CONDUCTED WITHIN THE EXTERIOR BOUNDARIES OF  
3 815 NICHOLS BLVD. SPARKS NV. HOWEVER THE VEHICLE WAS TOWED  
4 WITHOUT MARY DUPLINS KNOWLEDGE OR CONSENT. TO THE F.I.S.  
5 UNIT LOCATED AT 911 PARR, BLVD. RENO. WHERE IT WAS IMPOUNDED  
6 AND SEARCHED WITHOUT PROPER WARRANT. DURING THIS SEARCH THE  
7 FOLLOWING ITEMS WERE SEIZED:

8 CONTROL #WCSO/Q07575. ONE MULTI COLORED BLANKET/COMFORTER  
9 CONTROL #WCSO/Q07576. TRACE TAPE LIFTS FROM DRIVERS SEAT  
10 CONTROL #WCSO/Q07577. TRACE TAPE LIFTS FROM FRONT PASSENGER  
11 SEAT.  
12 CONTROL #WCSO/Q07578. TRACE TAPE LIFTS FROM REAR PASSENGER  
13 CARGO AREA.  
14 CONTROL #WCSO/Q07579. FOUR CIGARETTE BUTTS FROM RED PLASTIC  
15 ASH TRAY.  
16 CONTROL #WCSO/Q07580. NUMEROUS CIGARETTE BUTTS FROM CENTER  
17 CONSOLE ASH TRAY.

18 IN ADDITION THE INSIDE REAR VIEW MIRROR, THE DRIVERS  
19 AND PASSENGER DOORS AND WINDOWS, AND THE REAR CARGO HATCH  
20 AND WINDOWS, WERE PROCESSED FOR LATENT PRINTS WITHOUT PROPER  
21 WARRANT. ALSO ON JUNE 17, 1996. A WARRANT WAS EXECUTED AT THE  
22 LEASE OFFICE OF MC CARREN SELF STORAGE. LOCATED AT 1295 SELMI  
23 DR. RENO, NV. AND UPON MC CARREN ANNEX I, AND A STORAGE UNIT  
24 # SF20J LOCATED THERE. THE UNIT WAS LEASED TO STEVEN VOSS.

25 THE WARRANT SPECIFICALLY LISTED THE FOLLOWING ITEMS  
26 TO BE COLLECTED: LEASE AND OR RENTAL AGREEMENTS; PERSONAL  
27 ACCESS CODE RECORDS; INDICA OF OWNERSHIP FOR PERSONAL PROPERT;  
28

1 TRACE EVIDENCE INCLUDING HAIR, FIBERS, BODILY FLUIDS;  
2 PERSONAL PROPERTY OF BEVERLY BAXTER INCLUDING KEYS, A PURSE  
3 A WALLET, AND A CHECK BOOK.

4 THE DEPUTIES FIRST SERVED THE MANAGMENT OF THE COMPLEX.  
5 THEY OBTAINED A COPY OF THE LEASE AGREEMENT SIGNED BY MR.  
6 VOSS, HIS PERSONAL ACCESS CODE AND COPIES OF THE ACCESS  
7 RECORDS. THE RECORDS CLEARLY SHOWED THAT NIETHER STEVEN  
8 VOSS OR ANY ONE ELSE HAD ENTERED THE COMPLEX USING HIS CODE  
9 SINCE JUNE 10, 1996. WELL BEFORE MS. BAXTERS DISAPPEARANCE  
10 HOWEVER EVEN AFTER THE DEPUTIES WERE PRESENTED WITH THAT  
11 FACT. THE DEPUTIES STILL CUT AND REMOVED THE LOCK FROM  
12 THE STORAGE UNIT AND SEARCHED ITS CONTENTS. DEPUTIES  
13 REMOVED FROM MR. VOSS'S BLACK BRIEF CASE LOCATED INSIDE  
14 THAT UNIT. ONE CALIFORNIA VEHICLE TITLE FOR HIS 1980  
15 G.M.C. TRUCK AND HIS BIRTH CERTIFICATE. PRESUMABLY AS  
16 INDICIA OF OWNERSHIP OF PERSONAL PROPERTY, THIS WAS NOT  
17 NECESSARY AS THEY WERE ALREADY IN POSESSION OF THE LEASE  
18 FOR UNIT # SF20J SIGNED BY STEVEN VOSS FURTHERMORE NO  
19 EVIDENCE OF ANY CRIME WAS DETECTED, AND NO TRACE EVIDENCE  
20 WAS COLLECTED. PROOF OF OWNERSHIP FOR THE ITEMS STORED IN  
21 THE UNIT WAS NOT EVEN AN ISSUE.

22 THE DEPUTIES DAMAGED ONE ELECTRIC DRYER BREAKING THE  
23 CONTROL KNOB AND MECHANISIM, AND IT SEEMS THEY MARKED THIER  
24 TERRITORY BY DISCARDING NUMEROUS PAIRS OF LATEX SEARCH  
25 GLOVES ON THE FLOOR INSIDE THE UNIT WITH WHAT APPEARED TO  
26 BE A GATORADE BOTTLE FILLED WITH URINE. THE DEPUTIES LEFT  
27 THE UNIT UNSECURED. AND IF NOT FOR THE MANAGEMENT PLACING  
28 A LOCK ON THE UNIT.

1 THE UNIT WOULD HAVE BEEN LEFT UNSECURED FOR SEVERAL DAYS.  
2 AS SHERIFFS DEPUTIES DID NOT NOTIFY MR. VOSS OF THE SEARCH  
3 THAT NIGHT. EVEN THOUGH DETECTIVE LARRY CANFIELD HAD EVERY  
4 OPPORTUNITY TO DO SO THAT NIGHT, WHEN HE EXECUTED A SEIZURE  
5 ORDER FOR BLOOD AND HAIR SAMPLES FROM MR. VOSS. IN FACT MR.  
6 VOSS DID NOT LEARN OF THE SEARCH UNTILL HE CONTACTED THE  
7 SHERIFFS OFFICE. IN ORDER TO OBTAIN INFORMATION AS TO THE  
8 RELEASE OF HIS, AND HIS MOTHERS VEHICLES FROM IMPOUND. AT  
9 THAT TIME THE PATROL SUPERVISOR INADVERTANTLY MENTIONED  
10 OTHER WARRANTS BUT WOULD NOT ELABORATE. THE NEXT DAY DETECTIVE  
11 CANFIELD TELEPHONED MR. VOSS. AND ONLY AT THAT TIME DID MR.  
12 VOSS LEARN OF THE SEARCHES OF HIS STORAGE UNITS. HOWEVER HE  
13 WAS TOLD THAT NO ITEMS WERE REMOVED. ON JUNE 17, 1996 AN  
14 ADDITIONAL SEARCH WARRANT WAS EXECUTED AT THE LEASE OFFICE OF  
15 SPARKS SELF STORAGE. LOCATED AT 450 BOXINGTON WAY, SPARKS NV.  
16 AND UPON A STORAGE UNIT LOCATED THERE #F 22D WITHOUT THE  
17 KNOWLEDGE OF STEVEN VOSS THE LEASEE OF THE UNIT. THE WARRANT  
18 SPECIFICALLY LISTED THE FOLLOWING ITEMS THAT COULD BE REMOVED:  
19 LEASE AND OR RENTAL AGREEMENTS; PERSONAL ACCESS RECORDS; TRACE  
20 EVIDENCE INCLUDING HAIR, FIBERS, BODILY FLUIDS, PERSONAL PROPERTY  
21 INCLUDING KEYS, A PURSE, A WALLET, AND A CHECKBOOK. THE  
22 DEPUTIES EXAMINED RECORDS WHICH SHOWED THAT MR. VOSS HAD NOT  
23 ACCESSED THE STORAGE COMPLEX SINCE JUNE 10, 1996. THE DEPUTIES  
24 CUT THE LOCK ANYWAY AND SEARCHED THE UNIT BREAKING A CHAIR  
25 AND A PUNCH BOWL. THE DEPUTIES LISTED NO ITEMS ON THE WARRANT  
26 RETURN, AND LEFT THE UNIT UNSECURED. THE COMPLEX MANAGEMENT  
27 OBSERVED THE UNLOCKED UNIT AND PLACED A LOCK ON IT. FURTHERMORE  
28 THE LEASE AGREEMENT AND GATE RECORDS WERE COLLECTED BY THE DEPUTIES

1 IT SHOULD BE NOTED THAT EVEN THOUGH JUDGE DANNON  
2 AUTHORIZED THE WARRANTS AND SEIZURE ORDER. DEPUTY DISTRICT  
3 ATTORNEY EGAN WALKER AND SHERIFFS DEPUTY LARRY CANFIELD  
4 PROVIDED FALSE AND INCOMPLETE INFORMATION. IN ORDER TO  
5 OBTAIN THE WARRANTS. IN ADDITION DETECTIVE CANFIELD  
6 INAPPROPRIATELY REPRESENTED STATEMENTS MADE BY MR. VOSS,  
7 DURING THAT APPLICATION HEARING IN ORDER TO OBTAIN THE  
8 WARRANTS. THOSE STATEMENTS BY MR. VOSS WERE MADE IN VIOLATION  
9 OF MR. VOSS'S RIGHT AGAINST SELF INCRIMINATION, AS ALL  
10 QUESTIONING UP AND UNTIL THAT POINT, HAD BEEN DONE WITHOUT  
11 ANY ADMONISHMENT OF HIS RIGHTS. AND THOSE STATEMENTS WERE  
12 MADE WITHIN A POLICE-GOVERNMENT CONTROLLED ENVIRONMENT.  
13 TAINTING THE WARRANT APPLICATIONS, THE WARRANTS AND THE  
14 SEIZURE ORDER RESULTING IN ILLEGAL SEARCHES OF PROPERTY  
15 CONTROLLED BY STEVEN VOSS OR MARY DUPLIN. AND ILLEGAL SEI-  
16 ZURE OF PERSONAL PROPERTY, AND TRACE EVIDENCE LOCATED THERE  
17 IN. THE EXECUTION OF THE SEIZURE ORDER IN EFFECT CONSTITUTES  
18 KIDNAPPING AND FALSE IMPRISONMENT AS WELL AS COERCION AND  
19 OFFICIAL OVERBEARING. ALL OF THESE VIOLATIONS OF STEVEN VOSS'S  
20 INDEPENDENT STATE AND FEDERAL CONSTITUTIONAL GUARANTEES.  
21 FALL UNDER THE COLOR OF GOVERNMENT AUTHORITY. THE FACTS  
22 SHOW LAW ENFORCEMENT WAS GRABBING AT ANY STRAW IT COULD  
23 FIND IN ORDER TO FRAME A CASE AROUND STEVEN VOSS. AND SUB-  
24 SEQUENTLY STOMPED ON HIS STATE AND FEDERAL CONSTITUTIONAL  
25 GUARANTEES, AS IF HIS RIGHTS WERE GRAPES, BENEATH THEIR  
26 OFFICIAL FEET BEING CRUSHED INTO WINE, AND AS IF THIS WERE  
27 NOT ENOUGH THE STATE EXPECTED MR. VOSS TO DRINK OF THIS SOUR  
28 AND TOXIC WINE. WHEN THE STATE ARMED WITH ITS BAG OF TRICKS,

1 PRESENTED THOSE ILLEGALLY SEIZED ITEMS AS STATES EXHIBITS AT  
2 TRIAL. DENYING STEVEN VOSS ANY CHANCE OF A FAIR TRIAL, AGAIN  
3 AND AGAIN THE STATE WOULD REACH INTO THIS BAG. AS IT CALLED  
4 EACH OF ITS INVESTIGATORS TO FRAME THE CASE WITH TESTIMONY  
5 BASED ALMOST ENTIRELY ON THE STATEMENTS THEY REPRESENTED  
6 STEVEN VOSS HAD MADE. SO REGARDLESS TO THE ACCURACY OF THE  
7 TESTOMONY. ANY STATEMENT MADE BY MR. VOSS TO DEPUTIES, WHILE  
8 IN A POLICE DOMINATED ENVIRONMENT, OR WHILE BEING SUBJECTED  
9 TO VIRTUALLY EVERY METHOD OF COMPULSION AND COERCION SHORT  
10 OF PHYSICAL TORTURE. AND WITHOUT ANY ADMONISHMENT OF RIGHTS  
11 SHOULD HAVE BEEN EXCLUDED AT TRIAL .

12         LIKEWISE THAT SAME TESTIMONY SHOULD ALSO HAVE BEEN  
13 EXCLUDED AT TRIAL. BECAUSE THE STATE FAILED TO FIRST DEMON-  
14 STRATE THE USE OF PROCEDURAL SAFEGUARDS EFFECTIVE TO SECURE  
15 PRIVILEGE AGAINST SELF INCRIMINATION. NONE OF THE STATES  
16 WITNESSES EVER TESTIFIED THAT MR. VOSS HAD RECEIVED ANY  
17 MIRANDA WARNINGS. FURTHERMORE THE STATE FAILED TO PRODUCE  
18 EVEN A WRITTEN WAIVER. THE RELEVANT FACTS OF THIS CASE ARE  
19 STEVEN VOSS NEVER MADE AN EFFECTIVE WAIVER OF HIS RIGHTS.  
20 AND THEREFORE ANY STATEMENTS AND ALL EVIDENCE COLLECTED AS  
21 A RESULT OF THOSE STATEMENTS SHOULD NOT HAVE BEEN INCLUDED  
22 AT TRIAL.

23         ON APRIL 30, 1998 A MOTION TO SET ASIDE VERDICT. WAS FILED  
24 ON BEHALF OF STEVEN FLOYD VOSS. BY MAIZIE PUSICH AND COTTER.C  
25 CONWAY OF THE WASHOE COUNTY PUBLIC DEFENDERS OFFICE. A RES-  
26 PONSE WAS SUBMITTED AND FILED BY DEPUTY DISTRICT ATTORNEY  
27 EAGAN WALKER OF THE WASHOE COUNTY DISTRICT ATTORNEYS OFFICE.  
28

1 AND IN THAT RESPONSE DEPUTY DISTRICT ATTORNEY EAGAN  
2 WALKER STATED ON PAGE FIVE (5), LINES SEVENTEEN (17), THROUGH  
3 TWENTY TWO (22) THE FOLLOWING:

4 "THE ESSENCE OF THE STATES CASE WAS VOSS'S MATERIAL,  
5 REPEATED AND CONTRADICTORY STATEMENTS TO POLICE AGENTS ABOUT  
6 HIS ACTIVITIES INVOLVING BAXTERS PROPERTY. THOSE MISSTATEMENTS,  
7 REVEALED HIS INTENT TO DEFRAUD, AND IT WAS THOSE MISSTATEMENTS,  
8 ESPECIALLY IN LIGHT OF EYEWITNESS TESTOMONY ABOUT HIS ACTIONS  
9 THAT LED TO HIS CONVECTION." THEN ON PAGE SIX (6), LINES  
10 TWENTY THREE ( 23 ), THROUGH TWENTY SEVEN (27), THE FOLLOWING:

11 "IN THE END, IT WAS VOSS'S VERY INCONSISTENT STATEMENTS  
12 IN POLICE INTERVIEWS ABOUT HIS WHEREABOUTS AND ACTIVITIES THE  
13 DAY BEFORE ( WEDNESDAY ), THE DAY BAXTER CALLED IN SICK TO WORK  
14 ( THURSDAY ), AND THE DAY AFTER ( FRIDAY ), THAT SEALED HIS CON-  
15 VICTION."

16 AND AGAIN ON PAGE SEVEN (7), LINES SEVEN (7), THROUGH  
17 TEN (10) THE FOLLOWING:

18 "THE HEART OF THE STATES CASE, AS IT WAS PRESENTED TO  
19 THE JURY, WAS NOT AN EMPHASIS ON BAXTERS DISAPPEARANCE, IT  
20 WAS AN EMPHASIS ON VOSS'S STATEMENTS IN LIGHT OF THE KNOWN  
21 SEQUENCE OF EVENTS UNDERTAKEN BY VOSS."

22 BASED ON THESE STATEMENTS ALONE, THE STATE CANNOT CLAIM  
23 THAT THE STATES FAILURE TO, OR TO SHOW ON THE RECORD, THAT  
24 STEVEN FLOYD VOSS WAS EFFECTIVELY APPRISED OF HIS RIGHTS  
25 AND PRIVILEGE AGAINST SELF INCRIMINATION, AND TO REPRESENT-  
26 TATION OF COUNSEL BEFORE QUESTIONING. WAS SIMPLY HARMLESS  
27 ERROR. NOR CAN THE STATE CLAIM THAT IT HAD NO KNOWLEDGE  
28 OF MIRANDA VIOLATIONS, OR OF HAVING ONLY COLLECTIVE

1 KNOWLEDGE OF THE VIOLATIONS. AS DEPUTY DISTRICT ATTORNEY EGAN  
2 WALKER, THE PROSECUTOR IN THIS CASE, WAS IN FACT, HIMSELF  
3 PRESENT DURING SOME OF THE INTERROGATIONS, AND DURING THE  
4 AUDIO AND VIDEO TAPING OF THOSE INTERROGATIONS.  
5  
6  
7  
8  
9  
10

11 WHEREFORE, Petitioner prays that the court grant Petitioner  
12 Relief to which he may be entitled in this proceeding

13 EXECUTED at Love Lock Nevada On the 5 day of  
14 May, 2000.  
15  
16  
17

18 Petitioner; STEVEN FLOYD VOSS #52094

19 Steven F. Voss  
20 LOVELOCK CORRECTIONAL CENTER

21 POST OFFICE BOX, 359

22 LOVELOCK, NEVADA 89419  
23  
24  
25  
26  
27  
28



VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge except as to those matters stated on information and belief, and as to such matters he believes them to be true.

By; STEVEN FLOYD VOSS #52094

Steven F. Voss  
LOVELOCK CORRECTIONAL CENTER  
POST OFFICE BOX, 359  
LOVELOCK NEVADA 89419

CERTIFICATE OF SERVICE BY MAIL

I STEVEN FLOYD VOSS hereby certify pursuant to N.R.C.P 5(b) that on this 5 day of May, 2000, I mailed a true and correct copy of the foregoing petition for WRIT OF HABEAS CORPUS. Addressed to:

JACKIE CRAWFORD, WARDEN

FRANKIE SUE DEL PAPA,

LOVELOCK CORRECTIONAL CENTER

NEVADA ATTORNEY GENERAL

Post Office Box, 359

100 N. Carson St

Lovelock, Nevada 89419

Carson City Nevada 89701

RICHARD A. GAMMICK

Washoe County, District Attorney

Post Office Box 11130

Reno, Nevada 89520

By: STEVEN FLOYD VOSS #52094

Steven F. Voss  
Lovelock Correctional Center  
Post Office Box 359  
Lovelock Nevada 89419

Court Copy

FILED

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

2000 MAY 10 PM 3:58  
 AMY HAYES CLERK  
 BY *[Signature]*  
 DEPUTY

STEVEN FLOYD VOSS,

PETITIONER

CASE NO. CR 96P 1581 A  
 DEPT NO. 10

VS.

THE STATE OF NEVADA,

RESPONDENT

MOTION TO INVALIDATE SEARCH  
WARRANTS AND SEIZURE ORDER

11 SUPPORTING DOCUMENTATION  
 12  
 13  
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CR96P1581A  
 DC-9900026664-039  
 POST STEVEN FLOYD VOSS (D-46-Page)  
 District Court 05/10/2000 03:58 PM  
 Washoe County 2490  
 MAY 10 2000

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1 IN THE JUSTICE COURT OF RENO TOWNSHIP  
2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
5 FOR A SEARCH WARRANT.



6  
7 TRANSCRIPT OF SWORN SEARCH WARRANT AFFIDAVIT

8 SPEAKING: JUSTICE OF THE PEACE EDWARD DANNAN  
9 DEPUTY DISTRICT ATTORNEY EGAN WALKER  
10 WCSO DEPUTY LARRY CANFIELD

-----

11 WALKER: Transcriber this is Egan Walker. I am in the  
12 chambers of Judge Edward Dannan of the Reno Justice  
13 Court. It is 3:45 P.M. on Monday, June 17, 1996. I  
14 am here together with Judge Dannan uh, Detective  
15 Terry Lowry of the Washoe County Sheriff's  
Department and Detective Larry Canfield of the  
Washoe County Sheriff's Department. If I could  
Judge I would ask that you swear uh, Detective  
Canfield at this time?

16 DANNAN: Alright, Detective please raise your right hand and  
17 be sworn. Do you solemnly swear the testimony you  
18 are about to give in this case will be the truth,  
the whose truth and nothing but the truth so help  
you God?

19 CANFIELD: I do.

20 DANNAN: Go ahead.

21 WALKER: Thank you your Honor. Detective Canfield who is  
22 your current employer?

23 CANFIELD: Washoe County Sheriff's Office.

24 WALKER; How long have you been employed with that agency?

25 CANFIELD: For eighteen years.

26 WALKER: What is your current assignment?

1 CANFIELD: I'm uh, currently assigned to Detectives Division,  
uh, Crimes versus Persons.

2 WALKER: How long have you been a detective?

3 CANFIELD: I've been a detective for over ten years.

4 WALKER: Uh, roughly how many crimes against a property,  
5 theft related crimes in particular have you  
6 investigated as a detective?

7 CANFIELD: Uh, estimated over six hundred.

8 WALKER: How many crimes against persons in general have you  
investigated as a detective?

9 CANFIELD: Uh, homicide or just combined crimes against  
10 persons?

11 WALKER: Combined.

12 CANFIELD: Probably three hundred.

13 WALKER: Alright detective are you aware of the facts and  
14 circumstances uh, that you are about to detail in  
Washoe County Sheriff's Office case number 129294-  
96?

15 CANFIELD: Yes.

16 WALKER: In particular does that uh, case involve the  
17 investigation of allegations of murder and theft?

18 CANFIELD: Yes, that's correct.

19 WALKER: Detective Canfield uh, do I understand correctly  
20 that on June 14, 1996, that at about 12:53 p.m. the  
Washoe County Sheriff's Department received a report  
21 from a Sandra Crumb reporting that a tenant of hers  
by the name of Beverly Ann Baxter was missing?

22 CANFIELD: That's correct.

23 WALKER: Detail if you would the information you have about  
that. Go ahead and start at the beginning.

24 CANFIELD: Our patrolman responded to her location which is the  
25 Jackpine Motel at 5501 West Fourth Street. Her  
apartment was number one. They met with Ms. Crumb  
26 where they took a missing persons report at that  
time.

1 WALKER: Had there been prior contact with the uh, so called  
2 missing person Ms. Baxter at any time on Friday or  
3 Thursday to your knowledge?

3 CANFIELD: No.

4 WALKER: When was the last time that uh, Ms. Baxter was seen  
5 alive by any person to your knowledge based on your  
6 investigation to date?

6 CANFIELD: Ms. Crumb states that she saw her alive leaving her  
7 apartment Thursday morning at 9:10 a.m.

8 WALKER: Where is Ms. Baxter employed?

8 CANFIELD: Ms. Baxter is employed at Micro Flex Technology at  
9 127 uh, Woodland Drive, Tahoe Industrial.

10 WALKER: What are her general hours of work and days of work?

11 CANFIELD: Her general days of work are Monday through Friday,  
12 8:00 to 5:00.

13 WALKER: Do I understand correctly that on Thursday, Ms.  
14 Baxter called in sick to work indicating that she  
15 would be in to work either later Thursday or if not  
16 later Thursday no later than Friday uh, I believe  
17 that would be June 14, 1996?

16 CANFIELD: That's correct.

17 WALKER: Alright, did Ms. Baxter report for work on June 14,  
18 1996?

18 CANFIELD: No she did not.

19 WALKER: Do I understand correctly that her supervisor uh,  
20 went to her residence at approximately 8:00 a.m.  
21 that morning to see if she was uh, present?

21 CANFIELD: On Friday morning, yes.

22 WALKER: What is his name?

23 CANFIELD: His name is Mr. Parks.

24 WALKER: Alright and what time did he go to her residence?

25 CANFIELD: At 8:00 a.m.

26 ///

1 WALKER: Do I understand that a co-worker also went to her  
2 residence uh, later that day at 12:00 p.m. to check  
on Ms. Baxter's whereabouts?

3 CANFIELD: That's correct and she also met with Ms. Crumb at  
4 that location and uh, confirmed that Ms. Baxter had  
not returned to her home.

5 WALKER: How did they confirm that?

6 CANFIELD: Through Ms. Crumb who is the manager and owner of  
7 the uh, motel there and happens to have her  
residence right next to the victim's residence.

8 WALKER: Do I understand correctly that Ms. Cromb and the co-  
9 worker of Ms. Baxter entered her residence at  
approximately noon on June 14, 1996?

10 CANFIELD: Yes and they also went to her telephone recorder and  
11 played it and heard several messages of friends  
trying to locate her uh, "Beverly are you home?  
12 Please give us a call." and including their own uh,  
troubled employees that had called to check on her.

13 WALKER: Did those messages include a message from  
14 representatives of California Federal Bank enquiring  
as to the propriety of cashing a \$5,000.00 check?

15 CANFIELD: That's correct.

16 WALKER: In the course of your investigation have you  
17 identified a person by the name of Stephen Floyd  
Voss as a known acquaintance and/or friend of Ms.  
18 Baxter's?

19 CANFIELD: That's correct?

20 WALKER: What is your understanding of their relationship?

21 CANFIELD: Uh, that they've known each other uh, off and on  
22 since February and more just a friendship situation  
uh, he has made it known to us that he is borrowed  
money from her and has made bank deposits for her.

23 WALKER: Now in the past the recent past and the distant  
24 past?

25 CANFIELD: Yes.

26 WALKER: Where does Mr. Voss currently reside?

1 CANFIELD: Currently he's residing at the Western Village Hotel  
in room 135.

2 WALKER: Does anyone live there with him?

3 CANFIELD: Yes, his mother Mary Duplin.

4 WALKER: ~ How do you spell that?

5 CANFIELD: That's D-U-P-L-I-N.

6 WALKER: Alright. Have you made contact with Mr. Voss  
7 personally?

8 CANFIELD: Yes I have.

9 WALKER: Can you confirm that Mr. Voss was in the company of  
uh, Ms. Baxter as late as Thursday, June 13, 1996,  
10 in the early morning hours?

11 CANFIELD: Yes I have.

12 WALKER: What does Mr. Voss detail about his contact with uh,  
Ms. Baxter on that date at that time?

13 CANFIELD: He uh, details that he had spent the night with her.  
14 That he got up in the morning with her and he left  
at approximately 9:00 a.m. and had not seen her  
15 since that time. He also states that uh, he was  
attempting to buy a mobile home and that she uh,  
16 volunteered and offered to loan him \$5,000.00 toward  
the purchase of this mobile home.

17 WALKER: Did he in fact indicate that he had received a check  
18 from Ms. Baxter in the amount of \$5,000.00 written  
on her personal bank account?

19 CANFIELD: Yes.

20 WALKER: Uh, what else if anything did Mr. Voss indicate  
21 about the arrangement between him and Ms. Baxter  
with reference to that check?

22 CANFIELD: Stated the reference was that he would only use it  
23 if necessary and that as he did not know who the  
payee should be on the check i.e. the uh, mobile  
24 home sales company, an escrow company, uh, that she  
left the payee line for the \$5,000.00 on that check  
25 uh, uh, vacant to be filled in later.

26 ///



1 WALKER: Did uh, Mr. Voss indicate that he had been intimate  
2 with Ms. Baxter on Wednesday evening and/or the  
early morning hours of Thursday morning June 13th?

3 CANFIELD: Yes he stated they had sexual intercourse.

4 WALKER: What kind of vehicle does Mr. Voss own and/or drive?

5 CANFIELD: He drives a 1980 GMC flatbed pickup. And this  
6 pickup is unusual, it has a white bar such as used  
7 for a tow truck, uh, the uh, yellow flashes are on  
the light bar and it has a uh, chrome bed uh, that  
is very, stands out quite a bit, uh high polished  
chrome bed on the flat bed.

8 WALKER: What kind of car does the victim own and/or drive?

9 CANFIELD: The victim, uh, owned and drove a 1985 Buick Regal  
10 Summerset, a grey two door sedan with blue interior.

11 WALKER: Backing up a little bit. Were uh, Ms. Baxter's co-  
12 workers aware of the uh, potential receipt by her of  
a large sum of money?

13 CANFIELD: Uh, yes, she had received a five thousand dollar  
14 check from a moving and storage company in  
Riverside, California in early May. This was a  
15 refund check for uh stored items that they had uh  
accidently sold uh, of that had belonged to her.

16 WALKER: Did Ms. uh, Baxter's co-workers indicate that they  
17 were aware that she had decided not to cash that  
check because of a potential dispute with uh,  
18 whoever she was settling uh, a claim with in  
Southern California?

19 CANFIELD: Yes that's correct. That uh, she made it known that  
20 she felt the property that was sold was worth a lot  
more than five thousand dollars and that she wanted  
21 to not cash the check because she felt that would be  
settling for the five thousand dollars. So she  
22 wanted to try and make some sort of different  
arrangement to continue with a suit or obtaining  
23 more money from uh, this uh, moving and storage  
company.

24 ///

25 ///

26 ///

1 WALKER: Through your investigation and/or conversation and  
2 contact with other detectives did you become aware  
3 that on Wednesday, uh, I believe June 12, 1996,  
4 there was a disagreement and/or altercation between  
5 Ms. Baxter and Mr. Voss at her place of employment  
6 here in Reno?  
7  
8 CANFIELD: Yes. That's correct. Her uh, employees were  
9 interviewed, fellow employees were interviewed and  
10 stated that they observed what they thought was some  
11 type of argument where they could see hand motions,  
12 they could hear loud voices, uh, they could not  
13 actually tell what the discussion was about.  
14  
15 WALKER: Uh, have you uh, come to learn through conversation  
16 and contact with representatives of California  
17 Federal Bank in Sparks, Nevada that in fact uh, one  
18 uh, Stephen Floyd Voss did deposit deposit a check  
19 in the amount of five thousand dollars into the  
20 account of Ms. Baxter on Wednesday?  
21  
22 CANFIELD: Yes, that's correct.  
23  
24 WALKER: Have you heard or learned that on Friday, June 14,  
25 1996, Mr. Voss traveled to the same California  
26 Federal Bank and attempted to negotiate a check  
written on the personal bank account of Ms. Baxter  
in the amount of five thousand dollars?  
  
CANFIELD: Yes that's correct.  
  
WALKER: Detail if you would the contents of that check uh as  
you understand it.  
  
CANFIELD: This personal check was uh, made out by Ms. Baxter  
in the amount of five thousand dollars, the payee  
line was left blank. Uh, he then, when he took this  
check to the bank, uh, he advised me that he wrote  
his name Stephen Voss in the payee line in blue ink,  
which the rest of the ink in the check made out by  
Ms. Baxter was blank. That he attempted to  
negotiate the cashing of this check with a teller  
there who immediately noticed it was blue ink,  
refused to cash it and contacted the branch manager,  
in which he had a discussion with the manager at  
first stating that it was money owed to him by Ms.  
Baxter. Then stated it was money loaned to him by  
Ms. Baxter and then stating it was money Ms. Baxter  
was giving him to purchase a mobile home.  
  
WALKER: Uh, was Mr. Voss able to negotiate the check?

1 CANFIELD: No he was not, they would not cash the check.  
2 WALKER: Where is the check currently?  
3 CANFIELD: The check at this time is still in his possession.  
4 WALKER: Have you seen a copy of this check proved by the  
5 banking authorities?  
6 CANFIELD: Yes I have.  
7 WALKER: Does it in fact confirm that there is two different  
8 types if you will of handwriting based on your  
9 training and experience on the payee line of the  
10 check as opposed to the endorsement portion of the  
11 check?  
12 CANFIELD: Yes.  
13 WALKER: Is it also your understanding that those are written  
14 in different colors of ink?  
15 CANFIELD: Yes it is.  
16 WALKER: Has uh, Ms. Baxter's vehicle been recovered in this  
17 jurisdiction?  
18 CANFIELD: Yes it has.  
19 WALKER: When and where was it recovered?  
20 CANFIELD: It was recovered Saturday morning the 15th at the  
21 Albertson's market parking lot at Fifth and  
22 Keystone, in the City limits of Reno.  
23 WALKER: What was the condition of the car when it was  
24 discovered?  
25 CANFIELD: Uh, the cond..., it was locked up and parked in a  
26 parking space at that location.  
WALKER: Has the car uh, since then been recovered and  
searched?  
CANFIELD: It's been recovered, a search has not been  
completed.  
WALKER: Was there a search of the area around the car uh,  
prior to its seizure if you will?  
///

1 CANFIELD: Uh, at that time when I located the vehicle I  
2 noticed four cigarette butts within two to three  
3 feet of the vehicle. Two of them had, were Marlboro  
cigarettes with a tan top and two were Marlboro with  
a white top white filter uh, area.

4 WALKER: Why is that significant based on your investigation?

5 CANFIELD: During the interview with Stephen Voss I noticed  
6 that he smoked Marlboro box cigarettes with a tan  
7 top and that his mother, which she participated in  
the interview uh, smoked ones with the white top.

8 WALKER: Was there anything about the condition of the  
9 parking lot which would allow you based on your  
training and experience to at least suspect that  
those cigarettes were in some way associated with  
the car?

10 CANFIELD: The uh, parking lot and the adjoining area is  
11 undergoing construction. The parking lot has just  
12 been newly surfaced with asphalt and the new white  
13 lines painted. Uh, around this car were the four  
cigarette butts with no other trash of any type, no  
other cigarette butts within uh, at least a fifty  
foot radius that I observed.

14 WALKER; Is the victim a smoker to your knowledge?

15 CANFIELD: No she is not.

16 WALKER: Did you discover any uh, evidence inside the vehicle  
17 when you looked inside the vehicle to corroborate  
18 that in fact cigarettes had been smoked inside that  
vehicle?

19 CANFIELD: There was some ashes in the front uh, console  
20 portion of the vehicle in what looked to be a  
cellophane wrapper used to wrap cigarettes which was  
21 laying in the back seat along with a single used  
match.

22 WALKER: Do I understand correctly that two other independent  
23 witnesses have confirmed that they have seen a truck  
24 generally matching the description of Mr. Voss's in  
the same area where this car was discovered on  
either Thursday morning or Friday morning?

25 CANFIELD: That's correct.

26 ///

1 WALKER: Detail if you would the information you have  
2 regarding those independent witnesses?

3 CANFIELD: One witness is a construction worker. As I said  
4 before construction is going on there. He observed  
5 this vehicle he states, he's pretty sure it was  
6 Thursday morning but it might also have been Friday  
7 morning. He worked from 6:00 a.m. to 2:00 p.m. and  
8 he states it was in the late morning that he  
9 observed the vehicle he observed and thinking it was  
10 a tow truck and wondering what was going to be towed  
11 from that area. He described the uh, bright chrome  
12 flatbed areas of the truck that had a kind of  
13 diamond type of design in the metal. And the other  
14 uh, person is a B of A employee who uh, went to  
15 that, it's not actually a branch of the storage  
16 facility now for files. She went there on Thursday  
17 and also on Friday. She observed this vehicle  
18 parked in that same vicinity and also gave the same  
19 description of the vehicle.

20 WALKER: When the friends of Ms. Baxter traveled to her  
21 residence on Friday, June 14, 1996, did they find  
22 her purse, wallet, checkbook or keys at her  
23 residence?

24 CANFIELD: No they did not.

25 WALKER: Were any of those items discovered inside the  
26 vehicle uh presumably abandoned in the Albertson's  
parking lot?

27 CANFIELD: No they were not.

28 WALKER: Do I understand correctly that conversation and  
29 contact was made with Mr. Voss at the California  
30 Federal Bank on Friday, June 14th coincidentally  
31 with the contact by the apartment manager of the  
32 victim?

33 CANFIELD: That's correct.

34 WALKER: Who made contact with Mr. Voss?

35 CANFIELD: Uh, Sergeant Dale Pasif and Detective Stacey Hill.

36 WALKER: What did Mr. Voss say at that time if anything about  
37 is activities in terms of trying to cash this check?

38 ///

1 CANFIELD: He advised them that this check was is check made  
2 out to him, that it was a personal loan in the  
3 amount of five thousand dollars to purchase a mobile  
4 home. That Ms. Baxter was a very good friend of his  
5 and that she had loaned him this money to purchase a  
6 mobile home.

7 WALKER: Did the detectives attempt to question Mr. Voss  
8 further about facts and circumstances surrounding  
9 this check?

10 CANFIELD: Yes they did, and at one point he asked if he was  
11 under arrest. When they stated no "you're not under  
12 arrest." He said, "Then fine I'm leaving" and  
13 walked away from them.

14 WALKER: Was the vehicle previously described as a flatbed  
15 truck in the area of California Federal Bank at that  
16 time?

17 CANFIELD: Yes, he had as a matter of fact identified that as  
18 his truck, gave them permission to look through it,  
19 uh, and then right after that is when he walked away  
20 from them and actually walked uh, across McCarran  
21 Boulevard into a different shopping center.

22 WALKER: Do I understand correctly that Mr. Voss simply  
23 abandoned his vehicle at that location?

24 CANFIELD: Yes he did.

25 WALKER: Do I understand correctly that Mr. Voss then went to  
26 a pay phone in the general area of a bar in the  
shopping center across the street from that location  
where he called his mother?

27 CANFIELD: Yes, the bar is the outer limits of the bar on  
Howard Drive. He advised me that he uh, was tired  
of walking in which he had only walked approximately  
a block up the street and he called his mother at  
the Western Village which is an additional two  
blocks away to come and pick him up.

28 WALKER: Did his mother respond to that location to pick him  
up?

29 CANFIELD: Yes she did.

30 WALKER: What kind of vehicle was she driving?

31 ///

1 CANFIELD: She was driving a 1986 Dodge Datona uh, which is a  
2 small maroon sedan, two door sedan.

3 WALKER: Do you know where they went?

4 CANFIELD: Uh, they advised me that uh, his mother drove him  
5 back to the hotel at Western Village, room 135?

6 WALKER: Do I understand that at approximately 10:00 p.m.  
7 again on June 14, 1996, you personally made contact  
8 with Mr. Voss and his mother at their room at the  
9 Western Village Hotel?

10 CANFIELD: Yes I did.

11 WALKER: At that time uh, did you confirm that both were  
12 residents that is living in that room at that  
13 location?

14 CANFIELD: Yes.

15 WALKER: What, describe in detail if you would Mr. Voss's  
16 attitude, demeanor and cooperation?

17 CANFIELD: Originally his mother uh, very cooperative. She  
18 opened the door and I identified myself and uh,  
19 Detective Yaryan was with me at the time. She  
20 allowed us to come in. We wanted to talk about uh,  
21 Ms. Baxter's missing person. We knew that uh,  
22 Stephen Voss had been identified as an acquaintance  
23 of hers. At first she was uh, I would describe his  
24 demeanor as hostile towards us uh, he said he wasn't  
25 very pleased with the Sheriff's Office contact uh,  
26 originally with a Detective Pappas with him and felt  
that he was treated poorly. Uh, we conversed with  
him. Apologized for uh, uh, Sergeant Pappas and uh,  
developed a conversation.

WALKER: Did Mr. Voss provide any more detail at that time  
about his activities and/or his attachment or  
connection to Ms. Baxter?

CANFIELD: Yes he did. That's when he advised us that he had  
known her for over four months. That they were, had  
a friendship kind of uh, where they see each other  
sometimes and not see each other sometimes. That he  
had done repair work on her car. That she would  
loan him money, he's deposited money for her. Uh,  
he was paid for work uh, on her car and that they  
also had a sexual uh, relationship.

1 WALKER: In that regard did you receive cooperation from co-  
2 workers of Ms. Baxter that in fact during last week  
3 Mr. Voss requested Ms. Baxter's keys at work in  
4 order to check her car during working hours?  
5 CANFIELD: That's correct.  
6 WALKER: Did you again make contact with Mr. Voss on Saturday  
7 on June 15, 1996?  
8 CANFIELD: Yes he uh, when we were talking to him at his  
9 residence the night before we asked him if he would  
10 be willing to give a taped statement. He stated  
11 that he would but he did not want to do one at that  
12 time. Uh, we asked him what would be a good time  
13 for him and he specified twelve noon, Saturday.  
14 WALKER: Did you in fact meet with him at that time?  
15 CANFIELD: Uh, yes I did.  
16 WALKER: Did you in fact tape record a statement at that  
17 time?  
18 CANFIELD: Yes I did.  
19 WALKER: At that time did you and/or Detective Varyan ask Mr.  
20 Voss if he would be willing to submit to a polygraph  
21 examination?  
22 CANFIELD: Yes.  
23 WALKER: What was his response?  
24 CANFIELD: His response was uh, he became very physically and  
25 emotionally upset. His face turned red, he became  
26 what I describe as tight jawed where he was  
clenching his teeth and began to raise his voice  
about he'd observed shows such as "60 Minutes" uh,  
describing polygraphs examinations as farces and  
that they were no good and he had police officers as  
friends that had told him not to take one. He's had  
taken them in the past for jobs and did not get the  
jobs and felt that they were just totally useless.  
Although as he described this to us his voice was  
very raised, he was irate at the time.  
24 ///  
25 ///  
26 ///



1 WALKER: Have or during your interviews with uh Mr. Voss does  
2 he insist that his mother be present during those  
3 interviews? Likewise does his mother insist that  
4 her son be present during any interviews conducted  
5 with her?

6 CANFIELD: Actually he insisted that he be present during uh,  
7 the interview of his mother.

8 WALKER: Have you had occasion to question Mr. Voss about his  
9 possession of any storage units?

10 CANFIELD: Uh, yes he volunteered the information that he had a  
11 storage unit in Sparks near Wild Waters and that he  
12 had a storage unit off of North McCarran and Sutro  
13 in Reno, he describes as the KOZZ tower.

14 WALKER: Why was it important to you whether or not Mr. Voss  
15 possessed storage units?

16 CANFIELD: Uh, at this time he had uh, he'd been living in an  
17 apartment. His apartment had actually caught fire  
18 on June 5th and he had moved several items into the  
19 storage units and was basically living out of suit  
20 cases in this motel room at the time.

21 WALKER: Based on your training and experiences and your  
22 experience of people who have uh, transient  
23 residences for example the Western Village have  
24 storage units often keep personal items and/or  
25 personal property in those storage units?

26 CANFIELD: Yes that's correct.

27 WALKER: Is it also per your experience as a criminal  
28 detective working property crimes and crimes against  
29 persons that uh, evidence of criminal misconduct by  
30 persons who keep storage units are often secreted  
31 and/or hidden within those storage units?

32 CANFIELD: Yes that's correct.

33 WALKER: Have you made contact with the owners of a storage  
34 facility uh, in general area of Wild Waters in  
35 Sparks, Nevada?

36 CANFIELD: Yes, it's the uh, uh, Sparks uh, Storage Unit on uh,  
37 Boxington uh, Way in Sparks.

38 WALKER: Have you confirmed that in fact Mr. Voss has a  
39 storage unit at that location?

1 CANFIELD: Yes I was advised that he does and the storage unit  
2 number.  
3 WALKER: In fact did the owner and/or manager of that storage  
4 unit detail to you a description of Mr. Voss, his  
5 vehicle and offered you the information that Mr.  
6 Voss had solicited recently the rental of the large  
7 storage unit austincibly to help victim's like  
8 himself of a recent fire in Sparks?  
9 CANFIELD: That's correct.  
10 WALKER: Did she in fact describe in detail the uh, truck  
11 owned and/or operated by Mr. Voss?  
12 CANFIELD: Yes.  
13 WALKER: Have you also confirmed that Mr. Voss is the owner  
14 or possessor or lessee of a storage unit here in  
15 Reno?  
16 CANFIELD: That's correct.  
17 WALKER: Where is that?  
18 CANFIELD: A storage uh, off of Sutro and North McCarran in  
19 Reno.  
20 WALKER: Have you confirmed that Mr. Voss is in fact the  
21 lessee of a unit at that location?  
22 CANFIELD: Yes I have.  
23 WALKER: What's the unit number?  
24 CANFIELD: The unit number there is FF20J.  
25 WALKER: And for the record in case we missed it, what's the  
26 unit number at the other facility?  
CANFIELD: The unit number at the other facility is F22D.  
WALKER: While, while enquiring as to the uh, possession of  
Mr. Voss of any storage unit at the McCarren annex  
here in Reno did you discover that a person or  
persons by the name of Jacqueline Voss is also the  
lessee of the storage unit at that location?  
///  
///

1 CANFIELD: At the time we were enquiring about the uh, name,  
2 uh, they say that "Yes we have a Voss, which one?"  
3 And uh, we asked well Voss, and they stated that  
4 they had a Stephen Voss and a Jacqueline Voss and  
5 that they listed the same uh, uh, address.

6 WALKER: When you made contact with Mr. Voss was he forth  
7 coming as to his uh, family members and/or friends  
8 and/or personal acquaintances?

9 CANFIELD: No he was not. He had mentioned that he had been  
10 married in the past uh, that he has several  
11 "friends" but that he would not name who they were.  
12 He did not want to involve any family and friends in  
13 questioning by the detectives.

14 WALKER: Have you confirmed that there are uh, pass codes at  
15 each of these storage locations uh, that are, that  
16 allow the storage managers to record the date and  
17 time of entry into any of those locations?

18 CANFIELD: Yes and from the pass code it will identify who it  
19 is that is making entry.

20 WALKER: Are you aware of the personal information that the  
21 uh, status of Ms. Baxter as a missing person has  
22 been uh, widely publicized in the print and/or press  
23 er, print and/or broadcast media here locally to  
24 include two of the three major local television  
25 stations?

26 CANFIELD: Yes, I personally observed it broadcast on channel  
four and channel eight here in Reno locally and also  
with photographs of her.

WALKER: Is it your experience that uh, vehicles are subject  
to movement and/or uh, destruction and/or secretion  
of evidence if they are not searched at any time day  
or night?

CANFIELD: That's correct.

WALKER: Is it also your request to seize a specimen of blood  
and/or hair from the person of Mr. Voss in order to  
examine those against uh, microscopic forensic  
specimen which may be collected at other locations?

CANFIELD: Yes.

WALKER: Likewise do you know when or where you will be able  
to make contact with Mr. Voss?

1 CANFIELD: I believe that he will be found at the Western  
2 Village Hotel room 135.

3 WALKER: Are you at least uh, at any rate, notwithstanding  
4 that belief requesting that you be able to seize his  
5 person at any time day or night in order to collect  
6 those specimens, uh, making every good faith effort  
7 to do so within the hours of 7:00 a.m. and 7:00  
8 p.m.?

9 CANFIELD: That's correct.

10 WALKER: Thank you your Honor, do you have any questions?

11 DANNAN: No. Based upon the Detective Canfield's  
12 explanation I'll go ahead and authorize the various  
13 warrants for the search of the uh, of the storage  
14 sheds I guess, also the seizure of the items from  
15 uh, Mr. Voss's person.

16 WALKER: Thank you your Honor. Transcriber the time is now  
17 4:15.

18 (end tape)

19

20

21

22

23

24

25

26 0625-4A

1 IN THE JUSTICE COURT OF RENO TOWNSHIP,  
2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
5 FOR A SEIZURE ORDER.

6 \_\_\_\_\_/  
7 S E I Z U R E O R D E R

8 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF  
9 WASHOE:

10 Proof by affidavit having been made this date before me  
11 by LARRY CANFIELD, of the WASHOE COUNTY  
12 SHERIFF'S DEPARTMENT, Washoe County, Nevada, that  
13 there is probable cause to believe that the crime(s) of THEFT,  
14 MURDER, VIOLATIONS OF NRS 200.010, 200.020, 200.030 AND 205.032

15 \_\_\_\_\_  
16 has/have been committed and STEVEN FLOYD VOSS  
17 is a suspect/defendant for the criminal conduct based on the  
18 information which was presented in the affidavit in support of  
19 this Seizure Order,

20 IT IS HEREBY ORDERED, and you are therefore directed, to  
21 detain, seize and transport STEVEN FLOYD VOSS  
22 from HIS RESIDENCE  
23 to WASHOE COUNTY DETENTION FACILITY  
24 in Reno, Washoe County, Nevada, for a seizure of a sample of  
25 his/her BLOOD & HAIR  
26 \_\_\_\_\_

1 for all evidentiary, analysis, and comparison purposes in the  
2 pending criminal investigation.

3 IT IS FURTHER ORDERED that medical or duly qualified  
4 personnel are to be employed to obtain the samples, and if there  
5 is any resistance, you are directed to use reasonable force to  
6 effect this Order, and thereafter to make a written inventory of  
7 the samples seized and to bring the inventory forthwith before me  
8 at the above Court.

9 ( ) Serve this Order between 7:00 a.m. and 7:00 p.m.

10 (X) Good cause appearing, serve this Order at any  
11 time.

12 DATED this 17<sup>th</sup> day of June, 1996.

13 Edward Dammann  
14 JUSTICE OF THE PEACE  
15  
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R E T U R N

I HEREBY CERTIFY and return that I received the annexed Search Order on the 17<sup>TH</sup> day of JUNE, 1996; that I executed the same ON HIS PERSON, STEVEN VOSE, AT 911 PARR BLVD RENO Washoe County, Nevada, on JUNE 17<sup>TH</sup> 1996, that upon said Order I seized the following items:

- ① PUBEC HAIR COMBING + STANDARD (APPROX 20)
- ② HEAD HAIR (APPROX 20)
- ③ SALIVA
- ④ BLOOD SAMPLE
- ⑤ TRACE EVIDENCE

described in the annexed Search Order.

DATED this 17<sup>TH</sup> day of JUNE, 1996.

Larry Bonnell QB  
Peace Officer

**WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000**

06/26/96

LABORATORY NUMBER: L1293-96-2  
AGENCY: WASHOE CO. S.O.  
AGENCY CASE #: 129294-96  
SUSPECT: PLANK, GARY  
VICTIM: BAXTER, BEVERLY  
PERSON REQUESTING: DET. CANFIELD  
DATE OF SUBMISSION: 06/17/96  
OFFENSE: MISSING PERSON

SCENE REPORT

LOCATION OF SCENE: Washoe County Sheriff's Office Detention Facility  
Blood Draw Room

DATE: 06-17-96  
TIME NOTIFIED: 1930 HOURS  
TIME ARRIVED: 1945 HOURS  
TIME COMPLETED: 2000 HOURS

CASE SUMMARY

Detective Canfield requested that a Suspect Sexual Assault Evidence Kit be performed on a Mr. Steven F. Voss.

Detectives Canfield and Yaryan, along with Deputy District Attorney Walker, were present in the Blood Draw Room. The phlebotomist was identified to me as Melba Green.

Ms. Green drew the blood and the Sexual Assault Evidence Kit was conducted by me, using Kit #S0499. Per the Seizure Order presented to me by Detective Canfield, no other evidence was collected by me.

EVIDENCE RECOVERED

Collected At: Washoe County Sheriff's Office  
Detention Facility - Blood Draw Room  
911 Parr Boulevard

By: Charles Lowe

Date: 06/17/96

Time: 19:45 Hours

CONTROL#

DESCRIPTION

WCSO/Q07458

One (1) Sexual Assault Evidence Kit #S0499 - collected from the person of Steven F. Voss. The blood draw was performed by phlebotomist Melba Green.

  
C.E. LOWE

Investigator

Forensic Investigation Section

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WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000

06/24/96

LABORATORY NUMBER: L1293-96-11  
AGENCY: WASHOE CO. S.O.  
AGENCY CASE #: 129294-96  
SUSPECT: PLANK, GARY  
VICTIM: BAXTER, BEVERLY  
PERSON REQUESTING: T. LOWRY  
DATE OF SUBMISSION: 06/19/96  
OFFENSE: MISSING PERSON

Received from WCSO EVIDENCE SECTION, on 06/19/96

The submitted items were identified as:

Q07458: Suspect Evidence Kit #S0499 containing items obtained from Steven VOSS on June 19, 1996

RESULTS OF EXAMINATION:

A stain was prepared from the liquid blood sample and will be retained in WCSO Evidence under control #P19546. The remaining items in the Kit were not examined at this time.

Maria Fassett

ANALYST

MARIA FASSETT, CRIMINALIST

1 IN THE JUSTICE COURT OF ROUND TOWNSHIP,  
 2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
 5 FOR A SEARCH WARRANT.

6 \_\_\_\_\_/  
 7 S E A R C H W A R R A N T

8 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF  
 9 WASHOE:

10 Proof by Affidavit having been made this date before me  
 11 by LARRY CAMPBELL, of the WASHOE COUNTY SHERIFF'S  
 12 DEPARTMENT, Washoe County, Nevada, that there is  
 13 probable cause to believe that the crime(s) of MURDER, THEFT

14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 felony violations of NRS 200.010, 200.020, 200.030 AND 200.032,  
 17 has/have been committed by STEVEN FLOYD VOSS,  
 18 and that evidence of the crime(s) TRAIL EVIDENCE INCLUDING HAIR,  
 19 FIBERS AND BODY FLUIDS, PERSONAL PROPERTY OF BEVERLY BARTOL  
 20 INCLUDING KEYS, A PURSE, A WALLET AND A CHECKBOOK

21 \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 is/are presently located, concealed and/or hidden on or within  
 24 (X) MOTEL/MOTEL ROOM a residence and its surrounding premises and curtilage  
 25 including sheds, outbuildings and areas appurtenant thereto,  
 26 described as ROOM #135, WESTERN VILLAGE, SPARKS

1 \_\_\_\_\_ in Washoe County, Nevada;  
2 ( ) a vehicle, described as \_\_\_\_\_  
3 \_\_\_\_\_ which is presently located at  
4 \_\_\_\_\_ in Washoe County, Nevada;  
5 ( ) a container, described as \_\_\_\_\_  
6 \_\_\_\_\_  
7 which is/are presently located at \_\_\_\_\_  
8 \_\_\_\_\_ in Washoe County, Nevada.

9 YOU ARE THEREFORE DIRECTED to make a complete search within  
10 the exterior boundaries of the location and items described  
11 above, including any containers therein, whether locked or  
12 unlocked, which could reasonably contain the evidence to be  
13 searched for, and if the evidence is found, to seize it, make a  
14 written inventory of the same, and bring the inventory forthwith  
15 before me at the above Court.

16 ( ) Serve this Warrant between the hours of 7:00 a.m.  
17 and 7:00 p.m.

18 (X) Good cause appearing, serve this Warrant at any  
19 time.

20 DATED this 17th day of June, 1996.

21 Edward Daman  
22 JUSTICE OF THE PEACE  
23  
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25  
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R E T U R N

I HEREBY CERTIFY and return that I received the annexed Search Warrant on the 17TH day of June, 1996; that I executed the same by making said search of the premises commonly designated as WESTERN VILLAGE INN 815 NICHOLS BLVD. ROOM 135 SPARKS NV. 89433, Washoe County, Nevada; that upon said search I seized the following item(s):

1. PRINTOUT, COMPUTER
2. WHITE BALL POINT PEN "SKILLCRAFT U.S. GOVERNMENT.
3. WHITE BUSINESS SIZE ENVELOPE WHICH CONTAINS PERSONAL CHECK :B.A. BAXTER.
4. 1995 POCKET PAL DATEBOOK.
5. CONTINENTAL CABLE VISION BILL: STEVEN VOSS.

described in the annexed Search Warrant.

DATED this 17TH day of JUNE, 1996.

Det. T. L. L. L.  
Peace Officer

**WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000**

06/20/96

LABORATORY NUMBER: L1293-96-5  
 AGENCY: WASHOE CO. S.O.  
 AGENCY CASE #: 129294-96  
 SUSPECT: VOSS, S.  
 VICTIM: BAXTER, B.  
 PERSON REQUESTING: CANFIELD/YARYAN  
 DATE OF SUBMISSION: 06/18/96  
 OFFENSE: MISSING PERSON

SCENE REPORT

LOCATION OF SCENE: Western Village Motel, Room #135  
 Sparks, Nevada

DATE: 06-17-96  
 TIME NOTIFIED: 1810 HOURS  
 TIME ARRIVED: 1930 HOURS  
 TIME COMPLETED: 2040 HOURS

CASE SUMMARY

At approximately 1930 hours, Lieutenant Means, Sergeant Knight, Detectives Hill and Lowery, Criminalist Berger, and I executed a Search Warrant on Room #135 for processing and evidence collection. Upon our arrival, it was noted that a private security guard and Washoe County Sheriff's Office Detective Blakeslee were standing by in the hallway.

Photographs were taken of the room as first observed, and of the evidence as located by the detectives and Criminalist Berger, prior to it's collection.

AREAS PROCESSED

LATENTS RECOVERED

North wall dresser and lamp .....	No
South wall night stand, lamp, and telephone .....	No
Bathroom vanity, sink, toilet, light switch plate, and door knob .....	No
Cigarette package and alarm clock on the night stand .....	No

(continued)

Page 2  
LI293-96-5

**EVIDENCE RECOVERED**

Collected At: Western Village, Room 135  
Sparks, Nevada

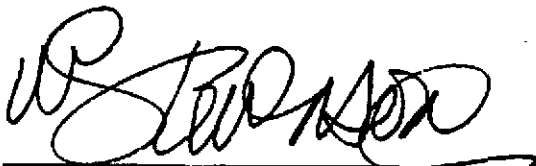
By: William Stevenson

Date: 06/17/96

Time: 19:30 Hours

**CONTROL#****DESCRIPTION**

WCSO/Q07464	One (1) white business size envelope with one (1) personal check #563 of B.A. Baxter - from the top left drawer of the dresser on the north wall / by R. Hill.
WCSO/Q07465	One (1) white with a blue cap, ball point pen - from the top of the dresser on the north wall.
WCSO/Q07466	One (1) 1955 Pocket Pal date book - from the top of the northwest corner shelf / by T. Lowry.
WCSO/Q07467	One (1) Continental Cablevision bill in the name of Steve Voss - by R. Hill.
WCSO/Q07468	One (1) computer printout - from behind the top left dresser drawer on the north wall / by R. Berger.



WILLIAM STEVENSON  
Investigator  
Forensic Investigation Section

0186



RICHARD A. BERGER  
Criminalist  
Forensic Science Division

mm

1 IN THE JUSTICE COURT OF RENO TOWNSHIP,  
2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
5 FOR A SEARCH WARRANT.

6 \_\_\_\_\_/  
7 S E A R C H W A R R A N T

8 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF  
9 WASHOE:

10 Proof by Affidavit having been made this date before me  
11 by LARRY CONFIELD, of the WASHOE COUNTY SHERIFFS DEPT  
12 \_\_\_\_\_, Washoe County, Nevada, that there is  
13 probable cause to believe that the crime(s) of MURDER, THEFT

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 felony violations of NRS 200.010, 200.020, 200.030 AND 205.0552,

17 has/have been committed by STEVEN FLOYD VOSS,

18 and that evidence of the crime(s) TRACE EVIDENCE INCLUDING HAIR,

19 FIBERS AND BODY FLUIDS; PERSONAL PROPERTY OF BEVERLY BAKER

20 INCLUDING KEYS, A PURSE, A WALLET AND A CHECKBOOK  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 is/are presently located, concealed and/or hidden on or within  
24 ( ) a residence and its surrounding premises and curtilage  
25 including sheds, outbuildings and areas appurtenant thereto,  
26 described as \_\_\_\_\_

1 \_\_\_\_\_ in Washoe County, Nevada;  
2 (X) a vehicle, described as A WHITE 2002 FORD 1980 GMC  
3 SIERRA FLATBED PICK-UP which is presently located at  
4 815 NICHOLS BLVD SPARKS, in Washoe County, Nevada;  
5 (   ) a container, described as \_\_\_\_\_  
6 \_\_\_\_\_  
7 which is/are presently located at \_\_\_\_\_  
8 \_\_\_\_\_ in Washoe County, Nevada.

9 YOU ARE THEREFORE DIRECTED to make a complete search within  
10 the exterior boundaries of the location and items described  
11 above, including any containers therein, whether locked or  
12 unlocked, which could reasonably contain the evidence to be  
13 searched for, and if the evidence is found, to seize it, make a  
14 written inventory of the same, and bring the inventory forthwith  
15 before me at the above Court.

16 (   ) Serve this Warrant between the hours of 7:00 a.m.  
17 and 7:00 p.m.

18 (X) Good cause appearing, serve this Warrant at any  
19 time.

20 DATED this 17<sup>th</sup> day of JUNE, 1996.

21 Edward J. Danner  
22 JUSTICE OF THE PEACE  
23  
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R E T U R N

I HEREBY CERTIFY and return that I received the annexed Search Warrant on the 17<sup>TH</sup> day of JUNE, 1996; that I executed the same by making said search of the premises commonly designated as 1980 GMC FLATBED TRUCK  
WH/BLN CA 5B17583  
Washoe County, Nevada; that upon said search I seized the following item(s):

- ① AT&T PHONE BILL IN NAME OF STEVE F. VOSS
- ② 2-SMALL MAKE-UP COMPACTS
- ③ 2-EMPTY MARLBORO CIGARETTE BOXES
- ④ 3-ROLLS OF TAPE (2-CLEAR, 1-TAN)
- ⑤ ASHTRAY + CONTENTS
- ⑥ TRACE EVIDENCE

described in the annexed Search Warrant.

DATED this 18<sup>TH</sup> day of JUNE, 1996.

Larry Campbell  
Peace Officer

WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000

06/28/96

LABORATORY NUMBER: L1293-96-10  
AGENCY: WASHOE CO. S.O.  
AGENCY CASE #: 129294-96  
SUSPECT: PLANK, GARY  
VICTIM: BAXTER, BEVERLY  
PERSON REQUESTING: DET. CANFIELD  
DATE OF SUBMISSION: 06/14/96  
OFFENSE: MISSING PERSON

SCENE REPORT

LOCATION OF SCENE: Washoe County Sheriff's Office - Forensic Science Division  
Reno, Nevada

DATE: 06-18-96  
TIME BEGAN: 1540 HOURS  
TIME COMPLETED: 1800 HOURS

CASE SUMMARY

At approximately 1540 hours, Detective Canfield, Criminalists Berger and Bowman, and I executed a Search Warrant on a white/blue GMC flatbed truck bearing California registration 5B17583, which was parked in bay #3 of the garage.

Photographs were taken of the truck which included general views of the exterior and interior, and of the property located within the cab.

Following the photography, the vehicle was processed for latent prints and then examined by Criminalists Berger and Bowman for evidence and trace evidence as listed on the Search Warrant.

A VIN could not be located on the vehicle in the normal locations, nor in other locations as described by Detective M. Oxhorn, the Washoe County Sheriff's Office Auto Theft Investigator.

EVIDENCE RECOVERED

Collected At: Forensic Science Division  
Garage - Bay #3

By: William Stevenson

Date: 06-18-96

Time: 15:40 Hours

CONTROL#DESCRIPTION

WCSO/Q07492

Ashtray and contents (several burned cigarettes) - from the GMC truck (California Registration 5B17583).

(continued)

<u>CONTROL#</u>	<u>DESCRIPTION</u>
WCSO/Q07493	Three (3) rolls of tape - from the floor of the GMC truck (California Registration 5B17583).
WCSO/Q07494	Two (2) makeup compacts - from the cab of the GMC truck (California Registration 5B17583).
WCSO/Q07495	Two (2) "Marlboro" cigarette boxes - from the cab of the GMC truck (California Registration 5B17583).
WCSO/Q07496	One (1) "AT&T" telephone bill - from the cab of the GMC truck (California Registration 5B17583).
WCSO/Q07497	One (1) envelope of vacuum sweepings - from the right side foot well of the GMC truck (California Registration 5B17583).
WCSO/Q07498	One (1) envelope of vacuum sweepings - from the seat bench and back of the GMC truck (California Registration 5B17583).
WCSO/Q07499	One (1) envelope of vacuum sweepings - from the left side foot well of the GMC truck (California Registration 5B17583).



WILLIAM STEVENSON  
Investigator  
Forensic Investigation Section



RICHARD A. BERGER  
Criminalist  
Forensic Science Division



DIANE M. BOWMAN  
Criminalist  
Forensic Science Division

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1 IN THE JUSTICE COURT OF BEAD TOWNSHIP,  
2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
5 FOR A SEARCH WARRANT.

6 \_\_\_\_\_/  
7 S E A R C H W A R R A N T

8 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF  
9 WASHOE:

10 Proof by Affidavit having been made this date before me  
11 by LARRY CONFILIN, of the WASHOE COUNTY SHERIFF'S DEPARTMENT  
12 \_\_\_\_\_, Washoe County, Nevada, that there is  
13 probable cause to believe that the crime(s) of THEFT

14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 felony violations of NRS 200.010, 200.020, 200.030 AND 205.0832,

17 has/have been committed by STEVEN'S AUTO LOSS,

18 and that evidence of the crime(s): PERSONAL PROPERTY OF BEVERLY

19 BOXER INCLUDING KEYS, A PURSE, A WALLET AND A CHECKBOOK  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 is/are presently located, concealed and/or hidden on or within  
24 ( ) a residence and its surrounding premises and curtilage  
25 including sheds, outbuildings and areas appurtenant thereto,  
26 described as \_\_\_\_\_

1 \_\_\_\_\_ in Washoe County, Nevada;  
2 (X) a vehicle, described as A DARK 1986 DODGE DARTONIA  
3 NEVADA LICENSE # 997 GKE which is presently located at  
4 WESTERN VILLAGE, 815 NICHOLS BLVD. PARKS, in Washoe County, Nevada;  
5 ( ) a container, described as \_\_\_\_\_  
6 \_\_\_\_\_  
7 which is/are presently located at \_\_\_\_\_

8 \_\_\_\_\_ in Washoe County, Nevada.

9 YOU ARE THEREFORE DIRECTED to make a complete search within  
10 the exterior boundaries of the location and items described  
11 above, including any containers therein, whether locked or  
12 unlocked, which could reasonably contain the evidence to be  
13 searched for, and if the evidence is found, to seize it, make a  
14 written inventory of the same, and bring the inventory forthwith  
15 before me at the above Court.

16 ( ) Serve this Warrant between the hours of 7:00 a.m.  
17 and 7:00 p.m.

18 (X) Good cause appearing, serve this Warrant at any  
19 time.

20 DATED this 17<sup>th</sup> day of June, 1996.  
21 Edward Daman  
22 JUSTICE OF THE PEACE  
23  
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25  
26

R E T U R N

I HEREBY CERTIFY and return that I received the annexed Search Warrant on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_; that I executed the same by making said search of the premises commonly designated as \_\_\_\_\_

Wasnoe County, Nevada; that upon said search I seized the following item(s):

4= BLK. FLOOD MATS  
1= MULTI COLOR COMFORTER  
CONTENTS OF ASH TRAYS (2)  
CONTENTS OF SM. PLASTIC TRASH CAN  
TRACE EVIDENCE (HAIR & FIBER)

described in the annexed Search Warrant.

DATED this 17<sup>TH</sup> day of JUNE, 1996.

David P. B. [Signature]  
Peace Officer 12868

WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000

07/22/96

LABORATORY NUMBER: L1293-96-13  
AGENCY: WASHOE CO. S.O.  
AGENCY CASE #: 129294-96  
SUSPECT: PLANK, GARY  
VICTIM: BAXTER, BEVERLY  
PERSON REQUESTING: OXHORN  
DATE OF SUBMISSION: 06/17/96  
OFFENSE: MISSING PERSON

SCENE REPORT

LOCATION OF SCENE: FSD Garage  
911 Parr Boulevard

DATE: 06-17-96  
TIME NOTIFIED: 1700 HOURS  
TIME ARRIVED: 1900 HOURS  
TIME COMPLETED: 2125 HOURS

CASE SUMMARY

At approximately 1900 hours, Washoe County Sheriff's Office Detective Oxhorn arrived, along with a 1985 Dodge Daytona (Nevada License Plate #997GKZ), at the above listed location and briefed me regarding the Search Warrant being served on the vehicle.

Color photographs were taken showing overall exterior and interior views of the vehicle; and views of items lying in the rear cargo area and within the dash ash tray.

Several items were collected from within the vehicle as well as an examination for possible latent prints was conducted.

AREAS PROCESSEDLATENTS RECOVERED

A) Inside rear view mirror ..... (1)  
B) Driver and passenger doors and windows ..... (0)  
C) Rear cargo/hatch door and window ..... (0)

EVIDENCE RECOVERED

Collected At: FSD Garage  
911 Parr Boulevard

By: David Billau

Date: 06/17/96

Time: 20:00 Hours


CONTROL#DESCRIPTION

WCSO/Q07574 Four (4) floor mats - collected from the interior of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).

(continued)

<u>CONTROL#</u>	<u>DESCRIPTION</u>
WCSO/Q07575	One (1) multi-colored comforter with stains - collected from the rear cargo area of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).
WCSO/Q07576	Trace tape lifts - collected from the driver's seat of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).
WCSO/Q07577	Trace tape lifts - collected from the front passenger seat of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).
WCSO/Q07578	Trace tape lifts - collected from the rear passenger/cargo area of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).
WCSO/Q07579	Four (4) filter cigarette butts - collected from the red plastic ashtray in the center of the dash of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).
WCSO/Q07580	Numerous filter cigarette butts - collected from the center console ashtray of a 1986 Dodge Daytona (Nevada License Plate #997GKZ).

All of the evidence collected from the vehicle was inventoried, packaged, and booked into the Washoe County Sheriff's Office Evidence Section.

  
DAVID C. BILLAU  
Investigator  
Forensic Investigation Section

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1 IN THE JUSTICE COURT OF RENO TOWNSHIP,  
 2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
 5 FOR A SEARCH WARRANT.

6 \_\_\_\_\_/  
 7 S E A R C H W A R R A N T

8 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF  
 9 WASHOE:

10 Proof by Affidavit having been made this date before me  
 11 by LARRY CANFIELD, of the WASHOE COUNTY SHERIFF'S DEPARTMENT  
 12 \_\_\_\_\_, Washoe County, Nevada, that there is  
 13 probable cause to believe that the crime(s) of THEFT, MURDER

14 \_\_\_\_\_  
 15 \_\_\_\_\_  
 16 felony violations of NRS 205.0832 AND 200.010, 200.020, 200.030,  
 17 has/have been committed by STEVEN FLOYD VOSS,

18 and that evidence of the crime(s): LEASE AND/OR RENTAL AGREEMENTS;  
 19 PERSONAL ACCESS CODE RECORDS; INDICIA OF OWNERSHIP FOR PERSONAL  
 20 PROPERTY; TRAIL EVIDENCE INCLUDING HAIR, FIBERS, CLOTH FIBERS; PERSONAL  
 21 PROPERTY OF BEVERLY CARTER INCLUDING KEYS, A PURSE, A WALLET AND  
 22 A CHECKBOOK

23 is/are presently located, concealed and/or hidden on or within  
 24 ( ) a residence and its surrounding premises and curtilage  
 25 including sheds, outbuildings and areas appurtenant thereto,  
 26 described as \_\_\_\_\_

1 \_\_\_\_\_ in Washoe County, Nevada;  
2 ( ) a vehicle, described as \_\_\_\_\_  
3 \_\_\_\_\_ which is presently located at  
4 \_\_\_\_\_ in Washoe County, Nevada;  
5 ~~THE OFFICE FOR ADD/AS SPICE 4~~  
6 (X) ~~a container, described as~~ SF 20J ON THE GROUND FLOOR  
7 OF THE NORTHWEST BUILDING OF MCGARRAN ANNEX I  
8 which is/are presently located at 1295 SELMI DR., RENO  
9 \_\_\_\_\_ in Washoe County, Nevada.

10 YOU ARE THEREFORE DIRECTED to make a complete search within  
11 the exterior boundaries of the location and items described  
12 above, including any containers therein, whether locked or  
13 unlocked, which could reasonably contain the evidence to be  
14 searched for, and if the evidence is found, to seize it, make a  
15 written inventory of the same, and bring the inventory forthwith  
16 before me at the above Court.

17 (X) Serve this Warrant between the hours of 7:00 a.m.  
18 and 7:00 p.m.

19 ( ) Good cause appearing, serve this Warrant at any  
20 time.

21 DATED this 17<sup>th</sup> day of June, 1996.

22 Edward J. Dorman  
23 JUSTICE OF THE PEACE  
24  
25  
26

R E T U R N

I HEREBY CERTIFY and return that I received the annexed Search Warrant on the 17<sup>TH</sup> day of JUNE, 1996; that I executed the same by making said search of the premises commonly designated as 1295 SELMI DR. RENO NV. MCCARRAN ANNEX I UNIT # SF 20J Washoe County, Nevada; that upon said search I seized the following item(s):

- ① CALIFORNIA CAR TITLE FOR 1980 GMC P/U
- ② ALAMEDA CO. BIRTH CERTIFICATE IN NAME OF STEVEN FLOYD VOSS
- ③ 3-DAYS OF GATE TAPES
- ④ LEASE AGREEMENT FOR STORAGE UNIT SF 20J

described in the annexed Search Warrant.

DATED this 17<sup>TH</sup> day of JUNE, 1996.

DET. LARRY CAMPBELL  
Peace Officer

WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000

06/20/96

LABORATORY NUMBER: L1293-96-3  
AGENCY: WASHOE CO. S.O.  
AGENCY CASE #: 129294-96  
SUSPECT: VOSS, S.  
VICTIM: BAXTER, B.  
PERSON REQUESTING: CANFIELD/YARYAN  
DATE OF SUBMISSION: 06/17/96  
OFFENSE: MISSING PERSON

SCENE REPORT

LOCATION OF SCENE: Self Storage  
McCarran Boulevard at Sutro Street  
Reno, Nevada

DATE: 06-17-96  
TIME NOTIFIED: 1500 HOURS  
TIME ARRIVED: 1526 HOURS  
TIME COMPLETED: 1738 HOURS

CASE SUMMARY

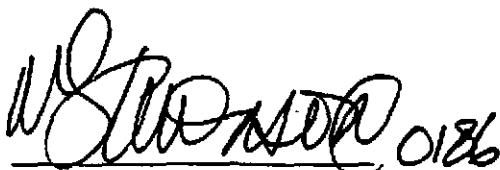
At approximately 1526 hours, the following personnel were contacted in front of storage unit #SF20J regarding the service of a Search Warrant which was obtained by Detective Canfield:

Lieutenants Martin and Means; Sergeants Knight and Butko; Detectives Yaryan, Hill, Canfield, and Lowry; and Criminalist Berger.

The unit was opened by Sergeant Butko, and primarily examined by both Sergeant Butko and Detective Yaryan.

Photographs were taken of the unit prior to it's being opened, after the opening, and at the completion of the examination when another lock was installed.

No evidence was recovered by me.



WILLIAM STEVENSON  
Investigator  
Forensic Investigation Section

1 IN THE JUSTICE COURT OF RENO TOWNSHIP,  
 2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.

3 \* \* \*

4 IN THE MATTER OF THE APPLICATION  
 5 FOR A SEARCH WARRANT.

6  
 7 S E A R C H W A R R A N T

8 THE STATE OF NEVADA, TO ANY PEACE OFFICER IN THE COUNTY OF  
 9 WASHOE:

10 Proof by Affidavit having been made this date before me  
 11 by LARRY CARPIS, of the WASHOE COUNTY SHERIFF'S DEPARTMENT  
 12 \_\_\_\_\_, Washoe County, Nevada, that there is  
 13 probable cause to believe that the crime(s) of MURDER, THEFT  
 14 \_\_\_\_\_  
 15 \_\_\_\_\_,  
 16 felony violations of NRS 200.010 200.020, 200.030 and 205.0832,  
 17 has/have been committed by STEVEN FLOYD VOSS,  
 18 and that evidence of the crime(s) LEASE AND/OR RENTAL AGREEMENT;  
 19 PERSONAL ACCESS CODE RECORDS; INDICIA OF OWNERSHIP FOR PERSONAL  
 20 PROPERTY; TRACE EVIDENCE INCLUDING HAIR, FIBERS, BOOTHY FLUIDS,  
 21 PERSONAL PROPERTY INCLUDING KEYS, A PURSE, A WALLET AND A  
 22 CHECKBOOK  
 23 is/are presently located, concealed and/or hidden on or within  
 24 ( ) a residence and its surrounding premises and curtilage  
 25 including sheds, outbuildings and areas appurtenant thereto,  
 26 described as \_\_\_\_\_

1 \_\_\_\_\_ in Washoe County, Nevada;  
2 ( ) a vehicle, described as \_\_\_\_\_  
3 \_\_\_\_\_ which is presently located at  
4 \_\_\_\_\_ in Washoe County, Nevada;  
5 (X) ~~THE OFFICE FOR RND/GR SALE \*~~ ~~a container, described as~~ F220 IN THE STORAGE BUSINESS  
6 KNOWN AS SPARKS SELF STORAGE  
7 which is/are presently located at 450 COXINGTON WAY, SPARKS,  
8 \_\_\_\_\_ in Washoe County, Nevada.

9 YOU ARE THEREFORE DIRECTED to make a complete search within  
10 the exterior boundaries of the location and items described  
11 above, including any containers therein, whether locked or  
12 unlocked, which could reasonably contain the evidence to be  
13 searched for, and if the evidence is found, to seize it, make a  
14 written inventory of the same, and bring the inventory forthwith  
15 before me at the above Court.

16 (X) Serve this Warrant between the hours of 7:00 a.m.  
17 and 7:00 p.m.

18 ( ) Good cause appearing, serve this Warrant at any  
19 time.

20 DATED this 17<sup>th</sup> day of June, 1996.

21 Edward Damary  
22 JUSTICE OF THE PEACE  
23  
24  
25  
26

R E T U R N

I HEREBY CERTIFY and return that I received the annexed Search Warrant on the 17<sup>th</sup> day of June, 1997; that I executed the same by making said search of the premises commonly designated as Sparks Self Storage  
450 Boxing Ten Way Sparks NV 89434 Washoe County, Nevada; that upon said search I seized the following item(s):

*Nothing Removed*

described in the annexed Search Warrant.

DATED this 17<sup>th</sup> day of June, 1996.

*Det. Terry Louie*  
Peace Officer

WASHOE COUNTY SHERIFF'S OFFICE  
RICHARD KIRKLAND, SHERIFF  
FORENSIC SCIENCE DIVISION  
911 PARR BLVD.  
RENO, NV 89512-1000

06/20/96

LABORATORY NUMBER: L1293-96-4  
AGENCY: WASHOE CO. S.O.  
AGENCY CASE #: 129294-96  
SUSPECT: VOSS, S.  
VICTIM: BAXTER, B.  
PERSON REQUESTING: CANFIELD/YARYAN  
DATE OF SUBMISSION: 06/17/96  
OFFENSE: MISSING PERSON

SCENE REPORT

LOCATION OF SCENE: Self Storage  
Sparks Boulevard  
Sparks, Nevada

DATE: 06-17-96  
TIME NOTIFIED: 1738 HOURS  
TIME ARRIVED: 1810 HOURS  
TIME COMPLETED: 1920 HOURS

CASE SUMMARY

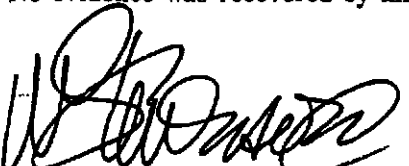
At the completion of the examination of storage unit #SF20J at the Reno Self Storage Units, Lieutenants Means and Martin; Sergeants Butko and Knight; Detectives R. Hill, L. Canfield, and T. Lowry; Criminalist Berger, and I went to the Sparks Self Storage Units in order to execute a Search Warrant, which was obtained by Detective Canfield.


Upon our arrival, it took numerous minutes to gain access through the front security gate, and storage unit #F22D was ultimately opened at approximately 1810 hours.

The unit was searched by Detectives R. Hill and Lowry, and Criminalist Berger also examined it for possible trace evidence of value.

Photographs were taken of the unit prior to entry, during the search, and upon the completion of the search, when a lock provided by the units managers was installed.

No evidence was recovered by this investigator.

  
WILLIAM STEVENSON 0186  
Investigator  
Forensic Investigation Section  
mm


  
RICHARD A. BERGER  
Criminalist  
Forensic Science Division



VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge except as to those matters stated on information and belief, and as to such matters he believes them to be true.

By; STEVEN FLOYD VOSS #52094

  
LOVELOCK CORRECTIONAL CENTER  
POST OFFICE BOX, 359  
LOVELOCK NEVADA 89419

CERTIFICATE OF SERVICE BY MAIL

I STEVEN FLOYD VOSS hereby certify pursuant to N.R.C.P 5(b) that on this 5 day of may. 2000, I mailed a true and correct copy of the foregoing petition for WRIT OF HABEAS CORPUS. Adderessed to:

JACKIE CRAWFORD, WARDEN  
LOVELOCK CORRECTIONAL CENTER


FRANKIE SUE DEL PAPA,  
NEVADA ATTORNEY GENERAL

Post Office Box, 359  
Lovelock, Nevada 89419

100 N. Carson St  
Carson City Nevada 89701

RICHARD A. GAMMICK  
Washoe County, District Attorney  
Post Office Box 11130  
Reno, Nevada 89520

By: STEVEN FLOYD VOSS #52094

  
Lovelock Correctional Center  
Post Office Box 359  
Lovelock Nevada 89419

Court Copy

FILED

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

2000 MAY 10 PM 3:59  
AMY HAYES CLERK

BY

DEPUTY

STEVEN FLOYD VOSS,

PETITIONER,

VSS-

THE STATE OF NEVADA,

RESPONDENT

CASE NO. CR 96P 1581A  
DEPT NO. 10

MOTION TO INVALIDATE  
SEARCH WARRANTS AND  
SEIZURE ORDER

COMES NOW THE PETITIONER STEVEN FLOYD VOSS IN PROPERIA  
PERSONA, AND HEREBY MOVES THIS COURT FOR THE ENTRY OF AN  
ORDER INVALIDATING FIVE (5) SEARCH WARRANTS AND ONE (1)  
SEIZURE ORDER AUTHORIZED BY JUSTICE OF THE PEACE EDWARD  
DANNAN ON JUNE 17, 1996 AND DURING THE INVESTIGATION OF  
WCSO CASE #129294-96.

PRIOR TO THE APPLICATION FOR THOSE WARRANTS AND ORDER  
WASHOE COUNTY SHERIFFS INVESTIGATORS CONDUCTED THREE SEPARATE  
POLICE DOMINATED INTERROGATIONS OF STEVEN FLOYD VOSS WITHOUT  
APPRISING HIM OF HIS CONSTITUTIONAL PRIVILEGE AGAINST SELF  
INCRIMINATION, AND WITHOUT APPRISING HIM OF HIS RIGHT TO  
COUNSEL, IN THE CONTEXT OF THOSE INTERROGATIONS  
STEVEN FLOYD VOSS RELATED VARIOUS WRITTEN AND VERBAL STATEMENTS  
TO SHERIFFS INVESTIGATORS.  
HOWEVER AT A HEARING TO CONSIDER THE APPLICATION FOR THE  
SEARCH WARRANTS AND THE SEIZURE ORDER. AND IN THE COURSE  
OF SWORN TESTIMONY BY WASHOE COUNTY SHERIFFS DEPUTY LARRY  
PRESTON CANFIELD. THE DEPUTY MADE REFERENCE TO COMMENTS,

CR96P1581A  
POST STEVEN FLOYD VOSS (D1) 3 Pages  
District Court 05/10/2000 03:59 PM  
Washoe County 2490

1 AND TO STATEMENTS PRESUMABLY MADE BY STEVEN FLOYD VOSS  
2 DURING THE EARLIER INTERROGATIONS. AS THE STATEMENTS OF STEVEN  
3 FLOYD VOSS WERE MADE AS A RESULT OF THE FAILURE OF POLICE,  
4 TO APPRISE HIM OF HIS MIRANDA RIGHTS. THE WARRANT APPLICATION  
5 WAS TAINTED. THEREFORE THE WARRANTS AND THE SEIZURE ORDER  
6 MUST ALSO BE TAINTED. ALONG WITH ALL PROPERTY AND TRACE  
7 EVIDENCE COLLECTED OR SEIZED IN THE WAKE OF THOSE WARRANTS  
8 AND ORDERS.

9 THIS BEING TRUE STEVEN FLOYD VOSS HEREBY RESPECTFULLY  
10 REQUEST THAT THE FIVE (5) SEARCH WARRANTS AND THE ONE (1)  
11 SEIZURE ORDER REFERED TO IN THIS INSTANT MOTION BE INVAL-  
12 IDATED OR OTHERWISE BE MADE NULL AND VOID. AND THAT ALL  
13 PROPERTY AND TRACE EVIDENCE COLLECTED OR SEIZED IN THE  
14 WAKE OF THOSE WARRANTS OR ORDERS BE IMMEDIATELY RETURNED  
15 TO STEVEN FLOYD VOSS OR AN AGENT OF HIS CHOICE.

16 THE INSTANT MOTION IS BASED ON THE ATTACHED STATE-  
17 MENT, APPLICATION FOR PETITION OF HABEAS CORPUS ( POST  
18 CONVICTION ), SUPPLEMENTAL PETITION OF HABEAS CORPUS  
19 ( POST CONVICTION ) THE COURT FILES HEREIN, INCLUDING THE  
20 REPORTERS TRANSCRIPTS OF ALL PREVIOUS PROCEEDINGS HEREIN,  
21 AND ANY ORAL OR DOCUMENTORY EVIDENCE AS MAY BE PRESENTED  
22 AT HEARING ON THIS MATTER.

23 DATED THIS 5 DAY OF may, 2000

24 PETITIONER: STEVEN FLOYD VOSS #52094

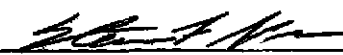
25 Steven A. Voss  
26 LOVELOCK CORRECTIONAL CENTER

27 LOVELOCK NEVADA 89419  
28

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge except as to those matters stated on information and belief, and as to such matters he believes them to be true.

By: STEVEN FLOYD VOSS #52094

  
LOVELOCK CORRECTIONAL CENTER  
POST OFFICE BOX, 359  
LOVELOCK NEVADA 89419

CERTIFICATE OF SERVICE BY MAIL

I STEVEN FLOYD VOSS hereby certify pursuant to N.R.C.P 5(b) that on this 5 day of May, 2000, I mailed a true and correct copy of the foregoing petition for WRIT OF HABEAS CORPUS. Addressed to:

JACKIE CRAWFORD, WARDEN

FRANKIE SUE DEL PAPA,

LOVELOCK CORRECTIONAL CENTER

NEVADA ATTORNEY GENERAL

Post Office Box, 359

100 N. Carson St

Lovelock, Nevada 89419

Carson City Nevada 89701


RICHARD A. GAMMICK

Washoe County, District Attorney

Post Office Box 11130

Reno, Nevada 89520

By: STEVEN FLOYD VOSS #52094

  
Lovelock Correctional Center  
Post Office Box 359  
Lovelock Nevada 89419

Court Copy

FILED

2000 MAY 10 PM 3:59

ANY KERRY CLERK

BY

DEPUTY

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

3 STEVEN FLOYD VOSS,

PETITIONER,

VS.

THE STATE OF NEVADA,

RESPONDENT,

CASE NO. CR96 P 1581A  
 (CR 97-2077)

DEPT NO.

MOTION TO SET ASIDE VERDICT

11 COMES NOW THE PETITIONER, AND DEFENDANT STEVEN FLOWD VOSS,  
 12 IN PROPERIA PERSONA. AND HEREBY MOVES THIS COURT FOR THE ENTRY  
 13 OF AN ORDER SETTING ASIDE THE VERDICT IN THE ABOVE ENTITLED  
 14 MATTER # CR97-2077. AND DISMISSING THE CHARGES, AND FOR OTHER  
 15 APPROPRIATE SANCTIONS THE COURT MAY IMPOSE. THE DEFENDANT MOVES  
 16 FOR SUCH FINDINGS AND SANCTIONS BASED ON THE STATES FAILURE  
 17 TO EFFECTIVELY APPRISE THE DEFENDANT OF HIS CONSTITUTIONAL  
 18 PRIVILEGE AGAINST SELF INCRIMINATION, AND TO HES RIGHT TO  
 19 REPRESENTATION BY COUNCEL, BEFORE REPEATED CUSTODIAL INTER-  
 20 IGATIONS. AND FURTHERMORE BECAUSE SHERIFFS DETECTIVE LARRY  
 21 CANFIELD, AND DEPUTY DISTRICT ATTORNEY, EGAN WALKER. USED THOSE  
 22 STATEMENTS ILLEGALLY OBTAINED FROM THE DEFENDANT, DURING THE  
 23 APPLICATION FOR FIVE (5) SEARCH WARRANTS, AND ONE SEIZURE  
 24 ORDER ON JUNE 17,1996. RESULTING IN FIVE ILLEGAL SEARCHES  
 25 AND NUMEROUS ILLEGAL SEIZURES OF PROPERTY AND OF TRACE EVI-  
 26 DENCE. THEN LATER DEPUTY DISTRICT ATTORNEY, EGAN WALKER PRESENTED  
 27 TO A GRAND JURY THROUGH THE TESTEMONY OF SHERIFFS DEPUTIES.  
 28

CR96P1581A DC-9900026664-038  
 POST STEVEN FLOYD VOSS (D1 3 Pages)  
 District Court 05/10/2000 03:59 PM  
 Washoe County 2490

1     STATMENTS PURPORTEDLY MADE BY THE DEFENDANT DURING THE "CUSTO-  
2     DIAL INTERROGATIONS". CONTRIBUTING TO THE RETURN OF A TRUE  
3     BILL, AND TO THE INDICTMENTS AND CONVICTIONS CHALLENGED HEREIN.  
4     DURING THE TRIAL OF THOSE INDICTMENTS TESTIMONY WAS MADE BY  
5     SHERIFFS DEPUTIES IN REGARD TO THE STATEMENTS PURPORTEDLY MADE  
6     BY THE DEFENDANT. IN ADDITION AUDIO AND VIDEO TAPED ACCOUNTS  
7     OF THOSE INTERROGATIONS WERE ADMITTED AS STATES EVIDENCE. ALONG  
8     WITH ITEMS SEIZED WITH TAINTED WARRANTS AND ORDERS, OR IN SOME  
9     CASES NO WARRANT AT ALL. AND WITHOUT ANY DEMONSTRATION TO THE  
10    COURT, OF THE USE OF PROCEDURAL SAFEGUARDS EFFECTIVE TO SECURE  
11    PRIVILEGE AGAINST SELF-INCRIMINATION. AND THUS ULTIMATELY  
12    DENYING THE DEFENDANT A FAIR TRIAL.

13           THE INSTANT MOTION IS BASED ON THE ATTACHED POINTS AND  
14    AUTHORITIES, THE COURT FILES HERIN, INCLUDING THE REPORTERS'  
15    TRANSCRIPTS OF ALL PREVIOUS PROCEEDINGS HEREIN, AND ANY ORAL  
16    OR DOCUMENTORY EVIDENCE AS MAY BE PRESENTED AT THE HEARING ON  
17    THIS MATTER.

18                                 DATED THIS 5 DAY OF may 2000.

19  
20  
21                                 BY Steven F. Voss  
22                                 STEVEN FOLYD VOSS, # 52094  
23                                 LOVELOCK CORRECTIONAL CENTER  
24                                 POST OFFICE BOX, 359  
25                                 LOVELOCK NEVADA. 89419  
26  
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28

VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge except as to those matters stated on information and belief, and as to such matters he believes them to be true.

By; STEVEN FLOYD VOSS #52094

LOVELOCK CORRECTIONAL CENTER  
POST OFFICE BOX, 359  
LOVELOCK NEVADA 89419

CERTIFICATE OF SERVICE BY MAIL

I STEVEN FLOYD VOSS hereby certify pursuant to N.R.C.P 5(b) that on this \_\_\_\_ day of \_\_\_\_\_. 2000, I mailed a true and correct copy of the foregoing petition for WRIT OF HABEAS CORPUS. Addressed to:

JACKIE CRAWFORD, WARDEN

FRANKIE SUE DEL PAPA,

LOVELOCK CORRECTIONAL CENTER

NEVADA ATTORNEY GENERAL

Post Office Box, 359

100 N. Carson St

Lovelock, Nevada 89419

Carson City Nevada 89701

RICHARD A. GAMMICK

Washoe County, District Attorney

Post Office Box 11130

Reno, Nevada 89520

By: STEVEN FLOYD VOSS #52094

Lovelock Correctional Center  
Post Office Box 359  
Lovelock Nevada 89419

ORIGINAL

FILED

MAY 11 2000

8:35 a.m.

AMY HARVEY, CLERK

S. Bartlett DEPUTY

3370

CR96P1581R DC-9900326664-040  
POST: STEVEN FLOYD VOSS (D1 3 Pages  
District Court 05/11/2000 08:35 AM  
Washoe County 3370  
TOMC

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STEVEN FLOYD VOSS,

Petitioner,

vs.

Case No. CR96P1581

Dept. No. 10

STATE OF NEVADA,

Respondent.

ORDER FOR EVIDENTIARY HEARING, APPOINTMENT OF COUNSEL

On March 9, 2000, petitioner filed a Petition for Writ of Habeas Corpus. A response was ordered on March 21, 2000, and the respondent filed an Answer to petition for Writ of Habeas Corpus on May 5, 2000. Upon review of all pleadings and papers on file herein, this court determines that an evidentiary hearing is required. See NRS 37.440.

ACCORDINGLY, IT IS HEREBY ORDERED that petitioner's request for appointment of counsel is GRANTED.

IT IS FURTHER ORDERED that Scott Edwards, Esq. is appointed to represent petitioner.


IT IS FURTHER ORDERED that the parties shall appear within thirty (30) days of the date of this order to set this matter for hearing.



1 IT IS FURTHER ORDERED that petitioner shall have forty-five (45) days from  
2 the date of this order to supplement his petition.

3 IT IS FURTHER ORDERED that respondent shall have sixty (60) days after the  
4 date of receiving petitioner's supplement, answer or otherwise respond to the petition and file a  
5 response or answer to the petition and a return in accordance with NRS 34.360 - 34.830.

6 DATED this 10 day of May 2000.

7  
8   
9 STEVEN P. ELLIOTT  
District Judge

CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court, and that on the 11 day of May, 2000, I deposited for mailing at Reno, Nevada, a true copy of the attached document to:

Gary Hatlestad,  
Chief Deputy District Attorney  
District Attorney's Office,  
P.O. Box 30083  
Reno, NV 89520  
(Interoffice Mail)

Scott Edwards, Esq.  
1030 Holcomb  
Reno, NV 89502

Steven Floyd Voss, #52094  
Lovelock Correctional Center  
P.O. Box 359  
Lovelock, NV 89419

Dated this 11 day of May, 2000.

Stephene Bartlett

1 V10.114  
D-10  
S-11

Court Copy

FILED

2000 MAY 22 AM 3:00

ANY HAY CLERK  
BY [Signature]

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CR96P1581A  
DC-9900026664-041  
POST: STEVEN FLOYD VOSS (D 35 Pages  
District Court 05/22/2000 03 00 PM  
Washoe County

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

STEVEN FLOYD VOSS,  
  
PETITIONER,  
  
VS.  
  
THE STATE OF NEVADA,  
  
RESPONDENT,

CASE NO. CR 96P 1581  
DEPT NO. 10

PETITIONERS REPLY

PETITION FOR WRIT OF HABEAS CORPUS ( POST CONVICTION )

COMES NOW PETITIONER, STEVEN FLOYD VOSS IN PROPERIA PERSONA  
FOR WRIT OF HABEAS CORPUS, ( POST CONVICTION ) WEREBY, THE DEFEN-  
DANT, REQUESTS POST CONVICTION RELEIF. FROM A JUDGEMENT OF CONVIC-  
FOLLOWING JURY TRIAL. ON ONE COUNT, BURGLARY; TWO COUNTS, OF UTTER  
ING A FORGED INSTRUMENT; TWO COUNTS, OF FORGERY; AND ONE COUNT OF  
ATTEMPTED THEFT. WHICH RESULTED IN SIX CONSECUTIVE SENTENCES.  
COUNT ONE, 48 TO 120 MONTHS; COUNT TWO, 16 TO 48 MONTHS, COUNT  
THREE, 16 TO 48 MONTHS; COUNT FOUR, 16 TO 48 MONTHS, COUNT FIVE,  
16 TO 48 MONTHS; AND COUNT SIX, 16 TO 48 MONTHS.

THE PETITIONER HAS RECEIVED A COPY OF THE RESPONDENTS, ANSWER  
TO PETITION FOR WRIT OF HABEUS CORPUS (POST CONVICTION). AND HAS  
READ SUCH ANSWER. THE PETITIONER ASSERTS THAT THE RESPONDENTS  
ANSWER IS INCOMPLETE. AND DOES NOTHING TO ADDERESS THE ISSUES  
PRESENTED IN THIS PETITION. AS THE RESPONDENT FAILS TO MAKE ANY  
ARGUMENT IN REGARD TO THE DEFENDANTS ALLEGATIONS. THE PETITIONER

1 HEREBY REQUEST THAT HIS PETITION FOR WRIT OF HABEAS CORPUS ( POST  
2 CONVICTION ) BE GRANTED AT THIS TIME. OR IN THE ALTERNATIVE THAT  
3 HE BE GRANTED AN EVIDENTIARY HEARING. WHERE AT THE PETITIONER MAY  
4 PRESENT EVIDENCE TO PROVE HIS ALLEGATIONS. THE PETITIONER ALSO  
5 REQUEST THAT IF THIS PETITION IS NOT GRANTED AT THIS TIME. THAT  
6 COUNSEL BE APPOINTED AT THIS TIME FOR THE PETITIONER.

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INTRODUCTION

1 THE PETITIONER IN THIS MATTER STEVEN FLOYD VOSS BASICLY HAS THREE  
2 AREAS OF CONTENTION. AND FROM THOSE THREE AREAS, THE ISSUES FAN  
3 OUT INTO THE NINE GROUNDS SUBMITTED HEREIN.

4 THE FIRST AREA IS BASICLY A BRADY ISSUE. WHEREBY THE STATE  
5 FAILED TO DISCLOSE A SECRET WITNESS REPORT. AND BY DOING SO THE  
6 STATE WITH HELD MATERIAL EXCULPITORY EVIDENCE FROM THE DEFENSE.

7 THE SECOND AREA BASICLY CONSIST OF MIRANDA ISSUES, STEMING FROM  
8 THE STATES FAILURE TO APPRISE MR. VOSS OF HIS CONSTITUTIONAL RIGHTS  
9 BEFORE QUESTIONING HIM. FROM THERE THIS ISSUE FANS OUT. BECAUSE  
10 THE STATE USED STATEMENTS PURPORTEDLY MADE BY MR. VOSS DURING SEVERAL  
11 INTERROGATIONS, AT A HEARING FOR THE APPLICATION OF SEARCH WARRANTS.  
12 THEN THE STATE ARMED WITH WARRANTS OBTAINED THEREIN, CONDUCTED  
13 FIVE SEARCHES AND EXECUTED ONE SEIZURE ORDER. RESULTING IN THE SEIZU-  
14 RE OF PERSONAL PROPERTY BELONGING TO MR. VOSS, OR TO HIS MOTHER  
15 MARY DUPLIN, ALONG WITH TRACE EVIDENCE, AND BLOOD, HAIR AND SALIVA  
16 SAMPLES FROM MR. VOSS. WHEREBY, VARIOUS ITEMS OF PERSONAL PROPERTY  
17 SEIZED WERE ADMITTED AS STATES EVIDENCE AT TRIAL, ALONG WITH TEST-  
18 IMONY FROM LAW ENFORCEMENT OFFICERS REGARDING STATEMENTS PURPOR-  
19 TEDLY MADE BY MR. VOSS, ALONG WITH TWO AUDIO-VIDEO TAPES OF TWO  
20 POLICE INTERROGATIONS, AND A WRITTEN STATEMENT FROM MR. VOSS. ALL  
21 OF THESE EXHIBITS AND THE WITNESS TESTIMONY WAS IN VIOLATION OF  
22 MR. VOSS'S 5TH, 6TH, AND 14TH AMENDMENT RIGHTS.

23 THE THIRD AREA OF CONTENTION IS AN ISSUE OF INEFFECTIVE REPRE-  
24 SENTATION OF COUNSEL. AND STEMS FROM APPOINTED COUNSELS FAILURE  
25 TO ADEQUATELY CONSULT WITH MR. VOSS, AND TO PREPARE AND PRESENT  
26 A PROPER DEFENCE. AND ALTERNATELY TO REPRESENT MR. VOSS IN REGARD  
27 TO HIS PRESENTING INVESTIGATION AND TO PRESENT MITIGATING EVI-  
28 DENCE AT THE SENTENCING HEARING.

ARGUMENT

1 GROUND ONE: THE STATE FAILED TO DISCLOSE MATERIAL EXCULPITORY  
2 EVIDENCE, THE VALUE OF WHICH WOULD HAVE CLEARLY PLAYED A SIGNIF-  
3 ICANT ROLE TO THE DEFENCE OF THESE CHARGES, AND THE VALUE OF WHICH  
4 WAS KNOWN BY THE STATE BEFORE TRIAL.

5 ON OCTOBER 10, 1996, THE DEFENDANT STEVEN FLOYD VOSS ( HERE  
6 AFTER REFERED TO AS VOSS ) WAS CONVICTED OF SIX FELONIES CHARGED  
7 HEREIN BY WAY OF AN INFORMATION FILED ON JULY 16, 1996. THE CHARGES  
8 DEALT WITH THE CIRCUMSTANCES SURROUNDING A \$5,000 CHECK WRITEN ON  
9 THE ACCOUNT OF THE ALLEGED VICTOM BEVERLY ANN BAXTER ( HERE AFTER  
10 REFERED TO AS BAXTER ).

11 ON OR ABOUT DECEMBER 23, 1997 DEPUTY DISTRICT ATTORNEY THOMAS  
12 E. VILORIA DISCLOSED A SECRET WITNESS REPORT DATED JUNE, 19, 1996.  
13 THE REPORT REFERRED TO A TELEPHONE CALL FROM EDWARD ANTHONY  
14 VILARDI, (HERE AFTER REFERED TO AS VILARDI ) A SECURITY GUARD WITH  
15 PINKERTON SECURITY. HE REPORTED THAT HE HAD SEEN BAXTER ON JUNE 13  
16 1996. AT 10;30 P.M. SHE WAS SITTING ON THE DRIVERS SIDE OF A FULL  
17 SIZE PICKUP TRUCK. THAT VILARDI SPECIFICALLY DESCRIBED AS BEING  
18 DIFFERENT FROM THE DISTINCTIVE TRUCK BELONGING TO VOSS AT THE  
19 TIME. IN THE TRUCK WITH BAXTER WAS A MALE IN THE PASSENGER SEAT.  
20 VILARDI COULD NOT IDENTIFY THIS MAN. VILARDI REQUESTED THAT THEY  
21 MOVE THEIR TRUCK GIVIN THAT THEY WERE NOT PARKED IN A PARTICULARLY  
22 SAFE PLACE. VILARDI FILED AN INCIDENT REPORT WITH HIS EMPLOYER.  
23 WHICH INCLUDED A DISCRIPTION OF THE TRUCK AND THE LICENCE PLATE  
24 NUMBER. THIS EVIDENCE WOULD HAVE BEEN SIGNIFICANT TO THE DEFENCE  
25 GIVEN THE TESTIMONY OF VERNON WOODARD. WHO TESTIFIED AT TRIAL THAT  
26 HE HAD SEEN A WOMAN MEETING THE GENERAL DESCRIPTION OF BAXTER, WITH  
27 VOSS ON JUNE 13, 1996 AT 10;00 A.M. DEPUTY DISTRICT ATTORNEY EGAN  
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1 WALKER ( HEREAFTER REFERED TO AS WALKER ) PROCEEDED TO ARGUE AT  
2 TRIAL THAT THIS WAS THE LAST TIME BAXTER WAS SEEN, WHICH PROVIDED  
3 VOSS WITH THE OPPORTUNITY TO COMMIT THE CRIMES FOR WHICH HE WAS  
4 CHARGED HEREIN.

5 AT NO TIME DID WALKER PRESENT ANY TESTIMONY THAT BAXTER MAY  
6 HAVE BEEN SEEN ALIVE AS MUCH AS TWELVE HOURS AFTER THE STATE  
7 CLAIMED BAXTER HAD BEEN SEEN FOR THE LAST TIME WITH VOSS.

8 AFTER THE SECRET WITNESS REPORT WAS FINALLY DISCLOSED, LARRY  
9 CARLSON, AN INVESTIGATOR FOR THE WASHOE COUNTY PUBLIC DEFENDER'S  
10 OFFICE, CONTACTED VILARDI TO VERIFY HIS STORY. HE NOT ONLY VER-  
11 IFIED HIS STORY BUT HE STATED THAT HE WOULD HAVE WILLINGLY TEST-  
12 IFIED AT THE TRIAL IF HE HAD BEEN ASKED. IN FACT VILARDI HAD MADE  
13 NUMEROUS TELEPHONE CALLS TO VARIOUS AGENCIES, INCLUDING THE RENO  
14 POLICE DEPARTMENT, IN AN EFFORT TELL HIS STORY. INVESTIGATOR  
15 CARLSON ATTEMPTED TO OBTAIN A COPY OF THE INCIDENT REPORT FILED  
16 BY VILARDI. HOWEVER, PINKERTON SECURITY HAS SINCE LOST THAT RE-  
17 PORT. IT SHOULD BE NOTED THAT A STIPULATION AND ORDER REGARDING  
18 DISCOVERY WAS FILED ON JULY 19,1996 AT THE ARRAIGNMENT IN THE  
19 ABOVE-ENTITLED CASE. THE TRIAL COURT SIGNED THE ORDER DIRECTING  
20 THAT FULL DISCOVERY TAKE PLACE PURSUANT TO TRIAL COUNSELS STIP-  
21 ULATION.

22 VOSS CONTENDS THAT, THE VERDICT OF THE JURY MUST BE SET  
23 ASIDE AND ALL OF THE CHARGES MUST BE DISMISSED BECAUSE THE STATE  
24 FAILED TO DISCLOSE MATERIAL EXCULPITORY EVIDENCE TO THE DEFENCE  
25 WHICH WOULD HAVE CLEARLY PLAYED A SIGNIFICANT ROLE IN THE DEFENCE  
26 TO THESE CHARGES, THE VALUE OF WHICH WAS KNOWN TO THE STATE BE-  
27 FORE TRIAL.

28 INDEPENDENT STATE AND FEDERAL CONSTITUTIONAL GUARANTEES

1 TO DUE PROCESS OF LAW ARTICLE I SECTION 8 OF THE NEVADA CONSTI-  
2 TUTION; FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CON-  
3 STITUTION. REQUIRE, EVEN IN THE ABSENCE OF A SPECIFIC REQUEST,  
4 THAT THE PROSECUTION HAS AN AFFIRMATIVE DUTY TO DISCLOSE TO THE  
5 DEFENCE " EVIDENCE FAVORABLE TO AN ACCUSED WHEN THAT EVIDENCE IS  
6 MATERIAL EITHER TO GUILT OR TO PUNISHMENT "JIMENEZ V. STATE 112  
7 NEV. 610,617 (1996). KYLES V. WHITLEY. U.S. 115 S. CT. 1555,1565  
8 (1995). ROBERTS V. STATE. 110 NEV. 1121,1127 (1994). BRADY V.  
9 MARYLAND. 373 U.S. 83,87,83 S. CT. 1194,1196 (1963). UNITED  
10 STATES V. BAGLEY 473 U.S. 667,105 S. CT. 3375 (1985) THE UNITED  
11 STATES SUPREME COURT HELD THAT FAVORABLE EVIDENCE IS MATERIAL,  
12 AND CONSTITUTIONAL ERROR RESULTS FROM ITS SUPPRESSION BY THE  
13 STATE. " IF THERE IS A REASONABLE PROBABILITY THAT, HAD THE EVID-  
14 ENCE BEEN DISCLOSED TO THE DEFENCE, THE RESULT OF THE PROCEEDING  
15 WOULD HAVE BEEN DIFFERENT." ID, AT 682 THIS DOES NOT REQUIRE A  
16 DEMONSTATION BY PREPONDERANCE THAT DISCLOSURE OF THE SUPPRESSED  
17 EVIDENCE WOULD HAVE RESULTED ULTIMATELY IN THE DEFENDANT'S  
18 ACQUITTAL KYLES AT 1566 INSTEAD A "REASONABLE PROBABILITY" OF A  
19 DIFFERENT RESULT IS SHOWN WHEN THE STATES EVIDENTIARY SUPPRE-  
20 SSION " UNDERMINES CONFIDENCE IN THE OUTCOME OF THE TRIAL" BAGLEY  
21 , AT 678.

22 IN THE CASE AT HAND, IT IS CLEAR THAT THE EVIDENCE WAS MAN-  
23 IFESTLY EXPECTED TO PLAY A SIGNIFICANT ROLE IN THE DEFENCE HERE  
24 IN , AND THAT SUCH SIGNIFICANCE WAS APPARENT TO THE STATE BEFORE  
25 EVIDENCE WAS SUPPRESSED. INDEED, DEFENCE COUNSEL HAD OBJECTED TO  
26 THE TESTIMONY OF VERNON WOODARD AS IRRELEVANT. HOWEVER, THE STATE  
27 VEHEMENTLY ARGUED THAT THE TESTIMONY WAS RELEVANT TO SHOW AN AN-  
28 OPPORTUNITY TO COMMIT THE CRIMES FOR WHICH HE WAS CHARGED.



1       THUS, IT WAS OF PARAMOUNT IMPORTANCE TO KNOW OF OTHER WITNESSES  
2       WHO HAD SEEN BAXTER ALIVE ATLEAST TWELVE HOURS AFTER SHE WAS  
3       ALLEGEDLY SEEN FOR THE LAST TIME WITH VOSS. AND THE STATE CER-  
4       TAINLT KNEW OF SUCH SIGNIFICANCE.

5               FURTHERMORE, THE CONDUCT OF THE STATE AND ITS AGENTS HAS  
6       RESULTED IN THE LOSS OF THE INCIDENT REPORT FILED BY VILARDI,  
7       HAD THE DEFENCE BEEN ABLE TO OBTAIN A COPY OF THAT INCIDENT RE-  
8       PORT, IT WOULD HAVE LED TO THE OWNER OF THE PICKUP TRUCK DESCRI-  
9       BED BY VILARDI. THE DEFENCE COULD HAVE USED SUCH INFORMATION TO  
10      CHALLENGE THE METHODS, AND THE RELIABILITY OF THE POLICE INVESTI-  
11      GATION, AND TO IDENTIFY OTHER POSSIBLE SUSPECTS. SEE, JIMENEZ,  
12      SUPRA AT 618.

13              THEREFORE THE STATES FAILURE TO DISCLOSE THE SECRET WITNE-  
14      SS REPORT, VIOLATED THE DEFENDANT'S CONSTITUTIONAL RIGHTS TO DUE  
15      PROCESS OF LAW, AND SANCTIONS ARE REQUIRED.

16              THE STATE MAY ARGUE THAT THE DEFENCE NEVER MADE A SPECIFIC  
17      REQUEST FOR THE SECRET WITNESS REPORT BEFORE TRIAL. HOWEVER,  
18      GIVEN THE FACT THAT FULL DISCOVERY HAD BEEN ORDERED BY THE TRIAL  
19      COURT, DEFENCE COUNSEL HAD NO REASON TO ANTICIPATE THAT OTHER  
20      REPORTS EXISTED THAT WERE NOT MADE AVAILABLE. IN ADDITION DEFENCE  
21      COUNSEL ATTEMPTED TO EXCLUDE THE TESTIMONY OF WOODARD BUT WAS  
22      THWARTED BY THE STATES ARGUMENT THAT THE TESTIMONY WAS RELEVANT.  
23      CERTAINLY ANY INFORMATION THAT BAXTER WAS SEEN AFTER 10;00 A.M.  
24      ON JUNE 13, 1996 WOULD ALSO BE RELEVANT, AND SHOULD HAVE BEEN MADE  
25      AVAILABLE TO THE DEFENCE. THE COMBINATION OF THESE FACTORS AMOUNT  
26      TO THE FUNCTIONAL EQUIVALENT OF A SPECIFIC REQUEST FOR THE SECRET  
27      WITNESS REPORT FROM THE STATE. SEE, JIMENEZ, SUPRA, AT 617.  
28

1 THE STATE MAY ALSO ARGUE THAT ITS FAILURE TO DISCLOSE THE  
2 SECRET WITNESS REPORT WAS INADVERTENT. HOWEVER, THE STATE'S MO-  
3 TIVE OR REASON FOR WITH HOLDING EXCULPATORY EVIDENCE IS IMMATER-  
4 IAL. WALLACE V. STATE 88 NEV. 549,551 (1972). EVEN IF THE DETEC-  
5 TIVES WITHHELD THEIR REPORTS WITHOUT THE STATES KNOWLEDGE, THE  
6 STATE IS CHARGED WITH CONSTRUCTIVE KNOWLEDGE AND POSSESSION OF  
7 EVIDENCE. EVEN IF WITHHELD BY OTHER STATE AGENTS, SUCH AS LAW  
8 ENFORCEMENT OFFICERS. SEE, JIMENEZ, SUPRA, AT618

9 THUS, THE VIOLATIONS OF THE DEFENDANT'S RIGHTS TO DUE PRO-  
10 CESS OF LAW REQUIRE THAT THE VERDICTS OF THE JURY, IN THE ABOVE  
11 INTITLED CASE BE SET ASIDE, AND THAT THE ALLEGATIONS BE DISMISSED  
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1 GROUND TWO: THE DEFENDANT WAS EXPOSED TO JURORS IN PRISON GARB,  
2 IN MANICLE RESTRAINTS OR PHYSICAL RESTRAINT BY SHERIFFS DEPUTIES  
3 AND COURT BAILIFF ON ATLEAST TWO OCCASIONS.

4 VOSS CONTENDS THAT AS A RESULT OF HIS EXPOSURE TO JURORS IN  
5 JAIL CLOTHING, AND IN HAND AND LEG RESTRAINTS. AND PHYSICAL RES-  
6 TRRAINT BY SHERIFFS DEPUTIES AND BAILIFF. THAT THE JURY WAS PRE-  
7 JUDICED. THEREFORE, DENYING VOSS A FAIR TRIAL.

8 IT IS INCONCEIVABLE AND UNTHINKABLE THAT A DEFENDANT SHOULD  
9 BE DISPLAYED OR EXPOSED TO JURORS, CHAINED AND SHACKLED AND DRE-  
10 SSED IN PRISON CLOTHING. ESPECIALLY AS IN THIS CASE, WHERE THE  
11 TRIAL COURT ISSUED A SPECIFIC ORDER TO THAT EFFECT. WHEN THE  
12 COURT HEARD DEFENCE MOTIONS IN LIMINE.

13 THEREIN, VOSS REQUESTED THE TRIAL COURT TO ORDER HIS CUSTO-  
14 DIANS THAT HE MAY NOT, AT ANY TIME, BE EXPOSED IN PRISON GARB  
15 AND/OR RESTRAINTS TO MEMBERS OF THE JURY PANEL. WHEREBY, THE  
16 JUDGE GRANTED THE MOTION.

17 HOWEVER, WHEN VOSS WAS TRANSPORTED TO THE DISTRICT COURT-  
18 HOUSE FOR THE PURPOSE OF TRIAL ON OCTOBER 7, 1996. VOSS WAS ES-  
19 CORTED BY SHERIFFS DEPUTIES FROM A VAN PARKED ON THE STREET, AND  
20 PARADED PAST BYSTANDERS, AND THEN PROSPECTIVE JURORS. IN JAIL  
21 CLOTHING AND WAIST CHAINS, AND IN HAND AND LEG RESTRAINTS. WHERE  
22 BY HE ENTERED THE COURTHOUSE BY WAY OF THE PUBLIC ENTRANCE. THEN  
23 VOSS AND SEVERAL OTHER JAIL INMATES WERE ORDERED BY SHERIFFS  
24 DEPUTIES TO STAND WITH THERE FACES TO THE WALL. WHILE SHERIFFS  
25 DEPUTIES ATTEMPTED TO COMMANDEER AN ELEVATOR. THIS IN PLAIN VEIW  
26 AND WITHIN EARSHOT OF PROSPECTIVE JURORS CONGREGATING IN THE  
27 AREA OF THE ELEVATORS.

28 VOSS LATER IDENTIFIED PERSONS FROM THE LOBBY TO APPOINTED

1 COUNSEL. AND REQUESTED THAT APPOINTED COUNSEL INFORM THE JUDGE  
2 THAT IMPANALED JURORS HAD SEEN HIM IN JAIL CLOTHING AND FULL RES-  
3 TRAINTS. HOWEVER COUNSEL REFUSED.

4 DEFENDANT'S RIGHTS ARE VIOLATED WHEN HE IS MADE TO APPEAR  
5 BEFORE A JURY IN SHACKLES DURING THE GUILT PHASE OF A TRIAL;  
6 AND WHEN SUCH ERROR HAS OCCURRED, IT IS THE SUPREME COURTS DUTY  
7 TO REVERSE A CONVICTION UNLESS IT IS CLEAR THAT THE DEFENDANT WAS  
8 NOT PREJUDICED ELVIK V. STATE NEV.965 P.2D 281 (1998)

9 WHERE THERE IS A VIOLATION OF A DEFENDANT'S RIGHT TO APPEAR  
10 BEFORE HIS JURORS CLAD IN THE APPAREL OF AN INNOCENT PERSON, IT  
11 IS THE DUTY OF THE SUPREME COURT TO REVERSE A CONVICTION UNLESS  
12 IT IS CLEAR THAT THE DEFENDANT WAS NOT PREJUDICED THERE BY.  
13 GROOMS V. STATE P.2D. 1145 96 NEV. 142 A CRIMINAL DEFENDANT CLEA-  
14 RLY HAS THE RIGHT TO APPEAR BEFORE HIS JURORS CLAD IN THE APPAREL  
15 OF AN INNOCENT PERSON. ESTELLE V. WILLIAMS 425 U.S. 501 (1976)  
16 THE PRESUMPTION OF INNOCENCE IS INCOMPATIBLE WITH THE GARB OF  
17 GUILT GROOMS V. STATE 96 NEV. 142,144 SUCH AN ERROR IS REVERSIBLE  
18 SEE, GROOMS SUPRA.

19 IN CONCLUSION, THE DEFENDANT ASSERTS THAT DUE TO THE VIOLA-  
20 TION OF THE COURTS ORDER BY SHERIFFS DEPUTIES, AND BAILIFFS. AND  
21 BY THE COURTS FAILURE TO VOIR DIRE JURORS. THUS, IDENTIFYING ALL  
22 JURORS WHO MAY HAVE SEEN VOSS IN VIOLATION OF THE COURT ORDER.  
23 AND BY THE COURTS FAILURE TO INSTRUCT THE JURY NOT TO CONSIDER  
24 THE INCIDENTS DURING THEIR DELIBERATIONS. PREJUDICE RESULTED, DEN-  
25 YING VOSS A FAIR TRIAL AND VIOLATING HIS FOURTEENTH AMENDMENT  
26 RIGHTS.

1 GROUND THREE: JURY MEMBERS WERE ALLOWED TO HEAR COMMENTS BETWEEN  
2 COURT BAILIFFS OR SHERIFFS DEPUTIES AS TO THE DEFENDANTS IN CUS-  
3 TODY STATUS.

4 VOSS CONTENDS THAT IMPANELED JURORS WERE ALLOWED TO HEAR  
5 COMMENTS FROM SHERIFFS DEPUTIES TRANSPORTING VOSS TO COURT PRO-  
6 CEEDINGS, AND FROM BAILIFFS IN THE COURT HOUSE HALLWAY, WHILE  
7 BAILIFF GARY CLIFFORD ESCORTED VOSS FROM COURT ROOM, TO A DETEN-  
8 TION CELL. DURING A COURT RECESS FOR LUNCH ON OCTOBER 9, 1996.  
9 AND THAT THE JURORS INVOLVED WERE PREJUDICED BY THE COMMENTS AND  
10 BY THE PHYSICAL RESTRAINT EMPLOYED BY THE BAILIFFS AT THE TIME  
11 OF SAID COMMENTS. THEREBY, DENYING VOSS HIS RIGHT TO A FAIR TRIAL

12 IT IS RIDICULOUS THAT FOR SOME REASON TWO BAILIFFS CHARGED  
13 WITH CONTAINING THE JURY IN THE JURY ROOM, WHILE VOSS WAS ESCOUR-  
14 TED TO A DETENTION CELL, FAILED AT SUCH A SIMPLE TASK. A TASK  
15 THAT IS ROUTINE AT ANY TRIAL, WHEN THE DEFENDANT IS IN CUSTODY  
16 DURING HIS TRIAL. IT WAS VOSS'S OBSERVATION THAT MORE ATTENTION  
17 WAS GIVEN TO PROVIDING THE NEWS MEDIA WITH CLEAR CAMERA VEIWS,  
18 THAN TO COURT ROOM SECURITY, OR THE DEFENDANTS RIGHTS. AND THE  
19 BREADTH OF THE ERRORS ARE COMPOUNDED IN FOLD. BY THE FACT THAT  
20 THE TRIAL COURT HAD ISSUED AN ORDER TO **PRECLUDE ANY REFERENCE TO**  
21 **THE DEFENDANTS IN CUSTODY STATUS.** VOSS IS NOT CONCERNED WITH WHY  
22 THE INCIDENTS OCCURRED. HIS CONCERN IS THE OCCURRENCE IN ITSELF  
23 AND THAT IT VIOLATED HIS RIGHT TO A FAIR TRIAL BY PREJUDICING  
24 HIM TO THE JURORS.

25 THE RULE THAT ONE IS INNOCENT UNTIL PROVEN GUILTY MEANS THAT  
26 A DEFENDANT IS ENTITLED TO NOT ONLY THE PRESUMPTION OF INNOCENCE,  
27 BUT ALSO TO INDICIA OF INNOCENCE ILLINOIS V. ALLEN 397 U.S. 334  
28

1 (1970); HAYWOOD V. STATE 107 NEV. 285 (1991). INFORMING THE JURY  
2 THAT A DEFENDANT IS IN JAIL RAISES AN INFERENCE OF GUILT. SEE,  
3 HAYWOOD, SUPRA.  
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1 GROUND FOUR: THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF  
2 NEVADA. ERRORED WHEN IT FAILED TO REACH A DECISION IN REGARD TO  
3 A MOTION TO SET ASIDE VERDICT AND SHOULD NOW BE HELD IN DEFAULT  
4 OF SAID MOTION.

5 IT IS VOSS'S CONTENTION THAT THE DISTRICT COURT HAS DEFAULT-  
6 ED. AND THAT HIS MOTION TO SET ASIDE THE JURY VERDICTS RELATIVE  
7 TO CR 96-1581 SHOULD BE GRANTED AT THIS TIME, AND ALL CHARGES DIS-  
8 MISSED. AS A RESULT OF THE FAILURE OF THEN DISTRICT COURT JUDGE  
9 DEBORA AGOSTI, TO RULE ON SAID MOTION.

10 ON APRIL 30, 1998 VOSS FILED A MOTION THROUGH COUNSEL, TO SET  
11 ASIDE THE VERDICTS IN CASE CR 96-1581 AND TO DISMISS THOSE ALLEGA-  
12 TIONS. ON MAY 21, 1998 DURING PROCEEDINGS TO CONFIRM A TRIAL DATE  
13 RELATIVE TO CR 97-2077. WEREBY, JUDGE AGOSTI, DETERMINED THAT DUE  
14 TO THE COURT DOCKET AND THE APPROACHING TRIAL DATE OF CR 97-2077  
15 THAT SHE WOULD EVALUATE THE TESTOMONY OF EDWARD VILARDI AS HE  
16 TESTIFIED IN THE UPCOMING CASE. HOWEVER TO THE NONPLUS OF VOSS,  
17 JUDGE AGOSTI NEVER MADE HER PROMISED RULING. THEREBY, LEAVING VOSS  
18 'S MOTION UNANSWERED. AND VIOLATING HIS RIGHT TO DUE PROCESS OF  
19 LAW. GUARANTEED BY THE FOURTEENTH AMENDMENT.

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1 GROUND FIVE: APPOINTED COUNSEL WAS INEFFECTIVE AND INCOMPETENT  
2 IN REPRESENTING THE DEFENCE.

3 VOSS CONTENDS THAT APPOINTED TRIAL COUNSELS REPRESENTATION  
4 FELL BELOW AN OBJECTIVE STANDARD OF REASONABLENESS. SINCE COTTER  
5 C. CONWAYS, (HEREAFTER REFERED TO AS CONWAY). APPOINTMENT  
6 AS COUNSEL FOR THE DEFENCE IN JUNE OF 1996, THROUGH MR. VOSS'S  
7 TRIAL IN OCTOBER 1996, AND SENTENCING PROCEEDINGS IN NOVEMBER OF  
8 1996. MR. VOSS MADE NUMEROUS AND REPEATED REQUEST FOR CONSULTA-  
9 TION WITH CONWAY WITH NEGATIVE RESULTS. VOSS CONTENDS THAT HE  
10 MADE THESE REQUEST PERSONALLY BY DIRECT TELEPHONE CONTACT WITH  
11 CONWAY. WHEREBY CONWAY WOULD STATE THAT HE WAS BUSY, AND THAT  
12 HE WOULD TRY TO MAKE IT TO THE JAIL TO MEET WITH VOSS. SOME-  
13 TIMES GOING AS FAR TO SET A TIME AND DATE. HOWEVER CONWAY FAILED  
14 TO ARRIVE FOR THESE MEETINGS. AND ON THE OCCASION THAT CONWAY  
15 DID ARRIVE AT THE DETENTION FACILITY TO MEET WITH VOSS. HE ONLY  
16 STAYED FOR APPROXIMATELY TWENTY MINUTES OR SO BEFORE INFORMING  
17 VOSS THAT HE HAD TO LEAVE, AS SATURDAY IS HIS DAY OFF.

18 AFTER THIS VOSS WROTE NUMEROUS LETTERS REQUESTING TO  
19 CONSULT WITH COTTER IN REGARD TO THE CASE. AS WELL AS LEAVING  
20 TELEPHONE MESSAGES ON CONWAYS MESSAGE MACHINE. ALL WITH NEGATIVE  
21 RESULTS. VOSS WENT AS FAR AS ENLISTING THE HELP OF HIS FAMILY  
22 TO CONTACT COTTER. THOSE APPEALS TO COTTER, WERE ALSO IGNORED.  
23 IT IS AXIOMATIC THAT THE SIXTH AMENDMENT GUARANTEES A CRIMINAL  
24 DEFENDANT THE RIGHT TO LEGAL ASSISTANCE. INDEED, A CORNERSTONE  
25 OF EFFECTIVE ASSISTANCE FROM COUNSEL IS MEANINGFULL DISCUSSIONS  
26 BETWEEN THE ATTORNEY AND THE CLIENT ABOUT THE CASE. WHILE THERE  
27 IS NO LITMUS TEST FOR THE AMOUNT OF TIME AN ATTORNEY MUST SPEND  
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1 WITH HIS CLIENT TO BE EFFECTIVE, ADEQUATE CONSULTATION IS AN  
2 ESSENTIAL ELEMENT OF THE SIXTH AMENDMENTS PROTECTION SEE, EG.  
3 U.S. EX.REL. CROSS V. DE ROBERTIS, 661 F. SUPP. 683,691-92  
4 ( ND. 111 1986) IN ADDITION VOSS CONTENDS THAT HIS APPOINTED  
5 COUNSEL FAILED TO INVESTIGATE SUSPECTS AND TO LOCATE WITNESS'S  
6 VOSS SPECIFICALLY REQUESTED OF COUNSEL TO INVESTIGATE, AND TO  
7 OBTAIN ALL PERTINENT SECRET WITNESS REPORTS. AFTER VEIWIN A  
8 SECRET WITNESS REPORT FROM JUNE OF 1996 SUBMITTED BY VERNON  
9 WOODARD. VOSS'S REASONING FOR INVESTIGATION OF FURTHER REPORTS  
10 WAS, THAT BECAUSE OF THE EXCESSIVE AMOUNT OF MEDIA COVERAGE  
11 IN THE CASE, IT WOULD ONLY BE REASONABLE TO ASSUME THERE  
12 MIGHT BE OTHER WITNESS'S. COUNSEL DID NOT RESPOND TO THIS  
13 REQUEST BY VOSS. AND ULTIMATELY ON DECEMBER 23,1997. OVER  
14 A YEAR AFTER SENTENCING, ANOTHER SECRET WITNESS REPORT FROM  
15 JUNE OF 1996 SURFACED. WEREIN EDWARD ANTHONY VILLARDI CLAIMED  
16 TO HAVE SEEN THE ALLEGED VICTIM. TWELVE HOURS OR SO AFTER THE  
17 PROSECUTION HAD CLAIMED, SHE HAD BEEN SEEN FOR THE LAST TIME  
18 IN THE COMPANY OF VOSS. AND IN A VEHICLE THAT CLEARLY DID  
19 NOT BELONG TO VOSS. (STATEMENTS THAT WERE CLEARLY EXCULPATORY  
20 AND BENEFICIAL TO THE DEFENCE). IN THE INSTANT CASE COUNSEL'S  
21 FAILURE OR REFUSAL TO INVESTIGATE OR LOCATE WITNESS'S CON-  
22 TRIBUTED TO THE INABILITY OF COUNSEL TO ADEQUATELY PREPARE  
23 A DEFENCE.

24 IN WARNER V, STATE, 102 NEV. 635,729 P.2D 1359 (1986) AN ATT-  
25 ORNEY RENDERS INEFFECTIVE ASSISTANCE OF COUNSEL IF HE FAILS  
26 TO ADEQUATELY PREPARE A DEFENCE. IN STRICKLAND V. WASHINGTON,  
27 466 U.S 668, 80 L.ED.2D 674 THE COURT FOUND, THESE STANDARDS  
28 REQUIRE NO SPECIAL AMPLIFICATION IN ORDER TO DEFINE COUNSEL'S

1 DUTY TO INVESTIGATE, THE DUTY AT ISSUE IN THIS CASE. AS THE  
2 COURT OF APPEALS CONCLUDED, STRATEGIC CHOICES MADE AFTER  
3 THOROUGH INVESTIGATION OF LAW AND FACTS RELEVANT TO PLAUSIBLE  
4 OPTIONS ARE VIRTUALLY UNCHALLENGABLE; AND STRATEGIC CHOICES  
5 MADE AFTER LESS THAN COMPLETE INVESTIGATION ARE REASONABLE  
6 PRECISELY TO THE EXTENT THAT REASONABLE PROFESSIONAL JUDGMENTS  
7 SUPPORT THE LIMITATIONS ON INVESTIGATIONS.

8 IN OTHER WORDS, COUNSEL HAS A DUTY TO MAKE REASONABLE INVEST-  
9 IGATIONS, OR TO MAKE A REASONABLE DECISION THAT MAKES PARTICU-  
10 LAR INVESTIGATIONS UNNECESSARY.

11 BY COUNSELS REFUSAL AND FAILURE TO INVESTIGATE AND  
12 TO LOCATE WITNESS'S THAT COULD CONTRIBUTE TO THE DEFENCE  
13 OF THE CHARGES, BY MATERIAL EXCULPATORY TESTEMONY. COUNSELS  
14 REPRESENTATION FELL BELOW AN OBJETIVE STANDARD. LIKEWISE  
15 THE FAILURE TO PRESENT MATERIAL EXCULPATORY EVIDENCE, TO  
16 THE JURY RESULTED IN PREJUDICE TO THE DEFENCE TO SUCH A DEGREE.  
17 THAT, BUT FOR COUNSELS INEFFECTIVENESS, THE RESULTS OF THE TRIAL  
18 WOULD PROBABLY HAVE BEEN DIFFERENT.

19 TRIAL COUNSEL WAIVED VOSS'S APPEARANCE AT A HEARING ON  
20 PRETRIAL MOTIONS IN LIMINE. IN TOTAL DISREGARD TO DEFENDANTS  
21 ADAMANT REQUEST TO BE PRESENT DURING THOSE PROCEEDINGS. AS  
22 COUNSEL REFUSED TO PRESENT COPIES OF THAT MOTION TO THE  
23 DEFENDANT BEFORE THAT HEARING. OR TO AT MINIMUM ALLOW THE  
24 DEFENDANT TO VIEW THE MOTIONS. INFACIT THE DEFENDANT WAS NOT  
25 ALLOWED COPIES OF THOSE MOTIONS UNTILL AFTER HIS DIRECT APPEAL  
26 HAD BEEN COMPLETED, INCLUDED IN DEFENCE MOTIONS WERE A MOTION  
27 THAT DEFENDANT NOT BE EXPOSED TO JURORS IN PRISON GARB AND A  
28 MOTION TO PRECLUDE REFERENCE TO IN CUSTODY STATUS. HAD

1 THE DEFENDANT BEEN PRESENT DURING THAT HEARING HE WOULD  
2 HAVE HAD KNOWLEDGE OF THE ORDERS. THUS HE COULD HAVE BROUGHT  
3 TO THE ATTENTION OF THE COURT AT THAT HEARING, THE POSSIBILITY  
4 THAT PROSPECTIVE JURORS HAD ALREADY SEEN HIM IN PRISON GARB  
5 AND RESTRAINTS. THEN AT JURY SELECTION THAT SAME MORNING, VOSS  
6 INFORMED CONWAY THAT IMPANNALED JURORS HAD SEEN HIM THAT  
7 MORNING IN PRISON GARB AND RESTRAINTS. AND REQUESTED THAT  
8 COUNSEL BRING THAT FACT TO THE ATTENTION OF THE TRIAL JUDGE,  
9 THE HONORABLE JAMES A. STONE. COUNSEL STATED THAT IT DID NOT  
10 MATTER AND REFUSED TO INFORM THE JUDGE.  
11 SOME OF DEFENCE COUNSELS SHORT COMINGS UNDOUBTABLY  
12 STEM FROM STAFF SHORTAGES WITHIN THE PUBLIC DEFENDERS OFFICE  
13 AND PRESURES THEREBY PASSED DOWN UPON COUNSEL. AND THESE  
14 PRESURES NO DOUBT WERE INCREASED BY BUDGET CONCERNS, AND  
15 COUNSELS RELATIVE INEXPERIENCE. HOWEVER THE DEFENDANT IS STILL  
16 ENTITLED TO EFFECTIVE REPRESENTATION OF COUNCIL.  
17 SEE, E.G., PYLE V. KANSAS 317 U.S. 213,215-216, 63 S.CT. 177  
18 178-179, 87 1. ED.214 (1942) THIS RECOGNITION NO DOUBT STEMS  
19 IN PART FROM THE FREQUENTLY CONSIDERABLE IMBALANCE IN RESOURCES  
20 BETWEEN MOST CRIMINAL DEFENDANTS AND MOST PROSICUTER'S OFFICES  
21 MANY PERHAPS MOST, CRIMINAL DEFENDANTS IN THE UNITED STATES  
22 ARE REPRESENTED BY APPOINTED COUNSEL, WHO OFTEN ARE PAID  
23 MINIMAL WAGES. IN ADDITION, UNLIKE POLICE, DEFENSE COUNSEL  
24 GENERALLY IS NOT PRESENT AT THE SCENE OF THE CRIME, OR AT THE  
25 TIME OF ARREST, BUT INSTEAD COMES INTO THE CASE LATE. MOREOVER  
26 UNLIKE THE GOVERNMENT, DEFENCE COUNSEL IS NOT IN THE POSITION  
27 TO MAKE DEALS WITH WITNESS'S TO GAIN EVIDENCE. THUS, AN INEX-  
28 PERIENCED, UNSKILLED, OR UNAGGRESSIVE ATTORNEY OFTEN IS UNABLE

1 TO AMASS THE FACTUAL SUPPORT NECESSARY TO A REASONABLE DEFENCE.

2 VOSS CONTENDS AS WELL THAT HE DID NOT OBTAIN EFFECTIVE ASSIS-  
3 TANCE OF COUNSEL BEFORE AND DURING THE SENTENCING HEARING.

4 AS DEFENCE COUNSEL COTTER C. CONWAY DID NOT MEET WITH VOSS  
5 BEFORE SENTENCING. CONWAY ALSO DID NOT REPRESENT VOSS WITH  
6 REGARD TO THE DIVISION OF PAROLE AND PROBATION'S PRESENTENCING  
7 INVESTIGATION, AND TO THE DIVISIONS SENTENCING RECOMMENDATION.

8 CONWAY MET WITH VOSS FOR ONLY A FEW MINUTES ON THE MORNING  
9 OF THE HEARING. IN DIRECT DISREGARD TO MR. VOSS'S NUMEROUS  
10 AND REPEATED REQUEST OF COUNSEL VIA TELEPHONE MESSAGES, FOR  
11 CONSULTATION. IN DOING SO CONWAY FAILED TO DISCOVER AND TO PRE-  
12 SENT IMPORTANT MITIGATING FACTS. IN BROWN V. STATE 110 NEV.  
13 846,877 P.2D 1071 (1994) THE COURT HELD THAT COUNSEL'S FAILURE  
14 TO PRESENT A COMPLETE PICTURE OF THE MITIGATING FACTS CONSTI-  
15 TUTES INEFFECTIVE ASSISTANCE. THE COURT NOTED THAT " WHEN A JUDGE  
16 HAS SENTENCING DISCRETION, AS IN THE INSTANT CASE, POSSESSION  
17 OF THE FULLEST INFORMATION POSSIBLE REGARDING THE DEFENDANTS  
18 LIFE AND CHARACTER IS ESSENTIAL TO THE SELECTION OF PROPER  
19 SENTENCE!

20 AT THE VERY LEAST, CONWAY SHOULD HAVE CALLED VOSS'S FAMILY  
21 IN ORDER TO PRESENT MITIGATING EVIDENCE REGARDING VOSS'S HISTORY  
22 AND POSITIVE CHARACTER ATTRIBUTES. WHEN CONWAYS CONDUCT IS  
23 EVALUATED WITHIN A TOTALITY OF THE CIRCUMSTANCES, IT FALLS  
24 BELOW THE STANDARD OF EFFECTIVE ASSISTANCE. CONWAY WAS NOT  
25 REASONABLY DILIGENT IN PREPARING VOSS FOR HIS CONTACTS WITH  
26 THE DIVISION OF PAROLE AND PROBATION, HE DID NOT ADEQUATLY  
27 COMMUNICATE WITH VOSS REGARDING THE SENTENCING HEARING, AND  
28 HE FAILED TO INVESTIGATE AND TO PRESENT MITIGATING EVIDENCE

1 AT THE SENTENCING HEARING. SEE, NEWSOME, 771 F.2D 1445, 1447  
2 (11TH CIR. 1985) STATING THAT AN ATTORNEY'S ASSISTANCE MUST BE  
3 DETERMINED FROM THE TOTALITY OF CIRCUMSTANCES. IF THIS COURT  
4 CONCLUDES THAT (CONWAYS) CONDUCT DID FALL BELOW THAT WHICH IS  
5 EXPECTED OF CRIMINAL DEFENCE ATTORNEYS, IT MUST THEN DETERMINE  
6 IF THE ERROR SOMEHOW AFFECTED THE SENTENCE. THIS IS THE SECOND  
7 PRONG OF AN INEFFECTIVE ASSISTANCE OF COUNSEL CLAIM.

8 VOSS SUGGEST THAT THE SENTENCE MIGHT HAVE BEEN DIFFERENT HAD  
9 HE BEEN GIVEN BETTER ASSISTANCE IN PREPARING FOR HIS CONTACTS  
10 WITH THE DIVISION OF PAROLE AND PROBATION ALTERNATIVELY, VOSS  
11 SUBMITTS THAT HIS SENTENCE MIGHT HAVE BEEN DIFFERENT IF CON-  
12 WAY WOULD HAVE PROVIDED SPECIFIC MITIGATING EVIDENCE AT THE  
13 SENTENCING HEARING.

1 GROUND SIX: THE SENTENCING COURT ERRORED, AND VIOLATED THE DEFEN-  
2 DANTS INDEPENDENT STATE AND FEDERAL CONSTITUTIONAL GAURANTEES  
3 TO DUE PROCESS OF LAW. WHEN IT IMPOSED SENTENCE BASED IN PART  
4 ON ALLEGATIONS, OF A MURDER THE DEFENDANT HAD NOT BEEN TRIED FOR

5 VOSS'S CONTENTIONS ARE BASED MOSTLY UPON STATEMENTS  
6 JUDGE STONE MADE DURING THE SENTENCING THE MOST PREVALENT  
7 BEING THE FOLLOWING:

8 " WE ARE ALL ADULTS HERE, MS. BAXTER WILL NOT BE FOUND ALIVE.  
9 MR. VOSS YOU ARE A MENACE, A MENACE TO SOCIETY, AND A MENACE  
10 TO THE COMMUNITY. THEREFORE I SENTENCE YOU AS FOLLOWS".

11 JUDGE STONE THEN IMPOSED THE MAXIMUM SENTENCE ALLOWABLE PER  
12 COUNT, AND ORDERED EACH COUNT TO BE SERVED CONSECUTIVE TO  
13 THE NEXT. ON REVIEW OF THE RECORD, ONE COULD ONLY CONCLUDE  
14 THAT VOSS'S SENTENCE WAS IMPOSED UNDER THE INFLUENCE OF PASSION  
15 PREDJUDICE, OR AN ARBITRARY FACTOR.

16 TO FURTHER SUPPORT THIS CLAIM VOSS ALSO POINTS TO THE  
17 STATEMENTS OF MR. WAYNE DIEK A PAROLE AND PROBATION OFFICER.  
18 EMPLOYED BY THE NEVADA DIVISION OF PAROLE AND PROBATION, DIV-  
19 ISION II. MR. DIEK INTERVIEWED MR. VOSS AT THE WASHOE COUNTY  
20 JAIL AND THEN PREPARED THE WRITTEN PRESENTENCE INVESTIGATION  
21 REPORT. IN ADDITION MR. DIEK APPEARED AT THE SENTENCING  
22 HEARING AND ORALLY PRESENTED HIS REPORT TO THE COURT. IN  
23 THE CONTEXT OF MR. DIEK'S ORAL STATEMENTS TO THE COURT HE  
24 RELATED FALSE, AND INFLAMMITORY STATEMENTS TO THE COURT.  
25 THAT HE CLAIMED MR. VOSS HAD RELATED TO HIM, DURING THE INTER-  
26 VIEW OF MR. VOSS FOR THE PRESENTENCE INVESTIGATION. WHEREBY  
27 MR DIEK EFFECTIVELY STATED THE FOLLOWING: MR. VOSS STATED  
28 THAT IT IS HIS BELIEF THAT HAD THIS NOT BEEN AN ELECTION

1 YEAR HE WOULD HAVE GAINED FURTHER FAVOR FROM THE PRESIDING  
2 JUDGE AND THAT HE WOULD NOT HAVE BEEN CONVICTED. THIS STATE-  
3 MENT BY MR. DIEK OBVIOUSLY OFFENDED JUDGE STONE AS HE FELT  
4 COMPELLED TO RESPOND TO THE REMARK AND TO DEFEND AND TO JUS-  
5 TIFIE HIS ACTIONS BEFORE THE COURT. STATING AMONG OTHER THINGS  
6 THAT, "IF MR. VOSS'S CLAIMS WERE CORRECT IT DID'NT HELP ME TO  
7 GET RE-ELECTED". THE TRUTH OF THIS MATTER IS MR. VOSS SUBMITTED  
8 A WRITTEN STATEMENT TO MR. DIEK. AND IN THAT STATEMENT MR. VOSS  
9 DID NOT RELATE, ANYTHING EVEN NEARLY RESEMBLING THE COMMENTS  
10 MR. DIEK ALLEGED. AND WHERE MR. DIEK SEEMS TO BE CONFUSED IS  
11 MR. DIEK SPECIFICALLY ASKED MR. VOSS IF HE FELT THAT IF IT  
12 HAD NOT BEEN AN ELECTION YEAR, IF HE THOUGHT HE WOULD STILL  
13 HAVE BEEN CONVICTED. MR. VOSS RESPONDED " I DONT KNOW." MR.  
14 VOSS CONTENDS THAT MR. DIEK'S STATEMENTS IN REGARD TO AN  
15 " ELECTION YEAR". WERE FALSE AND IMMATERIAL TO THE BUSSINESS  
16 BEFORE THE COURT. AND THAT THOSE STATEMENTS HAD NO VALUE EXCEPT  
17 TO POSSIBLY PREJUDICE THE SENTENCING COURT. IN CONJUNCTION  
18 WITH THIS CLAIM VOSS CONTENDS THAT THE SENTENCE IS EXCESSIVE  
19 IN LIGHT OF THE DEFENDANTS CRIMINAL HISTORY, AND THE CRIMES  
20 FOR WHICH HE STANDS CONVICTED . AND THAT THE SENTENCING JUDGE  
21 FAILED TO PROPERLY WHEIGH THE AGGREVATING AND MITIGATING CIR-  
22 CUMSTANCES IN DETERMINING SENTENCE.

23 VOSS CONCLUDES THAT HIS SENTENCE IS EXCESSIVE CONSIDERING  
24 BOTH THE CRIME AND THE DEFENDANT. AND THAT VOSS'S RIGHTS WERE  
25 NOT DULY AND JUSTLY CONSIDERED, AND THAT HE WAS SENTENCED  
26 UNFAIRLY. AGAINST THE CONSTITUTIONALLY VALID LAW OF THIS STATE.  
27 BEING THAT THE SENTENCE IMPOSED IS UNCONSTITUTIONALLY ARBITRARY  
28 AND CAPRICIOUS.

1 THE FOURTEENTH AMENDMENT GUARANTEES DUE PROCESS OF LAW, AND  
2 AS SUCH REQUIRES THAT A PERSON ACCUSED OF A CRIME BE INTITLED  
3 TO A TRIAL BY A JURY OF HIS PEERS. IN CR96-1581 STEVEN FLOYD  
4 VOSS WAS CHARGED BY WAY OF AN INFORMATION WITH SIX FELONY  
5 COUNTS, ALL OF THE COUNTS WERE ELEMENTS OF ONE ALLEGED SCHEME  
6 AND EFFECTED ONE ALLEGED VICTIM. THIS PROSECUTION DID NOT  
7 INCLUDE MURDER OR KIDNAPING INDICTMENTS. IF MR. VOSS HAD BEEN  
8 TRIED FOR MURDER AND KIDNAPING, AND IF A JURY FOUND HIM GUILTY.  
9 PERHAPS THEN JUDGE STONES COMMENTS AND ACTIONS COULD HAVE BEEN  
10 WARRANTED. BUT ONLY IF.



1 GROUND SEVEN: SHERIFFS INVESTIGATORS NEGLECTED TO GIVE WARNINGS  
2 CONCERNING DEFENDANTS CONSTITUTIONAL PRIVILEGE AGAINST SELF IN-  
3 CRIMINATION, AND TO HIS RIGHT TO LEGAL COUNSEL. AS A PREREQUISITE  
4 TO POLICE DOMINATED INTERROGATIONS. VIOLATING THE DEFENDANTS  
5 RIGHTS UNDER THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS. THERE  
6 FORE ALL DEFENDANT'S STATEMENTS, INCLUDING WRITTEN STATEMENTS,  
7 AND ANY OTHER STATEMENTS SHOULD HAVE BEEN EXCLUDED AT TRIAL.

8 VOSS CONTENDS THAT HIS CONSTITUTIONAL RIGHTS WERE VIOLATED  
9 ON NUMEROUS OCCASIONS. WHEN SHERIFFS INVESTIGATORS DETAINED HIM  
10 AND INTERROGATED HIM WITHOUT ANY ADMONISHMENT OF HIS CONSTITU-  
11 TIONAL RIGHTS. AS A DIRECT RESULT OF THIS FAILURE TO ADMONISH  
12 VOSS OF HIS RIGHTS. THE STATE INTRODUCED TESTIMONY AT TRIAL OF  
13 PURPORTED STATEMENTS MADE BY VOSS DURING THOSE INTERROGATIONS.  
14 IN ADDITION THE STATE INTRODUCED AUDIO-VIDEO TAPED ACCOUNTS OF  
15 THOSE INTERROGATIONS AT TRIAL. INTERESTINGLY THE VIDEOTAPE OF  
16 THE INTERROGATION CONDUCTED AT THE WASHOE COUNTY DETENTION  
17 FACILITY ON JUNE 15, 1996. CLEARLY SHOWS THAT VOSS WAS NOT INFOR-  
18 MED IN ANY WAY OF HIS RIGHT TO REMAIN SILENT OR OF HIS RIGHT TO  
19 LEGAL REPRESENTATION BY COUNSEL. FURTHERMORE, NOWHERE DOES THE  
20 RECORD SHOW ANY ATTEMPT WAS EVER MADE TO APPRISE VOSS OF HIS  
21 RIGHTS.

22 VOSS FURTHER CONTENDS THAT HE WAS NEVER EFFECTIVELY APPRISED  
23 OF HIS RIGHTS, AND THAT NO ATTEMPT WAS MADE TO INFORM HIM OF HIS  
24 CONSTITUTIONAL RIGHTS WHAT SO EVER, UNTILL JUNE 17, 1996. AND THEN  
25 ONLY AFTER VOSS MADE HIS DESIRE TO SPEAK WITH AN ATTORNEY KNOWN  
26 TO SHERIFFS INVESTIGATORS LARRY CANFIELD, AND JOHN YARYAN AS  
27 WELL AS DEPUTY DISTRICT ATTORNEY EGAN WALKER. AFTER VOSS DECLARED  
28 HIS DESIRE TO SPEAK WITH AN ATTORNEY, SHERIFFS INVESTIGATORS DID

1 NOT PROVIDE VOSS WITH AN ATTORNEY, OR ALLOW VOSS TO OBTAIN AN  
2 ATTORNEY ON HIS OWN. DEPUTIES CONTINUED TO DETAIN VOSS AGAINST  
3 HIS DESIRE TO LEAVE. AND CONTINUED TO INITIATE CONVERSATION WITH  
4 VOSS, IN TOTAL DISREGARD OF VOSS'S REQUEST FOR COUNSEL. AND IN  
5 VIOLATION OF HIS CONSTITUTIONAL RIGHTS.

6 VOSS FURTHER CONTENDS THAT DEPUTIES USED COERCION TO OBTAIN  
7 STATEMENTS, AND THAT DEPUTIES SERVED AN UNNECESSARY SEIZURE ORDER.  
8 IN ORDER TO LURE VOSS TO THE SHERIFFS DETENTION FACILITY. WHERE  
9 BY THEY SYSTEMATICLY AND UNLAWFULLY COMPELLED STATEMENTS FROM HIM

10 WHEN INDIVIDUAL IS TAKEN INTO CUSTODY OR OTHERWISE DEPRIVED  
11 OF HIS FREEDOM BY AUTHORITIES IN ANY SIGNIFICANT WAY AND IS SUB-  
12 JECTED TO QUESTIONING, PRIVILEGE AGAINST SELF-INCRIMINATION IS  
13 JEOPARDIZED, AND PROCEDURAL SAFEGUARDS MUST BE EMPLOYED TO PRO-  
14 TECT PRIVILEGE. MIRANDA V. STATE OF ARIZONA 86 S. CT 1602 (1966).

15 SINCE THE BEGINNING OF THE STATES INVESTIGATION INTO THIS  
16 CASE INVESTIGATORS HAVE IGNORED VOSS'S RIGHTS. AND SUBJECTED HIM  
17 TO DETAINMENT AND INTERROGATION. DEPUTIES HAVE RESORTED TO COER-  
18 CION ON SEVERAL DIFFERNT LEVELS IN ORDER TO COMPEL STATEMENTS  
19 FROM VOSS. A CLEAR EXAMPLE OF THIS WAS LAW ENFORCEMENTS INITIAL  
20 CONTACT WITH VOSS. DEPUTIES ARRIVED AT THE CALIFORNIA FEDERAL  
21 BANK. DEPUTY STACEY HILL IDENTIFIES HIMSELF TO VOSS. HE ORDERS  
22 VOSS TO SIT DOWN. AND IMMEDIATLY BEGINS TO QUESTION VOSS WITHOUT  
23 ADMONISHMENT OF HIS RIGHTS. THEN IN AN EFFORT DESIGNED TO HARASS,  
24 CONFUSE AND TO INTIMIDATE VOSS. DEPUTIES STACEY HILL AND DALE  
25 PAPAS EMPLOYED THE TACTIC WHEREBY. ONE DEPUTY WOULD ASK A QUEST-  
26 ION AND BEFORE VOSS COULD REPLY THE OTHER DEPUTY WOULD ASK A  
27 DIFFERENT QUESTION, AND THE DEPUTIES CONTINUED TO ASK VOSS QUEST-  
28 IONS IN THIS ALTERNATING MANNER, NOT ALLOWING VOSS TO ANSWER ANY

1 OF THE QUESTIONS: BEFORE PLACING A STATEMENT FORM ON THE DESK IN  
2 FRONT OF HIM AND DEMANDING HE MAKE A WRITTEN STATEMENT.

3 UNLESS OTHER FULLY EFFECTIVE MEANS ARE ADOPTED TO NOTIFY  
4 ACCUSED IN CUSTODY OR OTHERWISE DEPRIVED OF FREEDOM OF HIS RIGHT  
5 OF SILENCE AND TO ASSURE THAT EXERCISE OF RIGHT WILL BE SCRUPU-  
6 LOUSLY HONORED, HE MUST BE WARNED BEFORE QUESTIONING THAT HE HAS  
7 RIGHT TO REMAIN SILENT, THAT ANYTHING HE SAYS CAN BE USED AGAIN-  
8 ST HIM IN COURT, AND THAT HE HAS RIGHT TO PRESENCE OF ATTORNEY  
9 AND TO HAVE ATTORNEY APPOINTED BEFORE QUESTIONING IF HE CANNOT  
10 AFFORD ONE; OPPORTUNITY TO EXERCISE THESE RIGHTS MUST BE AFFORDED  
11 TO HIM THROUGHOUT INTERROGATION; AFTER SUCH WARNINGS HAVE BEEN  
12 GIVEN AND OPPORTUNITY AFFORDED, ACCUSED MAY KNOWINGLY AND INTELL-  
13 IGENTLY WAIVE RIGHTS AND AGREE TO ANSWER QUESTIONS OR MAKE STATE-  
14 MENTS, BUT UNLESS AND UNTILL SUCH WARNINGS AND WAIVER ARE DEMON-  
15 STRATED BY PROSECUTION AT TRIAL, NO EVIDENCE OBTAINED AS A RESULT  
16 OF INTERROGATION CAN BE USED AGAINST HIM MIRANDA V. ARIZONA AT  
17 IN EDWARDS V. ARIZONA 451 U.S. 477, 68 L.ED.2D.378 THE COURT SAID  
18 ONCE AN ACCUSED HAS EXPRESSED HIS DESIRE TO DEAL WITH POLICE ONLY  
19 THROUGH COUNSEL, HE IS NOT TO BE SUBJECTED TO FURTHER INTERROGA-  
20 TION UNTILL COUNSEL HAS BEEN MADE AVAILABLE TO HIM UNLESS ACCUSED  
21 HIMSELF INITIATES FURTHER COMMUNICATIONS WITH POLICE. SEE, NORTH  
22 CAROLINA V. BUTLER, SUPRA 441 U.S. AT 372-376, 99 S. CT AT 1757-  
23 1759 AND MIRANDA 384 U.S. AT 474, 86 S. CT AT 1627 FURTHERMORE  
24 IN DESIRE V. ATTORNEY GENERAL OF CALIFORNIA 969 F 2D. 802 (9TH CIR  
25 1992) THE COURT CITED EDWARDS IN ITS DECISION. IN SO MUCH AS THE  
26 STATE USED COERCED STATEMENTS FROM VOSS TO SUPPORT THE STATES  
27 CASE, THE COERCED STATEMENTS VITIATE THE JUDGEMENT OF CONVICTION  
28 BECAUSE IT VIOLATES THE DUE PROCESS CLAUSE OF THE FOURTEENTH

1 AMENDMENT. SEE, PAYNE V. ARKANSAS, 356 U.S. 560 78 S. CT. 884, 2L  
2 ED. 2D 975 (1958)

3 DEFENDANTS "UNHONORED REQUEST FOR COUNSEL VITIATE [D] HIS  
4 SUBSEQUENT DECISION TO TALK WITHOUT COUNSELS PRESENCE" ACCORDING-  
5 LY, THE STATEMENTS RECORDED DURING THOSE INTERVIEWS SHOULD HAVE  
6 BEEN SUPPRESSED. DESIRE, AT 969. COERCION CAN BE MENTAL AS WELL  
7 AS PHYSICAL AND BLOOD OF ACCUSED IS NOT THE ONLY HALLMARK OF UN-  
8 CONSTITUTIONAL INQUISITION. MIRANDA, AT 448 ALSO SEE, CHAMBERS  
9 V. STATE OF FLORIDA, 309 U.S. 227, 60 S. CT. 472, 84 L. ED. 716.

10 IN BLACKBURN V. ALABAMA, 361 U.S. 199, 206, 80 S. CT. 279, 4  
11 L. ED. 2D 242. THE COURT SAID, INTERROGATION STILL TAKES PLACE IN  
12 PRIVACY. PRIVACY RESULTS IN SECRECY AND THIS IN TURN RESULTS IN  
13 A GAP IN OUR KNOWLEDGE AS TO WHAT IN FACT GOES ON IN THE INTERR-  
14 OGATION ROOMS.

1 GROUND EIGHT: THE STATE DENIED THE DEFENDANT A FAIR TRIAL WHEN  
2 THE STATE INCLUDED AT TRIAL EVIDENCE THAT HAD BEEN OBTAINED WITH-  
3 OUT VALID SEARCH WARRANTS.

4 VOSS CONTENDS THAT THE STATE IMPROPERLY ADMITTED EVIDENCE  
5 AT TRIAL THAT WAS OBTAINED WITHOUT A PROPER OR VALID WARRANT, OR  
6 WITHOUT ANY WARRANT. AND THAT THE STATE BY ADMITTING THOSE EXHI-  
7 BITS. CAUSED THE JURY TO BE PREJUDICED THUS DENYING VOSS A FAIR  
8 TRIAL. AND VIOLATING HIS RIGHTS UNDER THE FIFTH, SIXTH AND FOUR-  
9 TEENTH AMENDMENTS OF THE UNITED STATES CONSTITUTION.

10 ON JUNE, 14, 15, AND 17, 1996 VOSS WAS SUBJECTED TO INTERROGA-  
11 TIONS BY DEPUTIES OF THE WASHOE COUNTY, NEVADA, SHERIFFS DEPART-  
12 MENT.

13 PRIOR TO AND DURING THE INTERROGATIONS OF JUNE 14, AND 15,  
14 1996 DEPUTIES FAILED TO ADMONISH VOSS AS TO HIS CONSTITUTIONAL  
15 RIGHTS AGAINST SELF INCRIMINATION AND TO HIS RIGHT TO LEGAL RE-  
16 PRESENTATION BEFORE QUESTIONING. THEN ON JUNE 17, 1996 VOSS WAS  
17 INTERROGATED OUTSIDE THE PRESENCE OF COUNSEL, AFTER HE HAD SPEC-  
18 IFICALLY REQUESTED TO SPEAK WITH AN ATTORNEY. AS A RESULT OF  
19 VOSS BEING DENIED COUNSEL, AND OF SHERIFFS DEPUTIES REPEATED  
20 ATTEMPTS AT INITIATING, AND REINITIATING CONVERSATION AFTER VOSS'  
21 S REQUEST FOR COUNSEL. ANY WAIVER OF RIGHTS BY VOSS WAS INEFFECT-  
22 TIVE. AND ANY STATEMENT MADE THERE AFTER WERE A PRODUCT OF COM-  
23 PULSION. THEREFORE, WHEN SHERIFFS DEPUTY LARRY CANFIELD AND WA-  
24 SHOE COUNTY DEPUTY DISTRICT ATTORNEY EGAN WALKER, PRESENTED STATE  
25 MENTS PURPORTEDLY MADE BY VOSS DURING THE INTERROGATIONS OF JUNE  
26 14, AND 15, 1996. AT A HEARING ON JUNE 17, 1996 TO CONSIDER SEARCH  
27 WARRANT AND SEIZURE ORDER APPLICATIONS. IN PRESENTING THOSE PUR-  
28 PORTED STATEMENTS DURING THE APPLICATION FOR THOSE WARRANTS AND

1 SEIZURE ORDER THE APPLICATIONS WERE TAINTED. THUS TAINTING THE  
2 WARRANTS AND THE SEIZURE ORDER OBTAINED THEREIN. AND TAINTING  
3 ALL THE EVIDENCE THE STATE COLLECTED WITH THOSE WARRANTS AND SEI-  
4 ZURE ORDER.

5 FURTHERMORE, THE STATE SEIZED ITEMS NOT LISTED ON THE APPLI-  
6 CATIONS OR ON THE RESULTING WARRANTS AND SEIZURE ORDER, INCLUDING  
7 ROOM RECORDS AND TELEPHONE RECORDS FOR ROOM #135 OF THE WESTERN  
8 VILLAGE INN, WHERE VOSS WAS LODGING AT THE TIME. AND A CHECK MADE  
9 OUT FOR VOSS'S USE BY BEVERLY BAXTER. UNDOUBTABLY THE STATE WILL  
10 ARGUE THE VALIDITY OF THE WARRANTS AND THAT THE CHECK WAS THE PRO-  
11 PERTY OF BEVERLY BAXTER AND THEREFORE WAS INCLUDED IN THE WARRANT  
12 HOWEVER VOSS CONTENDS THAT THE CHECK IS HIS PROPERTY AS BAXTER  
13 GAVE THE CHECK TO HIM. AND AS SUCH EVEN IF THE WARRANTS WERE VAL-  
14 ID, UNLESS THE WARRANT SPECIFICALLY INCLUDED THE CHECK IT SHOULD  
15 NOT HAVE BEEN SEIZED. THERE IS LITTLE DOUBT THAT HAD THE STATE  
16 REQUESTED A WARRANT TO SEIZE THE CHECK THAT HERE REQUEST WOULD  
17 HAVE BEEN HONORED, HOWEVER THE STATE HAD SPECIFIC KNOWLEDGE OF  
18 THAT CHECK, PRIOR TO THE WARRANT APPLICATIONS AND THE SEARCH OF  
19 ROOM # 135. AT NO TIME DURING THE APPLICATION FOR THOSE WARRANTS  
20 WAS ANY DESIRE OR INTENTION MENTIONED, AS TO THE SEIZURE OF THAT  
21 CHECK OR OF ANY OF THE PERSONAL ITEMS COLLECTED FROM THAT ROOM.  
22 OR FOR THE ROOM AND TELEPHONE RECORDS OF ROOM # 135.

23 THEREFORE, VOSS CHALLENGES THE SEARCH WARRANTS THE SEIZURE  
24 ORDER, AND ALL EVIDENCE COLLECTED AS A RESULT OF THOSE WARRANTS  
25 AND SEIZURE ORDER. FURTHERMORE, VOSS CHALLENGES THE INFORMATION  
26 FILED BY THE STATE, HIS ARREST, CONVICTION, AND SENTENCE.

27 FOR AN ANTICIPATORY SEARCH WARRANT TO BE VALID, THERE MUST  
28

1 BE PROBABLE CAUSE TO BELIEVE THAT ITEMS TO BE SEIZED WILL BE AT  
2 PLACE TO BE SEARCHED AT TIME WARRANT IS EXECUTED, OR IN OTHERWORD-  
3 S, THAT WARRANT WILL NOT BE PREMATURELY EXECUTED. JOHNSON V. STA-  
4 TE, 617 P.2D.1117.

5 AFFIDAVIT IN SUPPORT OF SEARCH WARRANT MUST ADEQUETELY SHOW  
6 CIRCUMSTANCES WHICH GO BEYOND SUSPICION AND MERE PERSONAL BELIEF  
7 THAT EVIDENCE OF A CRIME WILL BE FOUND ON PREMISES TO BE SEARCHED  
8 STATE V. RANGITSCH, 70 P.2D 382, APP 771.

9 WITHOUT STATEMENTS FROM VOSS OBTAINED DURING CUSTODIAL IN-  
10 TERROGATIONS. THE STATE WOULD NOT HAVE KNOWN THAT VOSS WAS RESI-  
11 DING AT THE WESTERN VILLAGE INN, OR IN ROOM #135. THE STATE WOULD  
12 HAVE HAD NO KNOWLEDGE OF VOSS'S TWO STORAGE SHEDS LOCATED AT  
13 SPARKS SELF STORAGE AND AT MC CARRAN SELF STORAGE. THE STATE  
14 WOULD HAVE HAD NO KNOWLEDGE OF THE 1986 DODGE DAYTONA BELONGING  
15 TO VOSS'S MOTHER MARY DUPLIN.

16 WITHOUT KNOWLEGE THERE COULD NOT BE PROBABLE CAUSE. WITHOUT  
17 PROBABLE CAUSE THE STATE COULD NOT LEGALLY OBTAIN WARRANTS. IN  
18 THE CASE OF THE SEIZURE ORDER, THE STATES APPLICATION FOR THAT  
19 ORDER WAS PREMATURE. THE STATE AT THE TIME OF ITS APPLICATION,  
20 DID NOT HAVE IN ITS POSESSION ANY EVIDENCE TO COMPARE TO THE SAM-  
21 PLES COLLECTED FROM VOSS. THEREFORE THERE COULD BE NO EXIGENT  
22 CIRCUMSTANCE REQUIRING THE COLLECTION OF THE SAMPLES. INFACIT THE  
23 SAMPLES COLLECTED WERE NEVER EXAMINED OR COMPARED TO ANY OTHER  
24 SAMPLES. THUS DRAWING INTO CONTENTION THE STATES REAL MOTIVATION  
25 FOR OBTAINING THE SEIZURE ORDER. WHICH VOSS CONTENTDS WAS FOR THE  
26 SOLE PURPOSE OF PLACING UNDUE PRESURE UPON HIM, AS TO ASSIST LAW  
27 ENFORCEMENT TO COMPEL STATEMENTS FROM HIM FOR THE PURPOSE OF  
28 FRAMING A CASE AROUND HIM.

1           IN MIRANDA V. ARIZONA, 384 U.S 436. THE COURT FOUND THAT  
2 THE, PROSECUTION MAY NOT USE STATEMENTS, WHETHER EXCULPATORY OR  
3 INCULPATORY, STEMMING FROM CUSTODIAL INTERROGATION OF DEFENDANT  
4 UNLESS IT DEMONSTRATES USE OF PROCEDURAL SAFEGUARDS EFFECTIVE TO  
5 SECURE PRIVILEGE AGAINST SELF INCRIMINATION ID AT 445 AND THAT  
6 " CUSTODIAL INTERROGATION," WITHIN RULE LIMITING ADMISSIBILITY  
7 OF STATEMENTS STEMMING FROM SUCH INTERROGATION, MEANS QUESTIONING  
8 INITIATED BY LAW ENFORCEMENT OFFICERS AFTER A PERSON HAS BEEN  
9 TAKEN INTO CUSTODY OR OTHERWISE DEPRIVED OF HIS FREEDOM OF ACTION  
10 IN ANY SIGNIFICANT WAY. ID AT 445.

11           POLICE MAY NOT QUESTION INDIVIDUAL IF HE IS ALONE AND INDI-  
12 CATES IN ANY MANNER THAT HE DOES NOT WISH TO BE INTERROGATED.  
13 MIRANDA, AT 445, CRIMINAL LAW 412-1 (4).

14           CONSTITUTIONAL FOUNDATION UNDERLYING PRIVILEGE AGAINST SELF  
15 INCRIMINATION IS THE RESPECT A GOVERNMENT, STATE OR FEDERAL, MUST  
16 ACCORD TO DIGNITY AND INTEGRITY OF ITS CITIZENS. MIRANDA, AT 461,  
17 CRIMINAL LAW 393 (1).

18           WHEN DEFENDANT HAS INVOKED HIS RIGHTS TO ATTORNEY AND TO  
19 REMAIN SILENT, POLICE CANNOT QUESTION DEFENDANT FURTHER AND CAN-  
20 NOT ASK WHETHER HE WANTS TO TALK ABOUT THE CASE WITHOUT HIS LAW-  
21 YER. CRIMINAL LAW 412.1 (4), 412,2 (4) EDWARDS, 451 U.S. AT 484  
22 485, 101 S.CT. AT 1884,1885, SMITH V. ILLINOIS, 469 U.S. 91,93,  
23 105 S.CT. 490,491,83 L.ED. 2D 488 (1984), SHEA V. LOUISIANA, 470  
24 U.S. 51,52, 105 S.CT. 1065,1066,84 L.ED 2D. 38 (1985). DESIRE V.  
25 ATTORNEY GENERAL OF CALIFORNIA, 969 F2D 802 ( 9TH CIR. 1992).

26           ANY EVIDENCE THAT ACCUSED WAS THREATENED, TRICKED OR CAJOLED  
27 INTO WAIVER WILL SHOW THAT HE DID NOT VOLUNTARILY WAIVE PRIVILEGE  
28 TO REMAIN SILENT. CRIMINAL LAW 393 (1).



1 NOT ONLY WAS VOSS SUBJECTED ON JUNE 17, 1996 TO REPEATED DE-  
2 MANDS OF DETECTIVES TO SUBMIT TO QUESTIONING, AFTER HE HAD MADE  
3 HIS DESIRE TO SPEAK WITH AN ATTORNEY KNOWN. LAW ENFORCEMENT CON-  
4 TINUED TO SOLICIT FURTHER STATEMENTS IN THE PRESENCE OF DEPUTY  
5 DISTRICT ATTORNEY EAGAN WALKER THE STATES PROSECUTING ATTORNEY  
6 IN THIS ACTION.

7 VOSS FURTHER CONTENDS THAT THE STATE BY EXECUTING THE UNNE-  
8 CESSARY SEIZURE ORDER LURED VOSS TO THE DETENTION FACILITY. AND  
9 THEN SUBJECTED HIM TO PHYSICAL DISCOMFORT BY RESTRAINING HIS  
10 HANDS BEHIND HIS BACK FOR A PERIOD EXCEEDING 45 MINUTES. AND SUB-  
11 JECTED HIM TO MENTAL STRESS, BY LEADING HIM TO BELIEVE THAT HE  
12 WAS UNDER ARREST. THEN WHEN DEPUTIES FINNALLY INFORMED HIM HE WAS  
13 NOT UNDER ARREST, AND TOLD HIM THEY WOULD DRIVE HIM HOME. DEPUT-  
14 IES DEMANDED VOSS RETURN TO THE BUILDING AND ANSWER QUESTIONS.  
15 VOSS PROTESTED STATING " I AM NOT GOING IN THERE VOLUNTARILY "  
16 AS DETECTIVE JOHN YARYAN REMOVED VOSS FROM THE VEHICLE, AND ES-  
17 CORTED HIM BACK INSIDE THE BUILDING, AND UPSTAIRS TO THE INTERR-  
18 OGATION ROOM. AT THAT TIME VOSS REQUESTED TO FIRST SPEAK WITH  
19 HIS ATTORNEY. WHEREBY DEPUTY DISTRICT ATTORNEY EGAN WALKER ASKED  
20 " DO YOU HAVE AN ATTORNEY " VOSS RESPONDED " NO BUT I THINK YOU  
21 HAVE TO GIVE ME ONE " AND AT THAT TIME DETECTIVE CANFIELD TOLD  
22 VOSS THAT IF HE ANSWERED DETECTIVE YARYANS QUESTIONS. THAT HE  
23 WOULD THEN BE DRIVEN HOME .

24 VOSS CONCLUDES THAT THE STATE CANNOT USE ANY STATEMENT HE  
25 MAY HAVE MADE WITHOUT FIRST ADMONISHING HIM OF HIS RIGHTS, AND  
26 THEN OBTAINING AN EFFECTIVE WAIVER. BECAUSE THERE WERE NO ADMON-  
27 ISHMENTS GIVEN PRIOR TO, OR DURING THE FIRST THREE INTERROGATIONS  
28 AND SINCE VOSS INVOKED HIS SIXTH AMENDMENT PRIVILEGE TO

1 REPRESENTATION OF COUNSEL BEFORE THE FOURTH INTERROGATION ON JUNE  
2 17,1996. AND THAT REQUEST WAS NOT HONORED, VOSS NEVER EFFECTIVELY  
3 WAIVED HIS RIGHTS. THEREFORE THOSE STATEMENTS SHOULD NOT HAVE  
4 BEEN USED TO OBTAIN THE WARRANTS. THE TESIMONY DURING THE APPLI-  
5 CATIONS WAS TAINTED, THE WARRANTS WERE TAINTED, ALL EVIDENCE  
6 COLLECTED WITH THOSE WARRANTS WAS TAINTED, AND SHOULD HAVE BEEN  
7 EXCLUDED AT TRIAL. THE STATES FAILURE TO EXCLUDE THIS EVIDENCE  
8 AT TRIAL RESULTED IN PREJUDICE AND DENIED VOSS A FAIR TRIAL.

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1 GROUND NINE: THE STATE DENIED THE DEFENDANT A FAIR TRIAL WHEN THE  
2 STATE FAILED TO DEMONSTRATE THE USE OF PROCEDURAL SAFEGUARDS EFF-  
3 ECTIVE TO SECURE THE DEFENDANTS PRIVILEGE AGAINST SELF-INCRIMIN-  
4 ATION, BEFORE INCLUDING DEFENDANTS STATEMENTS AT TRIAL.

5 VOSS CONTENDS THAT DURING THE TRIAL OF CR 96 1581 THAT THE  
6 STATE ADMITTED TESTIMONY AS TO STATEMENTS PURPORTEDLY MADE BY  
7 VOSS TO INVESTIGATORS DURING INTERROGATIONS. AS WELL AS AUDIO-  
8 VIDEO TAPED ACCOUNTS OF THOSE INTERROGATIONS. THAT WERE MADE OUT  
9 SIDE THE PRESENCE OF COUNSEL AND WITHOUT AN EFFECTIVE WAIVER OF  
10 RIGHTS. AND ALL WITHOUT FIRST MAKING AN OFFER OF PROOF, THAT VOSS  
11 HAD BEEN APPRISED OF HIS RIGHTS. AT NO TIME DID THE STATE ADMIT  
12 ANY TESTIMONY, NOR DID THE STATE OFFER ANY EXHIBIT INTO EVIDENCE  
13 THAT DOCUMENTED AN ATTEMPT TO APPRISE VOSS, OF HIS CONSTITUTIONAL  
14 RIGHTS. (AGAIN THE VIDEO TAPE OF POLICE INTERROGATION OF JUNE 15  
15 1996 SUPPORTS VOSS'S CLAIM) WHEREIN, SHERIFFS INVESTIGATORS FAIL  
16 TO ADMONISH VOSS BEFORE QUESTIONING HIM. FURTHERMORE, BEFORE THE  
17 INTERROGATION OF JUNE 17, 1996 VOSS MADE SEVERAL SPECIFIC REQUEST  
18 FOR COUNSEL. ALL OF WHICH WERE IGNORED BY THE INVESTIGATORS AND  
19 BY DEPUTY DISTRICT ATTORNEY EAGAN WALKER. EVENTHOUGH  
20 VOSS DID EVENTUALLY CONSENT TO THE INTERROGATION, AND TO SIGN A  
21 WAIVER FORM. HOWEVER, THOSE WAIVERS ARE INEFFECTIVE, AS THEY ARE  
22 VITIATED BY THE DEFENDANTS PRIOR REQUEST FOR COUNSEL AND THE STA-  
23 TES FAILURE TO PROVIDE COUNSEL BEFORE POLICE CUSTODIAL INTERRO-  
24 GATIONS.

25 "CUSTODIAL INTERROGATION", WITHIN RULE LIMITING ADMISSIBILITY OF  
26 STATEMENTS STEMMING FROM SUCH INTERROGATION, MEANS QUESTIONING  
27 INITIATED BY LAW ENFORCEMENT OFFICERS AFTER PERSON HAS BEEN TAKEN  
28 INTO CUSTODY OR OTHERWISE DEPRIVED OF HIS FREEDOM OF ACTION IN

1 ANY SIGNIFFICANT WAY. MIRANDA 1D. AT 444.

2 PROSICUTION MAY NOT USE STATEMENTS WEATHER EXCULPITORY OR  
3 INCULPITORY STEMING FROM CUSTODIAL INTERROGATION UNLESS IT DEMON-  
4 STRATES THE USE OF PROCEDURAL SAFEGUARDS EFFECTIVE TO SECURE PRI-  
5 VILEGE AGAINST SELF INCRIMINATION. MIRANDA AT 444

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VERIFICATION

Under penalty of perjury, the undersigned declares that he is the petitioner named in the foregoing petition and knows the contents thereof; that the pleading is true of his own knowledge except as to those matters stated on information and belief, and as to such matters he believes them to be true.

By; STEVEN FLOYD VOSS #52094

  
LOVELOCK CORRECTIONAL CENTER  
POST OFFICE BOX, 359  
LOVELOCK NEVADA 89419

CERTIFICATE OF SERVICE BY MAIL

I STEVEN FLOYD VOSS hereby certify pursuant to N.R.C.P 5(b) that on this 18 day of May, 2000, I mailed a true and correct copy of the foregoing petition for WRIT OF HABEAS CORPUS. Addressed to:

JACKIE CRAWFORD, WARDEN.

FRANKIE SUE DEL PAPA,

LOVELOCK CORRECTIONAL CENTER

NEVADA ATTORNEY GENERAL

Post Office Box, 359

100 N. Carson St

Lovelock, Nevada 89419

Carson City Nevada 89701

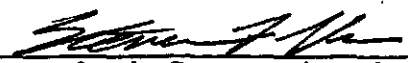
RICHARD A. GAMMICK

Washoe County, District Attorney

Post Office Box 11130

Reno, Nevada 89520

By: STEVEN FLOYD VOSS #52094

  
Lovelock Correctional Center  
Post Office Box 359  
Lovelock Nevada 89419

FILED

JUN 23 2000

11:20 a.m.

AMY HARVEY, CLERK

S. Bartlett DEPT.

## Second Judicial District Court

State of Nevada, Washoe County

STEVEN FLOYD VOSS

Plaintiff  
Petitioner

vs.

STATE OF NEVADA  
Respondent.  
Defendant.APPLICATION FOR  
SETTING

TYPE OF ACTION: POST-CONVICTION (WRIT OF HABEAS CORPUS)

MATTER TO BE HEARD: EVIDENTIARY HEARING

Date of Application: \_\_\_\_\_ Made by: PLAINTIFF

Plaintiff or Defendant

NAME AND ADDRESS OF COUNSEL FOR PLAINTIFF: SCOTT EDWARDS

1030 HOLCOMB AVE, RENO, NV 89502 (786-4300)

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

WASHOE DISTRICT ATTORNEY, 328-3200

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: 1/2 day

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

Attorney(s) for Plaintiff

Attorney(s) for Defendant

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

Trial - No. \_\_\_\_\_ Setting at 9:10 a m. on the 23 day of February, 2001

V10. 149

ORIGINAL

FILED

2000 JUL -5 PM 2:27

AMY HARVEY, CLERK

BY DEPUTY

1 CODE #1260  
 2 RICHARD A. GAMMICK  
 #001510  
 P. O. Box 30083  
 Reno, Nevada 89520-3083  
 (775)328-3200  
 Attorney for Respondent

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

\* \* \*

STEVEN FLOYD VOSS,

Petitioner,

v.

Case No. CR96P1581A

THE STATE OF NEVADA,

Dept. No. 10

Respondent.

APPLICATION FOR ORDER TO PRODUCE PRISONER

COMES NOW, the State of Nevada, Respondent herein, by  
 and through RICHARD A. GAMMICK, District Attorney of Washoe  
 County, by GARY H. HATLESTAD, Chief Appellate Deputy, and alleges  
 as follows:

1. That the above Petitioner, STEVEN FLOYD VOSS, is  
 presently incarcerated at the Nevada State Prison, Carson City,  
 Nevada.

2. That the above STEVEN FLOYD VOSS is scheduled for a  
 post-conviction hearing before the Second Judicial District Court  
 on Friday, February 23, 2001, at 9:00 a.m.

WHEREFORE, Applicant prays that an Order be made

CR96P1581A  
 DC-9900026664-043  
 POST: STEVEN FLOYD VOSS (D1 3 Pages)  
 District Court 07/05/2000 02:27 PM  
 Washoe County

1 ordering the appearance of the said STEVEN FLOYD VOSS before the  
2 Second Judicial District Court, and from time to time thereafter  
3 at such times and places as may be ordered and directed by the  
4 Court for such proceedings as thereafter may be necessary and  
5 proper in the premises, and directing the execution of said Order  
6 by the Sheriff of Washoe County, Nevada.

7 DATED: June 23, 2000.

8  
9 RICHARD A. GAMMICK  
DISTRICT ATTORNEY

10  
11 By *G. H. Hatlestad*

GARY H. HATLESTAD  
Appellate Deputy



CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Scott W. Edwards, Esq.  
1030 Holcomb Avenue  
Reno, Nevada 89502

DATED: July 5, 2000.

Linda Jackling

ORIGINAL

FILED

2000 JUL -5 PM 2:27

AMY HARVEY, CLERK

BY *[Signature]* DEPUTY

1 CODE #3340  
 2 RICHARD A. GAMMICK  
 3 #001510  
 4 P. O. Box 30083  
 Reno, Nevada 89520-3083  
 (775)328-3200  
 Attorney for Respondent

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

\* \* \*

STEVEN FLOYD VOSS,

Petitioner,

v.

Case No. CR96P1581 *A*

THE STATE OF NEVADA,

Dept. No. 10

Respondent.

ORDER TO PRODUCE PRISONER

IT APPEARING to the satisfaction of the above-entitled  
 Court that it is necessary that the Petitioner above named,  
 STEVEN FLOYD VOSS, presently incarcerated in the Nevada State  
 Prison, Carson City, Nevada, be brought before the Second  
 Judicial District Court for a post-conviction hearing in the  
 above-entitled action,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Warden of  
 the Nevada State Prison, Carson City, Nevada, bring the said  
 STEVEN FLOYD VOSS before the Second Judicial District Court on  
 Friday, February 23, 2001, at 9:00 a.m., for a post-conviction  
 hearing in the above-entitled action, and from time to time

CR96P1581A DC-9900026664-044  
 POST STEVEN FLOYD VOSS (01 3 Pages)  
 District Court 07/05/2000 02 27 PM  
 Washoe County  
 3340  
 1000

1 thereafter at such times and places as may be ordered and  
2 directed by the Court for such proceedings as thereafter may be  
3 necessary and proper in the premises.

4 DATED: July 3, 2000.

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7 DISTRICT JUDGE  
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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on this date, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Scott W. Edwards, Esq.  
1030 Holcomb Avenue  
Reno, Nevada 89502

DATED: July 5, 2000.

Linda Jackson

Dept. No. 10

FILED  
2001 JAN 29 11:21  
CLERK  
BY [Signature]

# Second Judicial District Court

State of Nevada, Washoe County

STEPHEN FLOYD VOSS  
~~STATE OF NEVADA~~

Plaintiff  
Petitioner

vs.

THE STATE OF NEVADA

Respondent  
Defendant

## APPLICATION FOR SETTING

TYPE OF ACTION: Petition for Writ of Habeas Corpus

MATTER TO BE HEARD: Evidentiary Hearing

Date of Application: 1/29/01

Made by: JOINT

Plaintiff or Defendant

NAME AND ADDRESS OF COUNSEL FOR <sup>Petitioner</sup> ~~PLAINTIFF~~: SCOTT W. EDWARDS

1030 HOLCOMB AVE, RENO, NV 89502 786-4300

NAME AND ADDRESS OF COUNSEL FOR <sup>Respondent</sup> ~~DEFENDANT~~:

WASHOE COUNTY DISTRICT ATTORNEY

(APPELLATE DIVISION) 328-3200

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

[Signature]  
Attorney(s) for ~~Plaintiff~~ <sup>Petitioner</sup>

[Signature]  
Attorney(s) for ~~Defendant~~ <sup>Respondent</sup>

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

Trial - No. 1 Setting at 9a m. on the 8<sup>th</sup> day of June, 2001

ORIGINAL  
FILED

2001 MAY 24 PM 4:45

AMY HARVEY CLARK

BY [Signature]  
DEPUTY

1 CODE 4055

2

CR96P1581R DC-9900026684-046  
POST: STEVEN FLOYD VOSS (D10 1 Page  
District Court 05/24/2001 04:45 PM  
Washoe County NV

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

Steven Floyd Voss, Petitioner

Plaintiff,

10 VS.

Case No. CR96P1581

11 The State of Nevada, Respondent

Dept. No. 10

12 Defendant.

13

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SUBPOENA

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To: Gary Clifford, Washoe County Sheriff's Office  
(Name)

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You are commanded to appear before the Second Judicial District Court, State of Nevada, Washoe County, at the courtroom of said court, Department 10 at Reno, Nevada, on the 8th day of June, 2001, at 9:00 a. m, to testify on the part of Steven Floyd Voss

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Any person failing to appear may be deemed in contempt of court, and shall be liable to the party injured in the sum of \$100.00, and for such damages as may be sustained by him/her on account of such neglect or refusal.

20

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Dated this 17th day of May

22

AMY HARVEY, CLERK OF THE COURT

23

STATE OF NEVADA  
COUNTY OF WASHOE

By [Signature]  
Deputy Clerk

24

I received the within Subpoena on the 18 day of May, 2001 and personally served a copy of the same upon Gary Clifford at Washoe County Sheriff Office  
911 Parr Blvd, Reno, Nevada

25

26

Subscribed and sworn to before me  
this 22 day of May, 2001.

27

Cynthia A. Stocks  
Notary Public

[Signature]

Signature of Person Making Service  
Philip Partridge of  
Nevada Court Services

28



CYNTHIA A. STOCKS  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 96-0853-2 - Expires October 8, 2003

ORIGINAL

FILED

CODE: 2010

Scott W. Edwards

Bar Number 3400

1030 Holcomb Ave., Reno, NV 89502

(775) 786-4300

Attorney for Petitioner

2001 JUN 22 PM 1:54

AMY HARTLEY CLERK

BY

DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

STEVEN FLOYD VOSS,

Petitioner,

Case No. CR967P-1581A

VS.

Dept. No. 10

THE STATE OF NEVADA,

Respondent

**EX PARTE MOTION FOR ORDER ALLOWING PAYMENT OF ATTORNEY'S FEES  
AND COSTS TO APPOINTED COUNSEL & AFFIDAVIT OF COUNSEL  
(POST-CONVICTION PROCEEDINGS IN DISTRICT COURT)**

COMES NOW, SCOTT W. EDWARDS, appointed counsel for Petitioner, STEVEN FLOYD VOSS,  
and moves this Court for an order allowing and authorizing payment of his fees and costs in the amount  
of \$3982.35.

This motion is based upon NRS 7.125 et seq., and is made ex parte upon the attached affidavit of  
counsel.

RESPECTFULLY SUBMITTED this 21<sup>ST</sup> day of June, 2001.



SCOTT W. EDWARDS  
Attorney for Petitioner

CR96P1581A  
DC-9900026664-047  
POST STEVEN FLOYD VOSS (D1 4 Pages  
District Court 06/22/2001 01:54 PM  
Washoe County  
TOMER

AFFIDAVIT

STATE OF NEVADA     )  
                              ) ss:  
COUNTY OF WASHOE )

SCOTT W. EDWARDS, under penalty of perjury affirms that the assertions in this Affidavit are true.

1. Your affiant was appointed legal counsel for STEVEN FLOYD VOSS by order of this Court.
2. The attached "Summary of Time and Expense Billings" is a true and correct itemization of the hours reasonably and necessarily expended by affiant in representing the Petitioner, STEVEN FLOYD VOSS in post-conviction proceedings in district court. The sum of \$3982.25 is a fair, reasonable and necessary sum to be paid affiant for attorney's services and costs expended as appointed counsel herein pursuant to NRS 7.125 et seq.
3. The representation in this case required, among other things: (a) securing the pleadings and trial transcripts in the case and reviewing them; (b) researching relevant law to the legal issues raised; (c) meeting with the Petitioner and discussing his case at the Nevada State Prison and at the Lovelock Correctional Center (twice); (d) responding to several letters and collect phone calls from the Petitioner; (e) appearing in court to conduct an extensive evidentiary hearing. All such representation would not have been achieved for the statutorily set \$750 amount. Therefore, this court is respectfully requested to find good cause for fees in excess of that amount, specifically \$3982.25.
4. Your affiant further certifies that he has neither sought nor accepted any compensation from any other source relative to the amount claimed in this affidavit.

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4 FURTHER, your affiant sayeth not.

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SCOTT W. EDWARDS

SUBSCRIBED AND SWORN to

Before me this 21<sup>st</sup> day

of June, 2001.

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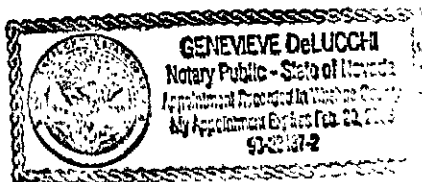
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NOTARY PUBLIC



**SUMMARY OF TIME AND EXPENSE BILLINGS****RE: STEVEN FLOYD VOSS****(post-conviction petition for writ of habeas corpus)****DEPARTMENT 10, HON. STEVEN ELLIOT****(Time billed @ statutory \$75 per hour)**

5/11/00-Contact with District Court D. 10. Accept case and arrange for records. .5 hours \$37.50

6/13/00-Meet with DA and set case for hearing per court order. .5 hour \$37.50

6/15-6/18/00-Pick up records and review entire pleadings and trial transcripts. 8.25 hours \$618.75

7/10/00-Hearing vacated. Telephone Call DA and Court. .25 hour \$18.75

7/13/00-Meeting with Voss in D.3 (resentencing). Discussion with Maizie Pusich. 1 hour \$75

8/22/00-Review of letter/pleading from Voss. Send reply. 1 hour \$75

10/17/00-Telephone Call with Voss. .5 hour \$18.75

11/6/00-Travel to Lovelock Correctional Center and meet with Voss. 6.5 hours. \$487.50, mileage 210 miles @ \$.325 per mile = \$68.25

1/29/01-Meeting with DA to stipulate to reset evidentiary hearing to June 9, 2001, meeting with court clerk. 1 hour \$75

3/30/01-Review of addendum submitted by Voss. .5 hour \$37.50

4/23/01-Telephone Call with Voss. .5 hour \$37.50

4/27/01-Review of letter with witness list from Voss. .5 hour \$37.50

5/17/01- Travel to Lovelock Correctional Center and meet with Voss. 6.5 hours. \$487.50, mileage 210 miles @ \$.325 per mile = \$68.25

5/18/01-Issue subpoena for Gary Clifford. Service and Filing. 1 hour \$75 Service Expense-Nevada Court Services \$30

5/24/01-Telephone Call with DA office. Fax and review Nevada Supreme Court Order. .5 hour \$37.50

5/24/01-Telephone Call. Mary Duplin. .25 hour \$18.75

5/27/01-Review of letter from Voss. Reply with records enclosed. 1 hour \$75

6/5/01-Telephone Call Mary Duplin. Telephone call to court to confirm hearing. Telephone Call Gary Clifford. Fax to Clifford. Telephone call to DA. Preparation for evidentiary hearing. 6 hours \$450

6/7/01-Travel to Nevada State Prison. Visit with Voss to prepare evidentiary hearing. 4.5 hours \$337.50 Mileage 80 miles @ \$.325 per mile = \$26

6/8/01-Evidentiary hearing in Department 10. 9 hours. \$675 Parking \$2.25

6/20/01-Preparation of Motion for fees and Order. 1 hour \$75

**TOTAL: \$3982.25**

ORIGINAL

FILED

CODE: 3105

2001 JUL -2 PM 3:06

AMY HARVEY, CLERK

BY [Signature]  
DEPUTYIN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

STEVEN FLOYD VOSS,

Petitioner,

Case No. CR96P-1581A

VS.

Dept. No. 10

THE STATE OF NEVADA,

Respondent

**ORDER APPROVING FEES OF  
COURT-APPOINTED ATTORNEY  
(POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS)**

Upon motion of SCOTT W. EDWARDS, the appointed attorney of STEVEN FLOYD VOSS,  
Petitioner, and good cause appearing therefore:

IT IS HEREBY ORDERED that attorney fees and costs in the amount of \$3982.25 are approved  
and that amount be paid directly to SCOTT W. EDWARDS, Esq., by the State of Nevada Public  
Defender's Office within 30 days of the date of this order, for his legal services rendered to the Petitioner  
in post-conviction proceedings in this matter.

DATED this 26 day of June 2001.[Signature]  
DISTRICT JUDGE

ORIGINAL

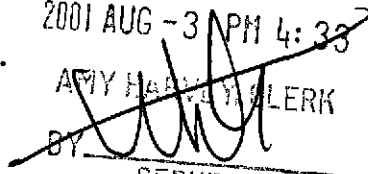
FILED

1

CODE: 4185  
 DEBBIE VIEIRA, CCR #351  
 Vieira Court Reporting, LLC.  
 333 S. Arlington Avenue  
 Reno, Nevada 89501  
 775 337-2000  
 Court Reporter

2001 AUG -3 PM 4:33

AMY HARTLEY CLERK

BY  DEPUTY

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

--oOo--

STEVEN FLOYD VOSS,

Plaintiff,

v

Case No. CR96P1581A

STATE OF NEVADA,

Dept No. 10

Defendant.

---

 Post Conviction Writ of Habeas Corpus

June 8th, 2001

## APPEARANCES:

THE HONORABLE STEVEN P. ELLIOTT, DISTRICT COURT JUDGE.

FOR THE PETITIONER:

SCOTT EDWARDS, ESQ.  
 Attorney At Law  
 1030 Holcomb Avenue  
 Reno, Nevada 89502

FOR THE RESPONDANT:

GARY HATLESTAD, ESQ.  
 Deputy District Attorney  
 75 Court Street  
 Reno, Nevada 89501

THE PLAINTIFF:

STEVEN FLOYD VOSS

VIEIRA COURT REPORTING, LLC \* 337-2000

## INDEX

PETITIONER'S WITNESSES:DR   CR   REDR   RECR

Steven Voss

10

Mary Duplin

122   120

Gary Clifford

137   142

RESPONDANT'S WITNESSESDR   CR   REDR   RECR   VD

Stacy Hill

146

164

171

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Larry Canfield

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212

John Yaryan

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Cotter Conway

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Petitioner Rests

146

1  
2 RENO, NEVADA; FRIDAY, JUNE 8, 2001; 9:00 A.M.

3 --oOo--  
4

5 THE COURT: Good morning. You may be  
6 seated.

7 This morning we're here in the case of  
8 basically Steven Floyd Voss versus State of Nevada.  
9 This is Case Number CR96P1581. I see that Mr. Voss is  
10 present with Mr. Edwards, his attorney, and  
11 Mr. Hatlestad is representing the State of Nevada.

12 This is a post conviction Petition for  
13 Writ of Habeas Corpus.

14 Mr. Edwards, would you like to proceed or  
15 state how you would anticipate the case going today?

16 MR. EDWARDS: I'd like to lay out a  
17 roadmap today on the testimony you'll be presented  
18 with, but first I'd like to invoke the Rule of  
19 Exclusion relative to all the witnesses we will be  
20 presenting to you.

21 THE COURT: Well, I think you certainly  
22 have that right.

23 Mr. Hatlestad, would you agree that in  
24 this type of procedure the rule could apply?

1                   MR. HATLESTAD: That's fine. I'll leave  
2                   it to your discretion.

3                   THE COURT: Okay. Then those people who  
4                   are not parties to the proceedings today will be  
5                   excluded. I will instruct those witnesses not to  
6                   discuss this case during the course of the trial.

7                   (Rule of Exclusion Invoked.)

8                   MR. EDWARDS: Thank you, your Honor.

9                   Where this is a Writ of Habeas Corpus  
10                  Post Conviction, Mr. Voss, in his moving papers, upon  
11                  which we'll be presenting evidence and arguments today,  
12                  has raised essentially four claims, and the testimony  
13                  that you'll hear today will be directed to those four  
14                  claims.

15                  They are, number one, that his  
16                  Constitutional rights were violated when the State  
17                  failed to disclose exculpatory evidence, namely, a  
18                  secret witness report, Edward Anthony Villardi.

19                  Secondly, the second claim in the  
20                  Petition relates to a Constitutional violation for  
21                  Mr. Voss in that he was exposed to the jurors in the  
22                  trial of this matter before Judge Stone in jail garb,  
23                  and we'll be presenting evidence and testimony relative  
24                  to what occurred.

1           A third claim that he's presented in his  
2 post conviction petition is the fact that the sentence  
3 rendered by Judge Stone in this case was based upon the  
4 fact that the judge believed Mr. Voss had caused the  
5 disappearance and death of Beverly Baxter, the victim  
6 in this case, even though Mr. Voss at the time of this  
7 trial had never been charged for that crime.

8           The final violation that he alleges  
9 relates to an abrogation of his Constitutional rights  
10 in procuring statements for Mr. Voss, essentially  
11 Fourth, Fifth, and Sixth violations relative to  
12 statements taken from him and later used in proceedings  
13 against him in this court.

14           THE COURT: So those relate to the  
15 sheriffs deputies alleged interrogation?

16           MR. EDWARDS: Yes. Yes, your Honor.

17           Witnesses that we'll be presenting today  
18 include the Petitioner, himself, his mother, Mary  
19 Duplin, who will be presenting some testimony regarding  
20 the circumstances of taking those statements by the  
21 sheriffs deputies; and, additionally, we'll be  
22 presenting Deputy Gary Clifford, who served as the  
23 bailiff for Judge Stone during the trial of this  
24 matter, and he'll be giving testimony relative to the



1 allegation that the jurors saw Mr. Voss in a custodial  
2 situation during the trial.

3 Additionally, we'll hear what trial  
4 counsel, Mr. Cotter Conway, has to say about all of  
5 these allegations, what he did, what his strategy was,  
6 and the validity of these claims, basically.

7 So with that, your Honor, I'd like to  
8 begin by calling Mr. Voss to the stand, but I don't  
9 know if Mr. Hatlestad would like to address the Court  
10 first.

11 THE COURT: Mr. Hatlestad, would you like  
12 to make an opening statement, or let the defense go  
13 ahead and present its witnesses?

14 MR. HATLESTAD: Just briefly, your Honor.

15 I've listed off what I thought was  
16 included in the Petition. I don't know if they're  
17 going to be abandoned or discussed on the run or what  
18 the case is, but if those are the only issues, I want a  
19 waiver from Mr. Voss that they were abandoned.

20 THE COURT: There were three other  
21 issues.

22 MR. HATLESTAD: I've got about 15.

23 THE COURT: Fifteen, okay. Well, I just  
24 listed the seven that were in the original Petition.

1 MR. HATLESTAD: I've got nine headings in  
2 the Petition, and probably 15 subheadings. We've got  
3 four issues and related claims of ineffective  
4 assistants. The usual course is, this would go through  
5 federal court and exhaust them. I'd like to exhaust  
6 them today. We're either going to put them on, or  
7 abandon them knowingly and intelligently.

8 MR. EDWARDS: I'll address those.

9 I think in a fair reading of the  
10 Petition--for example, let's start with the first  
11 claim--you see there's an allegation regarding  
12 Mr. Villardi, and there were certain proceedings in  
13 which this was raised before; although, I don't think  
14 it's reached the stage of exhaustion.

15 If you look at ground two, that is the  
16 allegation regarding the claim of the jury seeing  
17 Mr. Voss in prison garb.

18 Ground three is essentially a repetition  
19 of that very same allegation, so --

20 THE COURT: So the claim of the bailiff  
21 made statements that Mr. Voss was a prisoner that  
22 alleged the jurors overheard, these statements, you  
23 want to combine that with the jurors allegedly seeing  
24 Mr. Voss in prison clothing?

1 MR. EDWARDS: Yes, yes. I think  
2 essentially it's the same kind of Constitutional  
3 violation. We're referring to his custodial status in  
4 front of the jury, or somehow communicating to the jury  
5 that Mr. Voss is not cloaked in the presumption of  
6 innocence because he has a certain custodial situation.  
7 I think it all revolves around the same issue there,  
8 and the evidence is the same.

9 THE COURT: Okay. We'll accept it as a  
10 combined issue, jurors allegedly knowing during the  
11 trial that Mr. Voss is in custody.

12 MR. EDWARDS: Uh-huh. With respect to  
13 ground four, again, we're dealing with the Villardi  
14 issues, this failure to present exculpatory evidence,  
15 and really it's talking about the material impact this  
16 evidence had on the case. You can phrase this in terms  
17 of ineffective assistance of counsel. You can phrase  
18 it in terms of failure to raise it at later times, but  
19 essentially it boils down to a determination of whether  
20 or not this error that's been alleged had any impact on  
21 the proceedings that took place.

22 Again, you have ground five, which is  
23 ineffective assistance of counsel.

24 I think these -- These issues can all be

1 raised in different ways, but --

2 MR. HATLESTAD: So we're just going to go  
3 forward on the Petition then?

4 MR. EDWARDS: Yes.

5 MR. HATLESTAD: Okay. Let's go ahead and  
6 start then. I'm happy now. I thought we were just  
7 going to talk about four things. We're going to talk  
8 about 24, so let's go ahead and get started.

9 MR. EDWARDS: All right, your Honor.

10 THE COURT: Would you call your first  
11 witness, then.

12 MR. EDWARDS: I'd like to call the  
13 Petitioner.

14 THE COURT: Mr. Voss, if you'll please  
15 step in front of counsel table and raise your right  
16 hand, the clerk will swear you in.

17 (The clerk administered the oath.)

18 THE WITNESS: Yes, I do.

19 THE COURT: Please have a seat in the  
20 witness chair.

21 ///

22 ///

23 ///

24 ///

1 STEVEN VOSS,  
2 called as a witness on behalf of the Plaintiff,  
3 first being duly sworn, testified as follows:  
4

5 DIRECT EXAMINATION  
6

7 BY MR. EDWARDS:

8 Q Sir, could you please state your name and  
9 spell your last name for the record.

10 A Steven Floyd Voss, V-as in Victor-o-s-s.

11 Q And, Mr. Voss, is that Steven spelled  
12 with a V or a p-h?

13 A With a V.

14 Q You're the Petitioner in this matter,  
15 correct, and you filed a Petition for Habeas Corpus?

16 A That's correct.

17 Q What sentence are you serving relative to  
18 the conviction under challenge in this case?

19 A I'm serving six consecutive sentences  
20 totaling, I believe, 33 years.

21 Q Who was the attorney who represented you  
22 in the trial proceedings in this case?

23 A Cotter Conway.

24 Q Is he a Deputy Public Defender?

1 A That's correct.

2 Q Did you meet with Mr. Conway and discuss  
3 your case prior to trial?

4 A Yes, briefly.

5 Q In your Petition you've raised several  
6 grounds, and I'd like to cover each of them with --  
7 First of all, with respect to ground one, you're  
8 claiming that the State failed to disclose material  
9 exculpatory evidence?

10 A That's correct.

11 Q What evidence are you referring to?

12 A Referring to a secret witness report  
13 filed by Edward Anthony Villardi shortly after the  
14 concepts of the police investigation. Within a couple  
15 of days, I believe.

16 Q When is the first time that you ever  
17 heard of Mr. Villardi and this statement that he gave  
18 to the police?

19 A Approximately a year to a year and a half  
20 after trial of this case.

21 Q And how did you hear about this?

22 A From counsel, Cotter Conway, in an  
23 additional case, CR20 -- CR97-2077.

24 Q Did you talk to Mr. Conway about this

1 evidence?

2 A Prior to the first trial?

3 Q No, not prior to the first trial. As  
4 soon as you heard about it, did you have discussions  
5 with Mr. Conway?

6 A Yes.

7 Q Did you request that he challenge the  
8 jury verdict in this case based upon that newly  
9 discovered statement?

10 A Absolutely.

11 Q What did Mr. Conway say about that?

12 A Basically, put the investigator on it,  
13 Mr. Carlson, and to further investigate Mr. Villardi's  
14 claims, and then he and, I believe, Ms. Maise Pusich  
15 put forth a motion to dismiss, or I'm not sure of  
16 the -- set aside the verdict.

17 Q Why did you feel that the evidence  
18 relative to Mr. Villardi was important to your case?

19 A Well, the State made the allegation that  
20 I was the last person who had been seen with Beverly  
21 Baxter in the course of their allegations, and at  
22 trial, and it's -- Mr. Villardi's statements showed  
23 that I wasn't the last person seen with the alleged  
24 victim, and it is -- I just felt that it could have

1 assisted in the trial because I believe I was  
2 prejudiced by that.

3 Q Prejudiced by failing to have that --

4 A Right, right.

5 Q -- information?

6 A Exactly. I thought I was at a real  
7 disadvantage.

8 Q How were you at a disadvantage?

9 A Well, his -- The -- The Secret Witness  
10 Report, itself, okay, would have led to other evidence.  
11 Also, Mr. Villardi had filed an incident report with  
12 his employer, Pinkerton Security, which listed,  
13 according to his testimony, the description of the  
14 vehicle that he had seen Beverly Baxter in and the  
15 license number, plate number, of that vehicle. From  
16 that information it's only reasonable from, say, a  
17 registration inquiry could determine the owner of that  
18 vehicle and therefore lead to the identity of the last  
19 person reportedly seen with Beverly.

20 Q What happened relative to this Motion To  
21 Set Aside the verdict because you hadn't been provided  
22 with Mr. Villardi's statements?

23 A Judge Agosti held a hearing on the  
24 matter, and basically she -- she ruled that the --



1 There was a suppression, that it violated the discovery  
2 rules, and due to the approaching trial date and her  
3 docket at the time is that she would evaluate  
4 Mr. Villardi's testimony during the trial of CR97-2077;  
5 however, for whatever reason, she never ruled on the  
6 materiality.

7 Q So there's never been a ruling on whether  
8 or not the Motion To Set Aside the Verdict had any  
9 merit?

10 A Not to my knowledge.

11 Q Mr. Voss, in your second allegation in  
12 your petition you state that you were exposed to jurors  
13 during the trial phase in prison garb.

14 A Yes. That's correct.

15 Q Can you give us an indication of when  
16 this occurred and what was seen?

17 A Yes. On the -- the day of trial, I was  
18 transported from the Washoe County Detention Facility  
19 to this building for court. The van was -- Myself and  
20 other inmates were discharged from the van parked on  
21 the street onto the sidewalk and then led past  
22 bystanders and so forth outside the courthouse entrance  
23 into the courthouse, told to face the elevators, and  
24 there was an incident involving some verbal altercation

1 between another inmate and one of the deputies all in  
2 the presence of all these bystanders. Some of them, in  
3 fact, were potential jurors, and one of them was  
4 actually seated on the jury panel.

5 Q Did you make eye contact with any of  
6 these potential jurors?

7 A Not during -- during that incident.

8 Q How far away were you from these jurors?

9 A At times, 3, 4 feet, probably.

10 Q What were you wearing at the time?

11 A Jail clothing.

12 Q What color?

13 A Possibly green. I don't recall at this  
14 time.

15 Q Were you in leg irons and handcuffs?

16 A That's correct.

17 Q Did you report this incident to your  
18 trial attorney, Mr. Conway?

19 A Absolutely.

20 Q Did you have any discussion about it with  
21 him?

22 A Yes, very briefly. I didn't get a chance  
23 to consult with him until I was already in the  
24 courtroom and seated next to counsel at his --

1 Basically, he just said, it didn't matter.

2 Q When that juror that you said became a  
3 member of your jury panel, was seated on the jury  
4 panel, did you tell Mr. Conway that that person had  
5 seen you outside in jail garb and handcuffs?

6 A Yes, I did.

7 Q And what was his response?

8 A Again, "It doesn't matter."

9 Q Were there other instances in the trial  
10 that you were exposed to the jury in jail garb or  
11 handcuffs?

12 A Yes. That's correct. There was a  
13 recess --

14 MR. HATLESTAD: I'm going to object. Not  
15 pleaded in the Petition.

16 MR. EDWARDS: I believe it is, your  
17 Honor. At page 8 of the Petition, first incidence took  
18 place on October 7, 1996. That's just been described.  
19 Another incident beginning on page 8, line 25 on  
20 October 9, 1996, approximately 12:30 p.m., and he  
21 continues to describe another --

22 THE COURT: Well, the objection is  
23 overruled.

24 MR. HATLESTAD: Excuse me? Excuse me?

1 THE COURT: I'll overrule the objection.  
2 It appears that we're going to talk about something  
3 that is in the pleading.

4 BY MR. EDWARDS:

5 Q Mr. Voss, you've heard me refer to an  
6 allegation on line 25 of your Petition relative to an  
7 incident on October 9, 1996. Do you know what I'm  
8 referring to?

9 A Yes.

10 Q What occurred at that time?

11 A The court was in recess, and I was being  
12 removed to the lockdown over here in the hallway. The  
13 jury was supposed to be in the jury room. There were  
14 two deputies, Gary Clifford and another deputy. I'm  
15 not aware of his name. Gary Clifford was to escort me,  
16 and the other deputy was to see that the jury was  
17 secured in the jury room. As Gary Clifford escorted me  
18 down the hall to the lockup, another deputy approached,  
19 and that deputy offered to secure me in the lockup, and  
20 to go ahead and get me my lunch so that Deputy Clifford  
21 could go get his lunch.

22 Q Let me stop you right there for a second.  
23 Were you in handcuffs at that time?

24 A No. At that time, I was -- I was not in

1 jail garb or in maniacal restraints.

2 Q Did the -- Were you in eyesight of the  
3 jury? Did you see the jury?

4 A I saw a member of the jury. As that  
5 deputy approached and began making his comments  
6 concerning locking me up and feeding me my lunch and so  
7 forth, I looked over to my left, and the telephone, the  
8 public telephone located in that cubby hole in the  
9 hallway, I believe what I believe was the foreman of  
10 the jury speaking on the telephone. He was looking  
11 directly at me, and he heard -- He was privy to all  
12 the conversations.

13 MR. HATLESTAD: I'm going to object.  
14 Speculative.

15 THE COURT: I'll sustain the objection.  
16 BY MR. EDWARDS:

17 Q How far away from you was he, this  
18 foreman of the jury?

19 A I'm not -- I don't recall how far the  
20 telephone sets into that cubby hole, but from that --  
21 from the cubby hole, I was probably 2-and-a-half or  
22 3 feet into the hallway.

23 Q When you saw this juror looking at you,  
24 did you say anything to Deputy Clifford?

1 A Yes, I did.

2 Q What did you say to Deputy Clifford?

3 A I informed -- I informed Mr. Clifford  
4 that, "That was a juror there on the phone." His --  
5 At that time, he physically grabbed my arm and escorted  
6 me to the lockup.

7 Q Did you talk to Mr. Conway about this  
8 incident?

9 A Yes, I did.

10 Q What did you say to Mr. Conway?

11 A Basically, I explained to him that I had  
12 seen a juror on the telephone, and that the juror had  
13 seen me; and that when the juror had seen me, he had  
14 probably heard the comments that the deputies made  
15 concerning me. And, again, he did nothing.

16 Q Do you recall your Sentencing proceeding  
17 in this case?

18 A Yes, I do.

19 Q Do you recall a comment by then Judge  
20 Stone on why -- how he thought about your case and why  
21 he was giving you the sentence he was giving you?

22 A Yes, I do.

23 Q What was that comment?

24 MR. HATLESTAD: Your Honor, I think the

1 record will speak for itself.

2 THE COURT: Well, let's go ahead and have  
3 the witness say what he thinks is the problem.

4 MR. HATLESTAD: Okay. That's fine, but  
5 I don't want an interpretation of what Mr. Stone said.  
6 Mr. Stone's comment is in the record.

7 MR. EDWARDS: I won't ask for any  
8 interpretation.

9 THE COURT: You may answer.

10 BY MR. EDWARDS:

11 Q What is your recollection of that  
12 comment, Mr. Voss?

13 A "Mr. Voss, we are all adults here.  
14 Ms. Baxter will not be found alive; therefore,  
15 I sentence you as follows."

16 Q Did you receive the maximum possible  
17 sentence?

18 A I believe I did.

19 Q Did you talk to Mr. Conway about the  
20 sentence that you received in this case?

21 A Yes, I did.

22 Q And did you make any inquiry or complaint  
23 about the comments Judge Stone made?

24 A Yes, I did.

1           Q       What did Mr. Conway say he would do, if  
2 anything, about that?

3           A       Basically, I believe he mentioned  
4 something about, "It's an appealable issue," or  
5 something to that effect.

6           Q       Was it raised in your appeal?

7           A       No. It was not.

8           Q       Did you ever have any contact with the  
9 attorney who performed your appeal?

10          A       I'm not even sure who did the actual  
11 appeal. I had some contact with MaryLou Wilson;  
12 however, at some point, she was removed from the case  
13 and Jennifer Lunt took her place. I had no contact at  
14 all with Jennifer Lunt, and I had no serious  
15 discussions with MaryLou Wilson concerning --

16          Q       In any of those conversations that you  
17 did have, did you bring up this issue of Judge Stone's  
18 comment at your Sentencing?

19          A       Yes, I did. As a matter of fact, I also  
20 brought it up in a letter that I sent to MaryLou  
21 Wilson.

22          Q       Mr. Voss in your Petition you speak of  
23 several instances of contact that you had with the  
24 police, specifically the Washoe County Sheriff's



1 Department, prior to being charged with any offenses in  
2 this case.

3 A That's correct.

4 Q And you allege that in the course of that  
5 contact that you had with police, your Constitutional  
6 rights were violated in the manner that conversations  
7 and interrogations took place; is that correct?

8 A That's correct.

9 Q You refer to a first instance of this on  
10 page 13 of your Petition, referring to an incident on  
11 June 14, 1996 --

12 A Yes. That's correct.

13 Q -- in the lobby of a bank in Sparks?

14 A That's right.

15 Q What happened at that time that you now  
16 claim your Constitutional rights were violated?

17 A Well, I was seated in the bank, speaking  
18 with the operations manager of the bank. I was  
19 approached on my left side by then Detective Stacy Hill  
20 of the Washoe County Sheriff's Department. He  
21 identified himself as a law enforcement officer.  
22 I stood to greet him, and he immediately ordered me to  
23 sit down.

24 He began to question me in regard to the

1 check.

2 Q Let me stop you there.

3 Why do you perceive that as a violation  
4 of your Constitutional rights?

5 A Well, he never Mirandized me. But it  
6 goes further. He engages me in questioning, and then  
7 he's joined by Detective Dale Pappas, who questions me  
8 additionally. They -- They engage in a tactic, for  
9 lack of any other word, whereby one deputy would  
10 question me, okay, and before I could complete my  
11 answer, another deputy standing 10 feet to the other  
12 side would ask me a question, and so I was shifting my  
13 head back and forth attempting to answer their  
14 questions, and this went on for several minutes.  
15 I feel it was a tactic, an ancillary tactic, and once  
16 I was confused, he threw down a statement form in front  
17 of me and demanded that I filled out the statement.  
18 It's everything combined, I feel, that makes the  
19 situation a custodial interrogation.

20 Q Did they tell you you were free to leave?

21 A No.

22 Q Did you ask to leave?

23 A Yes, I did. Not at that point. Later,  
24 I did.

1           Q     Did they let you leave when you asked to  
2     leave?

3           A     No.

4           Q     Did you perceive that there was some  
5     requirement that you actually fill out a written  
6     statement?

7           A     Yeah. I felt that they weren't going to  
8     let me leave or else they were going to take me into  
9     custody if I did not.

10          Q     And this took place in a bank lobby?

11          A     That's correct.

12          Q     How long did this incident last?

13          A     It was a substantial period of time. The  
14     incident, actually, inside the building there is  
15     probably in excess of 45 minutes; but, again, I can't  
16     recall.

17          Q     Did you in fact write out a written  
18     statement?

19          A     Yes, I did.

20          Q     Did that written statement ever appear at  
21     your trial?

22          A     Yes, it did.

23          Q     Was it admitted into evidence?

24          A     Yes, it was.

1           Q       Who was it admitted into evidence by, the  
2 prosecution, or your attorney?

3           A       The State.

4           Q       You allege on line 7 of page 14 that you  
5 were told that you would have to wait, wait for a  
6 detective to return before you can be allowed to leave?

7           A       That's correct.

8           Q       At what stage of this incident did that  
9 take place?

10          A       Shortly following the portion I just  
11 described. What had happened, after the deputies had  
12 engaged me in a questioning frenzy, they put the  
13 statement in front of me, and the two deputies withdrew  
14 probably 6 feet and entered in some discussions.  
15 They -- I'm not sure if they both left the building at  
16 the same time, but ultimately both of them went outside  
17 the building. During that time, they had left a  
18 uniformed officer, Deputy Gages, I believe, and  
19 instructed him to watch me. Once I completed that  
20 report, I asked Deputy Gages, "Is that all you need?"

21                   And Deputy Gages, he then told me that  
22 I can't leave until the deputies returned.

23                   I asked him, I said, "Well, can I at  
24 least have a cigarette, step outside the bank and have

1 a cigarette?"

2 And he told me that I would have to wait  
3 for the deputies to return for that, and then he  
4 decided that if I was to remain seated, that he would  
5 go out and ask the deputies if that would be  
6 permissible, and after consulting with the deputies  
7 outside, it was determined that it was permissible and  
8 I was allowed to retrieve cigarettes from my truck and  
9 have a cigarette.

10 Q Did the contact with -- contact with the  
11 police end there?

12 A No. It didn't. There's -- In the  
13 course of smoking a cigarette, again, I repeatedly  
14 requested to know how long I would be detained, and  
15 the -- I was pretty much ignored. When Deputy Hill --  
16 When I asked Deputy Hill the question, he requested --  
17 Well, basically what he stated is, "Detective Atlas  
18 would like to search your vehicle," and I allowed him  
19 to search -- search my truck.

20 Q Does that take place while you're out  
21 having a cigarette?

22 A Right. And so, anyway, after he searches  
23 the truck, I said, "Am I free to leave?"

24 And he said, "I'll have to ask Detective

1 Pappas." And so he goes and engages in some  
2 conversation with Detective Pappas, which I wasn't  
3 really privy to. I couldn't hear it. He returns, and  
4 he says, "Detective Pappas would also like to search  
5 your residence located at 565 Sparks Boulevard."

6 And at that time, I informed him that  
7 I was no longer living there.

8 And he requested to know where I lived.

9 And I gave him that information.

10 Q What information did you give him?

11 A I gave him the address of the Western  
12 Village in which I was residing due to the fire at the  
13 Sparks Boulevard address.

14 Q Where was the uniformed officer that you  
15 mentioned during the search of your vehicle?

16 A He was standing alongside me.

17 Q Did he ever make physical contact with  
18 you?

19 A Not that I can recall.

20 Q Did you ever attempt to leave?

21 A I didn't attempt to leave. I believe  
22 I was more or less in custody.

23 Q When, in fact, did you leave?

24 A After they had searched the vehicle and

1 I had denied them permission to go search the room at  
2 the Western Village.

3 Q Did they say, "You're free to go now"?  
4 What did they say? How did this departure take place?

5 A Well, what happened is, after they had  
6 searched the vehicle, and, again, Mr. Hill related  
7 Mr. Pappas' desire to search the hotel room again,  
8 I said, "How long am I going to be detained here," or  
9 some words to that effect.

10 And he walked, again, over to Detective  
11 Pappas. At that time, Detective Pappas returned with  
12 Mr. Hill and made some comment to the effect  
13 that -- that, "Mr. Voss, you are free to leave. You  
14 have always been free to leave." But that wasn't the  
15 truth.

16 MR. HATLESTAD: I'm going to object to  
17 that as being speculative and not responsive to the  
18 question.

19 THE COURT: Sustained.

20 BY MR. EDWARDS:

21 Q When they stated to you, Mr. Voss,  
22 "You've always been free to leave," did you make any  
23 response to them?

24 A Not that I can recall. I had -- There

1 had already been a verbal altercation with Detective  
2 Pappas, and I wasn't -- I wasn't trying to -- I had  
3 no intention of letting it get out of hand again.

4 Q What do you mean, there was verbal  
5 altercation?

6 A There was an incident that took place in  
7 the bank. It -- It -- I had given them a business  
8 card to contact Carroll Storey, real estate agent.  
9 Basically, I guess he wanted to verify my needs for the  
10 funds. And, anyway, he returned from there and makes a  
11 statement to me stating that Ms. Story had told him the  
12 deal was only for \$2,500 something, and I had state to  
13 him -- I said, "That's incorrect. I believe you  
14 misunderstood something, and perhaps you should contact  
15 Ms. Story." With that, he blew up in my face and  
16 stated that he -- the detective on this case and he  
17 will determine what is the course of the investigation,  
18 not me.

19 Q Why didn't you leave at that point, when  
20 you're having a verbal altercation?

21 A I didn't believe I was free to. I had  
22 been ordered to sit down.

23 Q In your preparation for the trial of this  
24 matter, did you discuss these allegations with



1 Mr. Conway?

2 A I'm sorry? I didn't --

3 Q Did you discuss this situation that you  
4 have been describing with Mr. Conway?

5 A In as great of detail as I could.  
6 Mr. Conway was not readily available for me to discuss  
7 the case. He was very difficult to get ahold of. He  
8 was evasive when I did get ahold of him. He'd make  
9 appointments and not keep those appointments to see me,  
10 and he'd show up, I'd say, on a weekend, and spend 15  
11 minutes and he'd say, "This is my only day off. I've  
12 got things I've got to do," and he left. He didn't  
13 spend a lot of time discussing the case with me.

14 As a matter of fact, I had to have family  
15 call him on the telephone and tell him that I wanted to  
16 speak with him on those occasions before he would ever  
17 have any contact with me.

18 Q In his contact with you, did he provide  
19 you copy of the discovery, the evidence in the case  
20 that he had?

21 A Ultimately, I received at least part of  
22 the discovery from him.

23 Q Did you receive that before trial?

24 A Yes, I did.

1 Q Included in that was the handwritten  
2 statement that you made to the police at the bank?

3 A Yes. I believe it was.

4 Q Did you talk to Mr. Conway about that  
5 handwritten statement?

6 A At some point before trial, yes, I had  
7 mentioned that to him. I can't recall exactly at which  
8 point that it came up.

9 Q You describe a second incident with  
10 police officers on page 15 of your Petition that took  
11 place later that same evening, approximately, 8:00 p.m.

12 A Yeah. That's correct.

13 Q Where did this occur, this incident?

14 A It occurred in my motel room, Room 135,  
15 of the Western Village Inn.

16 Q Were you alone in that motel room?

17 A No, I wasn't.

18 Q Who was with you?

19 A At that time, my mother was with me.

20 Q What's your mother's name?

21 A Mary L. Duplin.

22 Q What occurred at approximately 8:00 p.m.?

23 A There was a knock on the door. My mother  
24 went to the door and opened the door possibly 2 feet or

1 so. Shortly after she had opened the door, Detective  
2 Canfield and Detective Yaran pushed their way past her,  
3 entered the room, and asked me if my name was Steven  
4 Floyd Voss. They entered the room without being  
5 invited in. They were also accompanied by another  
6 officer in a blue uniform, possibly Sparks Police, who  
7 stayed for just a few minutes and then left.

8 Q When you say "pushed by," did they  
9 actually touch her?

10 A They brushed past her.

11 Q Did you give permission for them to enter  
12 your motel room?

13 A Neither did myself or my mother.

14 Q What did they say after they asked if  
15 that was your name?

16 A That they had some questions to ask me,  
17 I believe, was the next response.

18 Q What was your response to that?

19 A Just I don't recall what my exact  
20 response was. When they asked me questions, I complied  
21 with their requests.

22 Q Were they in uniform?

23 A No. Those were in plain clothes. As a  
24 matter of fact, when they identified themselves,

1 I believe they identified themselves as homicide  
2 detectives. They may have said crimes versus person or  
3 something like that, but it just sticks in my mind that  
4 they said "homicide."

5 Q Did they show you any identification?

6 A I don't know if I actually saw an ID  
7 card. I believe I saw their badges pinned to their  
8 belt, at least, and the fact that they were wearing  
9 sidearms.

10 Q Did they tell you that you were under  
11 arrest?

12 A No, they didn't.

13 Q Did they tell you you had to answer the  
14 questions they were asking you?

15 A Not -- No. They didn't actually say it.

16 Q How long did this conversation that you  
17 had with them last?

18 A It was more than a conversation, but it  
19 was -- It was a drilling. They sat down and they --

20 MR. HATLESTAD: Excuse me. This is not  
21 responsive.

22 BY MR. EDWARDS:

23 Q Can you tell me how long this period of  
24 talking with the police lasted?

1           A       Until 11:00 or 11:30, I believe.

2           Q       That would be approximately three, three  
3 and a half hours from the time they entered the room?

4           A       Yeah. I'd say that is about correct.

5           Q       What took place during those three hours,  
6 Mr. Voss?

7           A       Is, they -- They basically. They  
8 grilled me. First, I recall Detective Yaran  
9 questioning me and stating something to the effect,  
10 "You know, this doesn't look good for you." Up to this  
11 point, I didn't know that there was a missing person's  
12 investigation. I thought this whole thing was over a  
13 check at the bank and so forth. So he began to tell me  
14 that, "This doesn't look good for you," et cetera, and  
15 began asking me various questions regarding Ms. Baxter  
16 and so forth.

17          Q       Why did you agree to speak to them?

18          A       Again, I didn't feel like I had any  
19 choice. I didn't know if they had a warrant. Again,  
20 I didn't ask them, but they -- I felt they must have  
21 had some authority. It wasn't just one officer. Like  
22 I said, there were three officers that came through  
23 that door.

24          Q       Did you ask them to leave at any time?

1           A       No. I don't believe that I ever put it  
2       that way. Is, I believe I stated, you know, that --  
3       something to the effect of, "How long is this going to  
4       go on?" That I was tired, et cetera, and to no real  
5       avail. They just continued to ask questions.

6           Q       Did you ever put anything in writing  
7       during that three-hour period?

8           A       No. I did not.

9           Q       Was there any search conducted of the  
10      room by the police officers?

11          A       Right. Is -- Is, they were already in  
12      the room. Is -- I just told them that, yes, they  
13      could go ahead and look around the room. They  
14      testified that -- "Do you mind if we look around the  
15      room?"

16                   And I told them, I didn't mind. And,  
17      again, my mother also gave them that authority to do  
18      so.

19          Q       How did this encounter with the police  
20      finally end?

21          A       Is, after the search, is, the  
22      detectives were -- were about to leave, and then at  
23      that point they decided that they wanted me to come  
24      down to Parr Boulevard, and not only Parr Boulevard, to

1 give a taped statement, and I told them that, "Not at  
2 this time, not this late hour." Something --  
3 Something -- Words to that effect.

4 And they asked, when would I do it?  
5 Apparently, they also wanted to speak with my mother.  
6 So his -- We spoke between ourselves and agreed to  
7 come do the taped interview. I said, at 12:00 the  
8 following morning, and we -- We did. The next day at  
9 12:00 we did go down --

10 Q We'll get to that in a minute. Is that  
11 how the interview terminated?

12 A Right, is -- is, after I agreed that  
13 I would come down the next day, then and only then  
14 would they leave the room. They were planning for me.

15 Q Now, the three incidents you described  
16 took place the next day, and that is when you appeared  
17 at the Sheriff's Department; is that correct?

18 A That's correct.

19 Q To give this interview that they  
20 requested the night before?

21 A Right.

22 Q About what time did you get there?

23 A I actually -- I think I got there  
24 between 11:30 and 11:45.

1 Q Who did you meet when you got there?

2 A Is -- Well, I first checked in at the  
3 information counter, and they asked me to wait in the  
4 lobby. The detectives weren't there yet.

5 Approximately 12:15, the detectives arrived, Larry  
6 Canfield, Detective Yaran, and they escorted my mother  
7 and myself upstairs to the detective division lobby.

8 Q Were you put under arrest?

9 A No. I wasn't.

10 Q Did you in fact submit to an interview at  
11 that time?

12 A Yes, I did.

13 Q Prior to giving any statements, were you  
14 informed of your Miranda rights?

15 A No. I wasn't informed of my Miranda  
16 rights.

17 Q Did they ask you to sign any form called  
18 an "Admonishment of Rights"?

19 A Not at that point, no.

20 Q Did you sign anything?

21 A Not that day.

22 Q How long did that interview last?

23 A I believe my portion of the interview  
24 lasted nearly two hours.



1 Q Did you ever ask if you were free to go  
2 from the police station?

3 A Not in the course of that interview.

4 Q Did they ever inform you that you were  
5 free to go?

6 A No. They didn't.

7 Q Did they advise you that you were a  
8 suspect in a crime?

9 A Yes.

10 Q What did they advise you?

11 A That I was a suspect in a missing person  
12 investigation. I don't recall their exact words.

13 Q How did the interview end?

14 A They terminated -- I believe they felt  
15 that they had obtained whatever information they wanted  
16 by that time.

17 Q Now, you mentioned that this was a  
18 video-tape interview; is that correct?

19 A That's correct.

20 Q Was that video tape or any portion of  
21 this played at your trial?

22 A Yes, it was.

23 Q Who introduced the evidence?

24 A The State did.

1           Q       You mentioned a fourth incident occurring  
2 with law enforcement on June 17th --

3           A       That's correct.

4           Q       -- 1996 at approximately 6:30 p.m.?

5           A       That's correct.

6           Q       This appears on page 17 of your Petition?

7           A       Yes, sir.

8           Q       What occurred on that date?

9           A       Is, I was in the -- what you describe as  
10 the casino area of the Western Village Inn just ready  
11 to be seated for dinner when I was approached by  
12 several plain clothes law enforcement officers. I'm  
13 not sure what all the actions which were involved in  
14 the investigation, but some of them were Washoe County  
15 sheriffs deputies, Larry Canfield, and I believe Stacy  
16 Hill.

17          Q       And what did they say to you when they  
18 approached you?

19          A       Is, they approached me and they stated  
20 both to myself and to my mother that they were  
21 executing a search warrant on our room, Room 135, and  
22 that our presence during that search was required and  
23 began to escort us out the door and in the direction of  
24 our building.

1           Q       When you say "escort," did they actually  
2 touch you?

3           A       No. They just -- They just opened the  
4 doors for us and held their hands and escorted us out  
5 the doors, and several other officers walked behind us.

6           Q       Did they show you a copy of the search  
7 warrant?

8           A       No.

9           Q       Did you request a copy of the search  
10 warrant?

11          A       Not at that point.

12          Q       Did they leave a copy of the search  
13 warrant with you or in your room?

14          A       No, they didn't.

15          Q       What happened when you got to the room?

16          A       Well, is -- Before I ever got to the  
17 room is -- As I approached the entrance to that  
18 building, is, several officers physically seized me and  
19 escorted me into the building while they detained my  
20 mother outside the building. They -- They -- With a  
21 deputy on -- or an officer at least on each arm, they  
22 hurriedly rushed me from that entrance all the way down  
23 the hallway past my room, which the search was already  
24 underway, and to the back door.

1           At that point, they secured my hands  
2 behind my back with handcuffs and maniacal restraints,  
3 and a gold sedan arrived, unmarked car, police car  
4 arrived, and Detective John Yaran states to me, "We've  
5 got you now," and they escorted me to the back seat of  
6 that car, and they drove me to 911 Parr Boulevard.

7           Q       Did they tell you you were under arrest?

8           A       Is -- They did not say I was under  
9 arrest. They just didn't really say anything other  
10 than that comment by Detective John Yaran. Is, there  
11 was very little other comment. The only other comment  
12 that I can recall is when Deputy District Attorney Egan  
13 Walker --

14           MR. HATLESTAD: Excuse me. Is this at  
15 the same incident?

16           THE WITNESS: Yes.

17 BY MR. EDWARDS:

18           Q       Let's go slowly here, Mr. Voss.

19           A       All right.

20           Q       They take you into custody. Did they  
21 tell you why you're --

22           A       No. They did not.

23           Q       Did they tell you where you were going?

24           A       No. The only -- The only comment

1 concerning what I could interpret as custody was,  
2 "We've got you now," and the handcuffs were on me.  
3 They escorted me to a car and drove me away.

4 Q Did you talk to them in the course of  
5 that drive to the Washoe County Jail?

6 A I don't recall if I did or not.

7 Q What happened when you got to the jail?

8 A They -- They entered the jail area  
9 through the rear entrance, the regular jail entrance.  
10 They escorted me to what I describe as the DUI lab area  
11 where I remained handcuffed for approximately  
12 45 minutes while Ms. Green, the phlebotomist, arrived,  
13 who ultimately drew blood from me.

14 Q Did they ever show you an order to take  
15 your blood from you?

16 A Is -- Is -- Shortly before Ms. Greene  
17 arrived, is, Detective Canfield came into the room, and  
18 he and, I believe, Investigator Chuck Lowe informed me  
19 that they would be executing a seizure order for blood,  
20 hair, and saliva samples from me. Is, I asked  
21 Detective Canfield if I could view a copy of that  
22 seizure order. Detective Canfield told me that I would  
23 be getting copies of those orders, but he did not have  
24 one in his possession at that time. His investigator,

1     Lowe, then informed me that I was to comply with the  
2     seizure order or else the order would be executed by  
3     force.  Is, at that time --

4             Q       Did you ever get a copy of that seizure  
5     order?

6             A       I got a copy of that seizure order in the  
7     discovery information from Mr. Conway.

8             Q       What happened after they took your blood?

9             A       Is, they also --  They also took hair  
10    samples, and they left me in that DUI lab area for  
11    probably another 30 minutes.

12            Q       And then what happened?  Were you in  
13    handcuffs at that time?

14            A       I'm not sure.  I don't recall them  
15    reinstalling them after they drew blood, but, then,  
16    they removed me from that DUI lab area and escorted me  
17    into the jail, the jail entrance, and to an elevator.  
18    Is, the elevator came up to the lobby of the main  
19    entrance level of the building, is -- what then was  
20    I guess the cashier's booth and telephone lobby.  As we  
21    arrived on that floor is, I asked the detectives where  
22    they were taking me, and --  Because I knew it wasn't  
23    to the jail area, is --  They stated that they were  
24    done with me at that time.  Is, I asked them --  I made

1 a statement, "I'm not under arrest?"

2 And they said, "No."

3 And I said, "Then I'm free to go?"

4 And I believe Deputy District Attorney  
5 Egan Walker, to the arrest comment, he said, "Not yet."

6 And then Detective Canfield stated that,  
7 "Yes. You're free to leave."

8 I walked -- immediately walked towards  
9 the pay telephone in order to secure a taxi to drive me  
10 back to the Western Village when Detective Yaran walked  
11 up to the telephone, placed his hand on the receiver,  
12 and physically hung up the phone. Is -- He stated  
13 that, "Your mother is all right. We will give you a  
14 ride. We're going to give you a ride back to the  
15 Western Village."

16 With that, I agreed to allow them to  
17 drive me back. As they continued to walk me through  
18 the main lobby area to the main elevator bank, the  
19 elevator bank that I had used previously to go up to  
20 the detective division, as we approached the elevators,  
21 Detective John Yaran states to me, he says, "Mr. Voss,"  
22 that "I have some problem with your previous  
23 statements." Is, "Would you come upstairs and answer  
24 some questions?" or something to that effect.

1           Q       Did you agree to go with him at that  
2 point?

3           A       No. I told him -- I told him, "No."  
4 Is, "I'm not going up there." Is -- "I'm not going to  
5 answer any more questions until I can retain an  
6 attorney."

7           Q       What did he say to you?

8           A       Is -- Deputy Canfield then interceded and  
9 says, "I'll give you a ride home. We'll give you a  
10 ride home." They then escort me out the front entrance  
11 of the detention facility to where the car is now  
12 parked. Is -- So as we approached the car, another  
13 deputy engaged John Yaran in some conversation; and  
14 after a 15- to 20-minute conversation they decided that  
15 they would now drive me back to the Western Village  
16 Inn. Detective Canfield requested that I sit in the  
17 front passenger seat of the vehicle, and he drove the  
18 vehicle -- He was going to drive the vehicle, so he  
19 got into the driver's side. Detective Yaran set behind  
20 me, and Deputy District Attorney Egan Walker set behind  
21 the driver. Is, As Larry Canfield started the vehicle,  
22 John Yaran opened up the rear door. He then opened up  
23 the front passenger door. He stated that, "No. You  
24 are going to answer my questions," and, physically, by



1 grabbing my arm, removed me from the vehicle.

2 I told him that, "I am not going back  
3 into that building voluntarily." Is --

4 He just continued to escort me after  
5 physically seizing my arm.

6 Q Did you ask for an attorney?

7 A Is, yes, I did. I again asked for an  
8 attorney once we entered those elevators and got up to  
9 the detective's division lobby area. Is, I asked --  
10 I don't remember how I worded it. Something to the  
11 effect that -- that "I wish to speak with my attorney  
12 before being questioned."

13 Deputy District Attorney Egan walker  
14 stated to me, "Oh. You have an attorney?"

15 And I said, "No. I don't have an  
16 attorney." I said, "but I believe that you have to get  
17 me one," or something like that.

18 Q Did he say anything in response to that?

19 A No. Is -- Is -- There was some other  
20 words, I can't recall, between Egan Walker and myself.  
21 Is, I believe I may have been getting a little loud,  
22 and Deputy Canfield stepped between District Attorney  
23 Egan Walker and myself and pulled me to the side.

24 Q Did there ever come a time that you made

1 statements to them during this incident?

2 A That's correct. Is -- Is, immediately  
3 following that encounter with Deputy District Attorney  
4 Egan Walker is, I said -- Larry Canfield pulled me  
5 aside and he said, "If you just answer Detective  
6 Yaran's questions, we'll give you a ride home."

7 I felt that the only way I'm going to get  
8 out of here is to comply with their requests, so they  
9 took me into the -- lack of -- interrogation room, a  
10 small cubicle with the division camera where I had  
11 previously been questioned, is -- They -- They --  
12 I believe at that time they did verbally Mirandised me;  
13 and, in addition, they provided me with a waiver form.

14 Q Did you sign that?

15 A I believe I did.

16 Q Did you make some statements after that?

17 A Yes, I did.

18 Q Was this interview video-taped?

19 A Yes, it was.

20 Q Do you recall seeing the video tape  
21 played at your trial?

22 A Yes, I do.

23 Q Who introduced it; if you recall?

24 A The State did.

1 Q On that Admonishment of Rights form that  
2 you signed, it stated that you had a right to an  
3 attorney, didn't it?

4 A Yes. I believe it did.

5 Q So why did you elect to talk to them  
6 without an attorney?

7 A Is -- I believed it was the only way  
8 I was going to get out of there is -- Like I said,  
9 they'd taken me out and then drug me back in, is --

10 Q After you gave some statements to them,  
11 did they let you go home?

12 A Is -- They -- They began questioning  
13 me.

14 MR. HATLESTAD: This is nonresponsive.  
15 Nonresponsive.

16 BY MR. EDWARDS:

17 Q Did you go home?

18 A Ultimately.

19 Q How did you get home?

20 A They drove me home.

21 Q At any time during this incident, were  
22 you told that you were under arrest?

23 A Not in so many words.

24 Q Did they tell you why they requested that

1     you sign an Admonishment of Rights form?

2             A     No. I believe the only instruction I was  
3     given was the actual Miranda warning, but I'm not sure.  
4     I don't recall any others.

5             Q     Did they tell you you were under arrest  
6     at the time that they gave you that Miranda warning?

7             A     They didn't need to. I already -- They  
8     had already physically pulled me back into 911 Parr  
9     Boulevard.

10            Q     Did you talk to Mr. Conway about the  
11    circumstances?

12            A     As much as I could.

13            Q     And did -- did Mr. Conway speak to you  
14    about pursuing a motion to suppress any of this  
15    information?

16            A     Never.

17            Q     Did he give you any reason why?

18            A     No, he didn't. Not that I recall.  
19    His -- His -- His -- His usual comment was, "It  
20    doesn't matter," time and time again.

21            Q     Mr. Voss, the room that they searched,  
22    the Western Village, pursuant to a search warrant, was  
23    that the same room that they had searched the night  
24    before with your consent?

1                   A           It was -- The room they searched on the  
2   14th with my consent, that search, I believe, took  
3   place on the 17th.

4 Q Is it the same room?

5 A Yes.

6 Q Had you agreed at any time to provide  
7 blood samples or saliva samples?

8           A       Yes. I agreed to provide them whenever  
9   the deputies might need them.

10 Q When did you make this agreement?

11           A       I believe it was during the -- the first  
12       interrogation conducted at 911 Parr Boulevard on the --  
13       On June 15th, I believe.

14 Q Was that prior to being taken to Parr  
15 Boulevard for the seizure order?

16                 A          Yes.

17 MR. EDWARDS: I have no further  
18 questions, your Honor.

19 THE COURT: Mr. Hatlestad, do you have  
20 any questions of the witness?

21 MR. HATLESTAD: Yes, I do.

22 |||

23 |||

24 |||

1 CROSS-EXAMINATION

2 BY MR. HATLESTAD:

3 Q Could you tell me where, in the trial  
4 transcript of your burglary and fraud case, that  
5 Mr. Walker said that you were the last person to see  
6 the victim alive.

7 A I'm sorry. I didn't understand your  
8 question.

9 Q Where in the trial transcript did  
10 Mr. Walker tell the jury that you were the last person  
11 to see the victim alive, or is that something that  
12 Mr. Stone said at Sentencing?

13 A In the --

14 Q Do you think it was when he was examining  
15 a witness, or in argument?

16 A I'm trying to recall here, if you give me  
17 just a minute.

18 Q Do your best.

19 A I believe it was in -- It was in  
20 arguments relative to the relevancy of Vernon Woodard's  
21 statements, if I'm correct.

22 Q And the jury was present?

23 A I'm not sure.

24 Q All right. Now, was it your recollection

1 of the Motion To Set Aside the verdict hearing that  
2 Judge Agosti made a finding that the State willfully or  
3 just withheld evidence. Is that your position, or is  
4 that your recollection?

5 A You want a yes-or-no answer?

6 Q That would be best.

7 A Is, no. It's not exactly.

8 Q So she never made a finding or words to  
9 the effect of the State of Nevada withheld evidence  
10 from the defense in this case?

11 A Is, I believe she made a finding as to  
12 the suppression, itself, but not to the materiality.

13 Q Okay. So it's your position this  
14 evidence was material and exculpatory, right?

15 A That's correct.

16 Q Why exactly is that?

17 A Is, you mean --

18 Q Well, let me put it this way. Is it  
19 material and exculpatory because it rebuts a comment  
20 made by the prosecutor?

21 A Yes. That's part of it.

22 Q So it rebuts the prosecutor. What else?

23 A It also challenges the reliability of the  
24 police investigation.

1           Q       Well, the key issue in this case, was it  
2       not, is whether or not you had consent to use the key  
3       to her house, whether or not you had permission to sign  
4       those checks, whether or not she signed the checks,  
5       right? Weren't those the key issues in this case?

6           A       Well, I believe in this case is,  
7       everything, all the testimony was the key.

8           Q       Just a second. I understand that, but  
9       we're not interested in every single bit of evidence.  
10       We have to show -- you have to show that the  
11       presentation of Villardi would have changed your  
12       verdict, right?

13          A       Right.

14               MR. EDWARDS: That's not entirely true,  
15       your Honor.

16               MR. HATLESTAD: Then I'd like to see the  
17       authority.

18               MR. EDWARDS: Well, I think we'll make  
19       the legal argument when the time comes.

20               THE COURT: At this point, we just need  
21       to get through the factual issues, not the legal  
22       argument.

23       BY MR. HATLESTAD:

24           Q       Okay. You have no doubt that the police



1 had this report, right, from Villardi?

2 A At this time, no.

3 Q Do you know whether or not they  
4 investigated, themselves?

5 A Is, I have no information that they ever  
6 talked with Mr. Villardi concerning this information.

7 Q Okay. Do you know why Mr. Conway was not  
8 able to secure this document from the police files,  
9 himself?

10 A No, I don't.

11 Q Do you know whether or not Mr. Conway  
12 ever went to the police files to compare his file with  
13 what they had?

14 A No. I couldn't tell you.

15 Q Okay. When was the last time that you  
16 saw the victim in this case?

17 A I believe it was June 13th.

18 Q Okay. Now, is it your position that  
19 someone else was given permission to sign these checks  
20 and enter her house and allegedly steal a check? Is  
21 that your position?

22 A No.

23 Q Tell me, again, why this is material and  
24 exculpatory evidence.

1           A       Is, the State's allegations are  
2       fabricated. They're --

3           Q       Well, the State alleged that you entered  
4       a room without the victim's consent on a day, at a  
5       time, in this county. Tell me why Mr. Villardi, in his  
6       report, changes that allegation.

7           A       Okay. Is, you mean --

8           Q       Well, let's try another one.

9           A       It's a hard one.

10          Q       Tell me why Mr. Villardi's report and his  
11       allegation that he was the last person to see the  
12       victim alive changes the charge you that forged and  
13       uttered a check.

14          A       Well, I think it goes to the credibility  
15       of the State's allegation.

16          Q       Go ahead. Tell me how it changes the  
17       credibility of the investigation.

18          A       Oh, well, is -- The alleged victim of  
19       these crimes?

20          Q       Well, she's a victim, right? You don't  
21       dispute that?

22          A       Not of these crimes.

23          Q       Mr. Villardi is going to get you off the  
24       hook, right? Isn't he?

1 A I'm not following you.

2 Q Okay. Go ahead.

3 A Is, the -- The allegations presented by  
4 the State in this case, okay, are not true.

5 Q Fine.

6 A The victim of -- The alleged victim of  
7 this crime never made a complaint. The State is the  
8 complainant here, okay. He, Egan Walker, merely took  
9 an opportunity to create a story line and to put them  
10 forth in a criminal complaint, all right? There is no  
11 evidence of any of this.

12 Q All right. Then why is Mr. Villardi's  
13 report so important?

14 A Because it shows -- It would have  
15 clearly shown the jury that the police did not conduct  
16 a reliable investigation, and that the State's claim  
17 that I was the last person seen with Beverly Baxter  
18 simply is not true.

19 Q The issue is, here, whether or not she  
20 gave you consent; doesn't have anything to do with  
21 where she is, right? The issue here is whether you  
22 were given consent to enter that room, right? Isn't  
23 that the issue?

24 A That was consent.

1           Q       Tell me how Mr. Villardi gets you off the  
2 hook of that.

3           A       I really don't --

4           Q       Well, I don't think you do either because  
5 that's made up, isn't it?

6           A       No, it's not.

7           Q       Oh? Tell me how Mr. Villardi gets you  
8 off the hook for uttering a forged check. You go into  
9 Cal Fed with a check that is forged. How does  
10 Mr. Villardi get you off the hook of that?

11          A       His testimony was not --

12          Q       Mr. Villardi puts the victim with  
13 somebody else at night. You're in Cal Fed with a  
14 forged check. Fix that one up with Mr. Villardi,  
15 please. Please marry up those two concepts for me.

16          A       Is, Mr. Villardi did not testify in  
17 regards to those issues.

18          Q       That's right, and he's not going to  
19 testify about that, is he? So how's it exculpatory to  
20 that charge?

21          A       Because, had the police conducted a  
22 reliable investigation, they would have found that  
23 there are other suspects in this case.

24          Q       There are no other suspects to this

1 fraud, are there?

2 A This was not a fraud investigation.

3 Q We'll call it alleged fraud for your  
4 benefit, even though the jury said it's not alleged  
5 anymore. It's a fact. I'll give you the benefit of  
6 that. Mr. Villardi is not going to weigh in on the  
7 fraud or the burglary, is he. Whether or not you  
8 committed a murder is something else. I'll give you  
9 that one. But the jury rejected that in the murder  
10 trial. You tell me how you get off burglary with  
11 Mr. Villardi. That's what this judge has to decide  
12 today, okay. Now, we're waiting.

13 A Again, it goes to the reliability of the  
14 police investigation. This was not --

15 Q What?

16 A -- a burglary.

17 Q Of a burglary?

18 A This was not a burglary investigation.  
19 This was a missing person/suspected homicide case right  
20 from the start, and you can look in the search warrant  
21 applications where they state that.

22 Q Is it your position that before  
23 Mrs. Baxter was gone, that she gave you permission to  
24 go in the house. Right?

1           A       That's correct.

2           Q       And that was presented to the jury, was  
3 it not, through your statements?

4           A       I don't recall if it was or not.

5           Q       And the same thing with respect to the  
6 issuance of the "for deposit only." That was presented  
7 to the jury through your statements; was it not? Was  
8 that not your position?

9           A       Is, I don't recall any such statements.

10          Q       Okay. The record will speak for itself.

11                   All right. Let's go ahead with the jail  
12 garb issue now. As I understand it, the jail van pulls  
13 up on Court Street, is that right, or is it around the  
14 back?

15          A       I'm not sure of the name of the street.  
16 Perhaps Mr. Bowen can tell you. It's the same way  
17 I came in this morning.

18          Q       There's a big driveway on the west end of  
19 the building.

20          A       I believe it's on the same side of the  
21 building the garage is under.

22          Q       So that would be the west side. There's  
23 a driveway that goes down underneath the building. You  
24 marched around the building and through the front door,

1 or did you come -- you go downstairs and up --

2 A I'm incorrect. It was the shorter  
3 street. I'm not familiar with the names of the  
4 streets. I'm sorry.

5 Q When you put it this way was -- When you  
6 pulled in, was it in the shade or the sun?

7 A I don't recall.

8 Q Well, did you come in at ground level, or  
9 did you come in underneath the building?

10 A I came in at ground level.

11 Q All right. Great. Okay. So what time  
12 of day was this, by the way?

13 A It was in the morning.

14 Q Okay. What time?

15 A I don't know.

16 Q 7:00 a.m. 8:00 a.m., 12:00? Help us out  
17 here.

18 A It was sometime -- It was -- I don't  
19 know. It was fairly early in the morning. I would say  
20 between 7:00 and 9:00 sometime.

21 Q How about in relationship to the  
22 beginning of the trial, how many hours and minutes?

23 A Is, you mean -- I really can't judge  
24 that.

1 Q Okay.

2 A That time.

3 Q Okay. So out in front of the courthouse  
4 or adjacent to the courthouse, there's a bunch of  
5 bystanders, right?

6 A That's correct.

7 Q Now, did you face the wall outside or did  
8 you just walk in single file chained up to one another  
9 like a chain gang?

10 A As they -- They -- As we came out of  
11 the van is, yes, they had us line up against a wall  
12 there. I don't know if it's the wall of the building  
13 or a retaining wall, but some sort of a wall.

14 Q It looks like a big plant with some  
15 bushes in front of it?

16 A I believe so.

17 Q Are you facing the wall, or are you  
18 looking out in the street?

19 A Facing the wall.

20 Q The entire time?

21 A Well --

22 Q You get out of the van, "Up against the  
23 wall," right?

24 A Shortly thereafter.



1           Q     Did you turn your face away from the wall  
2     at any time?

3           A     Probably, yes.

4           Q     Is that when you saw this person you  
5     thought was on your jury panel?

6           A     Is -- Actually, as we were exiting the  
7     van is -- there were a group of people who were stopped  
8     by the transport officers while they unloaded us.

9           Q     Oh. How many people, do you think?

10          A     In that group? I think there were six in  
11     that group.

12          Q     Six?

13          A     Approximately, about.

14          Q     All right. And one of these six people,  
15     you think, ended up on your jury panel?

16          A     Not of those six. As --

17          Q     Okay. So no one that ended up on your  
18     jury panel saw you outside of the building?

19          A     That's not true. There is -- There were  
20     more people than just those six. That was just the  
21     first --

22          Q     All right.

23          A     -- group.

24          Q     Okay. First, this first group passes,

1     you're up against the wall, facing the wall?

2             A       No, sir. They -- They stop those  
3     people. They don't allow those people to pass.

4             Q       Okay. All right. What is the next thing  
5     that happened? You were facing the wall. They stopped  
6     these people. Then what?

7             A       Once everybody is out of the van and  
8     lined up against the wall, then they decide to go  
9     escort us into the building. As they escort us into  
10    the building, they're -- we're passing numerous people  
11    smoking cigarettes, drinking coffee, et cetera. We're  
12    escorted in the front door, or the public entrance  
13    anyway.

14            Q       Your head is high and your face is  
15    showing to everybody, or you're keeping your head down  
16    humble and -- Most criminals that come in the door  
17    have their head down. Did you have your head up or  
18    down?

19            A       I don't know.

20            Q       You're hustled in the building. What  
21    happens?

22            A       We're ordered to face the elevators.

23            Q       Okay. All right.

24            A       Is a -- One of the inmates who was

1 transported with us engages in an argument, I guess you  
2 would say, with one of the transport officers.

3 Q Uh-huh.

4 A About -- He refuses to put his nose  
5 against the wall.

6 Q Okay. Then what?

7 A Is, in that lobby area, there were  
8 numerous people who were attempting to gain access to  
9 those elevators, is -- at that time is, the deputies  
10 prevented those people from entering elevators, common  
11 elevators, and guided us into the elevators, again,  
12 instructing us to face the rear wall of the elevator.

13 Q Okay. Has the panel member seen you yet?

14 A Yes.

15 Q All right. Where does that happen?

16 A Right at the entrance to the elevator.

17 Q Did you have your nose up against the  
18 wall?

19 A Yes. At one point, yes, I did.

20 Q So you're not looking around, right?  
21 Right?

22 A Well, yes. Actually, yes.

23 Q So you're kind of bobbing your head  
24 around, looking around to see who's looking at you?

1           A     Not really. When they shuffle us on to  
2 the elevator --

3           Q     You're shuffled right along the wall?

4           A     Is, no. I turn -- I turn to my right,  
5 and I'm facing that -- that juror at that time.

6           Q     Looking you right in the face, right?

7           A     Yes.

8           Q     Are you first in line?

9           A     No.

10          Q     Did the person get in the line and look  
11 at you right in the face?

12          A     Is -- No. There were a few before me.

13          Q     So you're basically going in a train  
14 style right in the door then, and this -- this  
15 prospective juror is, what, like right by the painting  
16 there by the wall?

17          A     I believe standing between the two  
18 elevators.

19          Q     Which elevator did you go in, the left  
20 one or the right one?

21          A     Is -- It was the left one.

22          Q     Okay. Now, was the metal detector up  
23 then?

24          A     Yes.

1 Q So this prospective juror is back by the  
2 metal detector between the two elevators?

3 A No. Is -- Is -- That juror would be --  
4 from the elevators, was probably standing back  
5 approximately 3 feet --

6 Q Uh-huh.

7 A -- from the elevators back, just right  
8 between the two.

9 Q Okay. Police are not telling this person  
10 to get out of the way, not hustling, stopping them,  
11 impeding them like they were doing outside?

12 A No. He just kind of -- He just kind of  
13 told them that they're going to need to take the next  
14 elevator, or something to that effect.

15 Q Was this a man or woman that saw you?

16 A The -- Oh, it was -- That one was a  
17 female.

18 Q I beg your pardon?

19 A That was a female juror.

20 Q All right. Now, was this person on your  
21 jury?

22 A Yes.

23 Q In the jury box?

24 A Yes.

1 Q Rendered the verdict?

2 A Yes, sir.

3 Q What is the person's name?

4 A I don't know the person's name.

5 Q Well, didn't Mr. Conway have all the  
6 names there?

7 A I was not provided the list.

8 Q Did he have a list?

9 A He may have. I didn't.

10 Q You didn't ask for the name?

11 A No. I pointed to the juror out to him.

12 Q What seat was she seated in?

13 A I believe it was the second or third  
14 seat here.

15 Q In the back row?

16 A No. Front row.

17 Q Front row. First or second seat from the  
18 left?

19 A I believe so.

20 Q How many times did you look at Mr. Conway  
21 and say, "That woman, Cotter, that one right there, saw  
22 me"? How many times did you do that?

23 A Is -- That I recall, one.

24 Q Okay. Now you're sitting right there,

1       aren't you? You're 4 feet away from her again, right?

2               A       That's correct?

3               Q       Now, when the panel was picked, wasn't  
4       there some questioning about whether you'd seen or  
5       known the Defendant in some other form?

6               A       I wasn't -- I don't believe -- I don't  
7       know. I wasn't asked that question.

8               Q       I know you weren't, but weren't the  
9       jurors asked that? When Judge Stone was picking the  
10      jury that day, wasn't that one of the questions asked  
11      of the jurors?

12              A       I believe voir dire. Something like  
13      that.

14              Q       That person right there said, "No,"  
15      right? Otherwise, she's not here?

16              A       I don't recall.

17              Q       If she said, "Yes, sir -- " She's not  
18      here, so she had to say "No"?

19              A       All I can do is make an assumption on  
20      that.

21              Q       All right. Fair enough. But you say at  
22      least one time you said, "Cotter, that woman right  
23      there saw me in my jail garb," right?

24              A       Not in those exact words.

1 Q I know.

2 A Yes.

3 Q One time.

4 Now, when the trial started or shortly  
5 after that, Judge Stone made a comment to the bailiffs,  
6 I guess, or the custodians, "We're not going to see you  
7 in jail garb." Something like that, right?

8 A Is apparently that that took place in  
9 chambers.

10 Q No. It happened -- It happened right  
11 here on the record. I can show it to you, if you want  
12 to see it.

13 A Well, I'm not aware of it. It may be  
14 there, but I'm not aware of it.

15 Q I just wondered if you were aware of that  
16 and what you and Cotter talked about when he said that,  
17 Judge Stone, now would be the perfect time to tell the  
18 Judge, "That woman right there saw me in any jail  
19 garb."

20 A No. Is, basically, he was -- He was  
21 pretty much disconcerted when I brought it to his  
22 attention stating that, it didn't matter.

23 Q I know you testified about what he said.  
24 I'm interested in what you told him. He's not going to



1 do anything if he doesn't know somebody has seen you.  
2 If you don't tell him that, he's not going to know  
3 that. Do you agree with that?

4 A Yeah. I explained.

5 Q Okay.

6 A I explained the situation as it happened.

7 Q Okay. Now, let's move ahead to the phone  
8 booth incident, the person in the phone booth. Was  
9 that person on the jury that rendered a verdict in this  
10 case?

11 A Yes. Yes, sir.

12 Q Where was that person sitting?

13 A In the far chair, right in the corner.

14 Q Back right?

15 A Top row, all the way to the right.

16 Q Was the phone booth door shut?

17 A Is -- There was no telephone booth.  
18 There was just a pay phone hanging on the wall.

19 Q Where was it at?

20 A In a cubby hole in the hallway.

21 Q Right out here?

22 A I -- I -- It may have been. I'm not  
23 sure which courtroom that was heard in. If it was  
24 heard in this courtroom, yes, that cubby hole right

1 down this hallway to the left.

2 Q And your recollection is this phone booth  
3 had no doors on it?

4 A I don't recall seeing any doors, no.

5 Q Was the person talking when you went by?

6 A Is -- Yes.

7 Q Do you know if the person -- Well, you  
8 probably know, but from your vantage point, did the  
9 person on the phone see the police officers with you?

10 A Yes, is -- I made direct eye contact  
11 with them.

12 Q I know that. Were they walking ahead of  
13 you, behind, side by side, surround --

14 A Gary Clifford was walking alongside me on  
15 my right-hand side.

16 Q So he's not on the side of the phone  
17 booth then, is he? You're between --

18 A He --

19 Q You are between him and the prospective  
20 juror, right?

21 A That's correct. That's right.

22 Q And you walk right by there, actually  
23 stop there, stopped there actually before you said you  
24 walked by there. You stopped there. Stopped how long?

1           A       Is -- Not a real long time. It was  
2           probably a matter of a minute or so. We were  
3           approached by a second deputy who had the keys to the  
4           lockup.

5           Q       Okay. Okay. Meanwhile, the person in  
6           the phone booth is talking on the phone, right?

7           A       That's correct, making direct eye contact  
8           with me.

9           Q       Making a telephone conversation, almost  
10          like talking to you, right?

11          A       Is -- I wasn't close enough to hear  
12          exactly what he was saying, but I was able to hear --

13          Q       Didn't the juror kind of glance at you  
14          and then look away and then carry on a conversation?  
15          Isn't that what happened?

16          A       No.

17          Q       Just stood there and stared at you?

18          A       Kind of fixated on me.

19          Q       Do you know if Mr. Gifford saw this  
20          person?

21          A       Yes. I pointed him out to the deputy.

22          Q       Okay. And Gifford's response basically  
23          was to hustle you off, right?

24          A       To seize me by my right arm and escort me

1 to the lockup.

2 Q And as you recall, the juror saw that?

3 A Is -- Yeah, I believe the juror saw all  
4 of that and heard the comments.

5 Q At no point and time -- Well, you don't  
6 know if they heard it or not, because they were  
7 involved in a phone conversation?

8 A Correct.

9 Q You can say if they could spoke it loud  
10 enough?

11 A I would say that's fair.

12 Q All right. Okay. How long were you in  
13 front of this phone booth?

14 A Is -- Is, again, it's hard to judge a  
15 time. I'm estimating probably around a minute.

16 Q Okay. Do you know whether Mr. Gifford  
17 brought this incident to the attention of the trial  
18 court?

19 A No. I do not know.

20 Q Did you tell -- I think you did tell  
21 Mr. Conway this happened, right?

22 A Yes, I did.

23 Q And, again, his present comment was, "It  
24 doesn't matter"?

1           A       That's correct.

2           Q       Is that exactly how he said it, "It  
3 doesn't matter"?

4           A       I believe so. "Don't worry about it."

5           Q       No big deal?

6           A       Right.

7           Q       Okay. Now, let's move ahead to what  
8 happened at the Sentencing hearing with Mr. Stone.

9                   His comment, as you recited it -- Now,  
10 that's not exactly the way it happened. It wasn't  
11 like, we're all adults here, she's not going to show  
12 up; therefore, you're gone?

13          A       That's how I recall.

14          Q       Well, I'll tell you that's not what  
15 happened. There's about four pages that happen in  
16 between.

17          A       Okay.

18          Q       Okay. I'll leave it at that.

19                   Will you accept that? I mean, Judge  
20 Stone never said, "This person is missing; therefore,  
21 I'm going to hammer you." He never said that, did he?

22          A       Is -- As I recall it, he went directly  
23 from the remarks regarding "Beverly will never be found  
24 alive" and stated, "therefore, I sentence you as

1 follows," as I recall it.

2 Q Could your recollection be incorrect?

3 A I suppose it could be.

4 Q All right. Fair enough.

5 Did you ever discuss with Mr. Conway  
6 whether or not that kind of a comment was appropriate?

7 A At some point I did, that he represented  
8 me in another case, also.

9 Q Okay. Did you -- I mean, did you say  
10 something like, "Cotter, that's not -- just not fair.  
11 He's going to hammer me for a murder I didn't do in a  
12 case I'm on trial for when a murder shouldn't be  
13 mentioned." Did you say something like that to him?

14 A Yes. But I don't believe I had the  
15 opportunity to do so until he was appointed as counsel.

16 Q It happened right here, in the courtroom,  
17 didn't it? It happened right here?

18 A Is, once Judge Stone pronounced me  
19 guilty, the bailiff immediately put handcuffs on me and  
20 removed me from the courtroom. I did request to speak  
21 with counsel; however, I never got that opportunity.

22 Q Who did you ask?

23 A Is -- I asked the bailiff.

24 Q Okay. You didn't ask the Judge, right?

1 It's not in here, so you just asked the bailiff?

2 A No. Once they put the handcuffs on me,  
3 they immediately removed me from the courtroom.

4 Q Well, it took Judge Stone two and a half  
5 pages to sentence you. In those two and a half pages  
6 he's talking, you're not hitting Conner saying, "This  
7 is wrong. Do something"?

8 A Quite honestly, I was a little in shock  
9 by the entire proceeding.

10 Q Well, you just got done talking,  
11 yourself, right?

12 A What is that?

13 Q Did you just get done talking before the  
14 Judge spoke?

15 A Yes.

16 Q Sometime before he pronounced sentence,  
17 correct?

18 A I believe Mr. Cotter pretty much  
19 addressed our side.

20 Q Mr. Conway talks for another three and a  
21 half pages, two pages, and then Judge Stone starts his  
22 comments. He talks for about a page, and then he drops  
23 what you perceive to be the bomb, right?

24 A Right.

1 Q Couple of more pages, he pronounces  
2 sentence, okay. Now, that took time?

3 A Well, yes. I'm not an attorney. I know  
4 very little about the appropriateness.

5 Q Did you at any time during the court  
6 proceedings tell Cotter Conway, "Object to this. Do  
7 something about this. This is wrong," say something?

8 A It's possible, but I don't recall doing  
9 so.

10 Q All right. Good enough.

11 As I recall, you did not have any contact  
12 with your appellate lawyers, right?

13 A Is, I had a brief telephone conversation  
14 with MaryLou Wilson, and I related other facts to them  
15 by letter.

16 Q All right. Did you mention this as a  
17 matter of fact in substance, particularly?

18 A Yes, I did, in the letter.

19 Q Do you have the letter with you?

20 A No. I don't.

21 Q How come?

22 A I don't believe -- I don't know I had --  
23 I made a copy of it. I didn't have access to a copy  
24 machine.



1           Q       So you wrote the original and sent the  
2 original?

3           A       That's correct.

4           Q       Okay. All right. Did she ever write  
5 back?

6           A       She may have. I can't recall.

7           Q       Okay. Do you recall whether or not she  
8 mentioned why this specific instance would not be  
9 mentioned in the appeal?

10          A       Is -- I do remember at some point either  
11 by letter or in a telephone conversation being told  
12 that claims of ineffective assistance of counsel could  
13 not be brought up in direct appeal.

14          Q       All right.

15          A       Other than that, I don't --

16          Q       Okay. Any other correspondence with  
17 MaryLou Wilson? One telephone call, one letter, and  
18 that's it from you?

19          A       Is, I believe with MaryLou, it was just  
20 the telephone call.

21          Q       Okay.

22          A       I believe the letter was from Jennifer  
23 Lunt.

24          Q       Okay. Did she ever represent you in

1 something? I mean, you never met her from --

2 A I had met her before.

3 Q Oh, all right. Okay.

4 Okay. Let's talk about the police  
5 contacts just a little bit. Now, as I understand it,  
6 the first statement you gave on the -- Was it on the  
7 14th at the bank? Correct?

8 A Yes. I believe so.

9 Q Now, you pointed out that this was  
10 offered and admitted by the DA, right?

11 A Yes.

12 Q Isn't it the case that it was stipulated  
13 into evidence by your attorney? Isn't that what  
14 happened?

15 A I don't know.

16 THE COURT: Mr. Hatlestad, I'm going to  
17 go ahead and call a recess at this point. I, of  
18 course, hoped that we could get through Mr. Voss  
19 entirely before the recess, but this is going quite a  
20 while.

21 MR. HATLESTAD: Well, like I said before,  
22 I wasn't sure of the scope. A morning is not going to  
23 cover this case.

24 THE COURT: Okay. Court will stand in