

**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.

Sup. Ct. Case No. 77505

Case No. CR96-1581

Dept. 1

RECORD ON APPEAL

VOLUME 14 OF 15

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STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box 198
Ely, Nevada 89301-9999

ORIGINAL

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

2004 OCT 15 AM 9: 84

STEVEN FLOYD VOSS,

CASE NO. CR96-PA1581

Petitioner,

DEPT. NO. 10

VS.

(AMENDED)

E.K. McDANIEL, et al.,

PETITION FOR WRIT OF HABEAS CORPUS
(Post-Conviction)

Respondent's.

1. Name of institution and county in which you are presently imprisoned or where and how you are presently restrained of your liberty?: ELY STATE PRISON, COUNTY OF WHITE PINE.
2. Name and location of the court which entered the judgment under attack?: SECOND JUDICIAL DISTRICT COURT OF NEVADA, IN AND FOR WASHOE COUNTY NEVADA.
3. Date judgment of conviction imposed?: NOVEMBER 27, 1996.
4. Case number?: CR96-1581.
5. Length of sentence?: (SIX CONSECUTIVE COUNTS) COUNT ONE, 48-120 MONTHS; COUNT TWO, 16-48 MONTHS; COUNT THREE, 16-48 MONTHS; COUNT FOUR, 16-48 MONTHS; COUNT FIVE, 16-48 MONTHS; COUNT SIX, 16-48 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 NUMBER CR97-2077. COUNT ONE, FIRST DEGREE MURDER; COUNT TWO, FIRST DEGREE KIDNAPPING.

CR96P15812 DC-9000026740-010
POST: STEVEN FLOYD VOSS (D 18 Pages
District Court 10/15/2004 09:34 AM
Washoe County 1110

- 1 7. Nature of offenses involved in convictions being
2 challenged ? : Count One, BURGLARY; Count Two and Three,
3 UTTERING A FORGED INSTRUMENT; Counts Four and Five,
4 FORGERY; Count Six, ATTEMPTED THEFT.
- 5 8. What was your plea ? : NOT GUILTY.
- 6 9. NOT APPLICABLE.
- 7 10. If you were found guilty after a plea of not guilty, the
8 finding was made by ? : JURY.
- 9 11. Did you testify at trial ? : NO.
- 10 12. Did you appeal from the judgment of conviction ? : YES.
- 11 13. If you did appeal, answer the following :
- 12 (a) Name of the court : NEVADA SUPREME COURT.
- 13 (b) Case number or citation : No. 29783
- 14 (c) Result : ORDER DIS MISSING APPEAL.
- 15 (d) Date of result : March 11, 1999.
- 16 14. NOT APPLICABLE.
- 17 15. Other than a direct appeal from the judgment of conviction
18 and sentence, have you previously filed any petitions,
19 applications or motions with respect to this judgment in
20 any court, state or federal ? : YES.
- 21 16. If your answer to No. 15 was "YES", give the following
22 information :
- 23 (a) (1) Name of court : THE SECOND JUDICIAL DISTRICT COURT OF
24 THE STATE OF NEVADA, WASHOE COUNTY, RENO.
- 25 (2) Nature of proceedings : MOTION FOR A JUDGMENT OF
26 AQITTAL OR NEW TRIAL.
- 27
- 28

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

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

(5) Result: MOTION DENIED.

(6) date of Result : november 27, 1996.

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

(b) (1) Name of court : THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, WASHOE COUNTY, RENO.

(2) Grounds raised : COUNT SIX, ATTEMPTED THEFT MUST BE
DISMISSED, IT IS NECESSARILY INCLUDED IN COUNT THREE,
UTTERING A FORGED INSTRUMENT.

(3) Nature of proceeding : MOTION TO DISMISS.

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

(5) Result: MOTION DENIED.

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

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

(c) (1) Name of court : THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA, WASHOE COUNTY, RENO.

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

(3) Grounds raised : THE STATE FAILED TO DISCLOSE
MATERIAL EXCULPATORY 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 or any written opinion or date of orders entered pursuant to such result: NO DECISION WAS EVER RENDERED REGARDING THIS MOTION.

(c-X) (1) Name of court: THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, WASHOE COUNTY, RENO.

(2) Nature of proceedings: PETITION FOR WRIT OF HABEAS CORPUS (Post-Conviction)

(3) Grounds raised:

(a) The State failed to disclose Material Exculpatory Evidence.

(b) The Defendant was exposed to Inpaneled Jurors in Prison Garb and in Restraints.

(c) Inpaneled Jurors were allowed to hear comments concerning Defendant's In-Custody Status.

(d) Court erred when it failed to reach decision regarding Motion to Set Aside Verdict.

(e) Counsel provided Ineffective Assistance, when Counsel failed to consult with Client, to conduct reasonable investigations, to file Motion's to Suppress Evidence tainted by Illegal Search and Seizure, and Statements which were obtained by Custodial Interrogation.

(f) The Sentencing Court erred when it imposed Sentence which was based in part upon allegations of Murder which the defendant had not been tried for.

(g) Trial court failed to suppress Defendant's written and video recorded statements which were obtained by Police through Custodial Interrogation and in the absence of Miranda admonishments and waiver of Defendants Rights.

(h) The State denied the Defendant a Fair Trial, when the state included evidence on trial that had been obtained without a valid search Warrant.

- 1 (1) The State denied the Defenddant a Fair Trial,
2 when The State failed to first demonstrate the
3 use of Procedural safeguards Effective to Secure
4 The Defendant's Privilege Against Self Incrimination
5 before including The Defendant's statements at
6 trial.
- 7 (4) Did you receive an evidentiary hearing on your
8 Petition,applicatio or Motion ? : YES.
- 9 (5) Result: PETITION WAS GRANTED, BUT ONLY SO FAR AS TO
10 ALLOW FOR A NEW SENTENCING PROCEEDING.
- 11 (6) Date of result: JUNE 8, 2001.
- 12 (7) If known, citations of any written opinion or date of
13 orders entered pursuant to such result: FINDINGS OF
14 FACT, CONCLUSIONS OF LAW AND JUDGMENT. FILED ON
15 AUGUST 9, 2001. Notice of entry of Order Filed on
16 AUGUST 14, 2001.
- 17 (c-XX) (1) Name of court: UNITED STATES DISTRICT COURT, DISTRICT
18 OF NEVADA, RENO, NEVADA.
- 19 (2) Nature of proceeding: Petition for Writ of Habeas
20 Corpus, by person in State custody, Pursuant to
21 28 U.S.C. § 2254.
- 22 (3) Grounds raised:
- 23 (a) The State failed to present competent evidece at
24 trial sufficient to prove the state's allegations
25 beyond a reasonable doubt. Violating 14th Amend.
- 26 (b) Court erred, defendant cannot be convicted of
27 both Count 3 and Count 6 as the offences are
28 necessarilly included in each other. Violating
14th Amend.
- (c) The State failed to disclose Material Exculpatory
Evidence, the value of which was known to the
State before trial, and the value of which would
have played a significant roll to the defence of
the charges. Violating 14th Amend.
- (d) State denied Mr. Voss a Fair Trial when Jurors
were allowed to view him in Prison Garb and in
Physical Restraints during guilt phase of Trial.
Violating 14th Amend.
- (e) State denied Mr. voss a fair Trial, when Jurors
were allowed to hear comments concerning his
In-Custody Statis. Violating 14th Amend.

1 (f) Appointed counsel was ineffective and counsel's
2 performance fell below an objective standard of
3 reasonableness, when counsel failed to meet with
4 Mr. Voss and to engage in meaningful conversations
5 regarding the case. Thereby, limiting his
6 ability to conduct reasonable investigations, to
7 locate potential defense witnesses and to prepare
8 a reasonably adequate defense to the charges,
9 counsel refused to allow Mr. Voss any input at
10 all into his defense which denied Mr. Voss the
11 defense of his choice, counsel failed to file
12 Motion's to suppress evidence tainted by illegal
13 search and seizure, written and recorded video
14 statements obtained by custodial interrogation,
15 without Miranda, admonishments or waiver of rights
16 counsel failed to object to the admission of the
17 above illegally obtained evidence and statements
18 at trial, counsel failed to represent Mr. Voss in
19 regard to his presentencing investigation and to
20 his statements given therein, counsel failed to
21 investigate and to present mitigating evidence
22 at sentencing. Violating 14th Amend.

13 (g) Mr. Voss was denied a Fair trial when the state
14 admitted statements at Trial obtained by Custodial
15 interrogation, without demonstration by the State
16 that Police had employed Procedural Safeguards
17 Effective to Secure Mr. Voss's rights against
18 Self-Incrimination and to the assistance of
19 legal Counsel before Custodial Interrogation, and
20 when statements were utilized by the State at
21 Trial for the purpose of showing untruths in
22 those statements given in custodial interrogation
23 Violating 14th Amend.

19 (h) Mr. Voss was denied a Fair Trial, when the State
20 included evidence at Trial which had been
21 obtained without valid Search Warrants or without
22 any Warrant at all. Violating 14th Amend.

21 (4) Did you receive an evidentiary hearing on your
22 petition, application or motion: NOT AS OF YET, THE
23 PETITION IS STILL PENDING.

24 (5) Result: N/A

25 (6) Date of result: N/A

26 (7) If Known, citations of any written opinion or date of
27 orders entered pursuant to such result: N/A.
28

1 16.(d) Did you appeal to the highest state or federal court having
2 jurisdiction, the result or action taken on any petition
3 application or motion ? :

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

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

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

7 (4) Fourth petition, application or motion ? : YES.

8 (5) Fifth petition, application or motion ? : NO.

9 16.(e) If you did not appeal from the adverse action on any
10 petition, application or motion, explain briefly why you
11 did not: IN REGARD TO THE THIRD MOTION FILED, MOTION TO SET
12 ASIDE VERDICT, COUNSEL FAILED TO FOLLOW UP ON MY REPEATED
13 REQUESTS FOR INFORMATION ON THIS MATTER, ASWELL AS TO
14 ADDRESS THE COURT REGARDING IT'S APPEARENT OVERSIGHT IN
15 RESPONDING TO THIS MOTION. THEN IN REGARD TO THE FIFTH,
16 FEDERAL PETITION FOR WRIT OF HABEAS CORPUS, THIS PETITION
17 IS STILL PENDING IN THE UNITED STATES DISTRICT COURT
18 DISTRICT OF NEVADA.

19
20 17. Has any ground being raised in this petition been previously
21 presented to this or any other court by way of petition
22 for writ of habeas corpus, motion, application or any
23 other post conviction proceeding ? If so identify: NONE
24 OF THE GROUNDS SUBMITTED HEREIN HAVE BEEN PREVIOUSLY
25 PRESENTED TO ANY COURT STATE OR FEDERAL.
26
27
28

18. If any of the grounds listed in No.23 (a), (b) and (c) were not previously presented in any other court, state or federal. List what grounds were not so presented, and give your reasons for not presenting them:NONE OF THE GROUNDS PRESENTED HEREIN HAVE BEEN PREVIOUSLY PRESENTED TO ANY COURT STATE OR FEDERAL, THESE ISSUES WERE NOT PRESENTED IN DIRECT APPEAL OF THE JUDGMENT OF CONVICTION AND SENTENCE DUE TO THE INEFFECTIVE REPRESENTATION OF APPOINTED APPEALANT COUNSEL. SEE, GROUND THREE HEREIN. THESE ISSUES WERE NOT PRESENTED IN PREVIOUS STATE PETITION FOR WRIT OF HABEAS CORPUS BECAUSE PETITIONER DID NOT HAVE ACCESS TO PRELIMINARY HEARING TRANSCRIPTS WHICH DELINIATE PETITIONERS CLAIMS HEREIN DUE TO APPOINTED COUNSELS FAILURES TO RESPOND TO PETITIONERS REPEATED REQUEST TO BE PROVIDED WITH COPIES OF THE TRANSCRIPTS OF ALL COURT PROCEEDINGS. ASWELL AS BY THE FAILURE OF APPOINTED APPELANT COUNSEL TO IDENTIFY AND RAISE THESE ISSUES IN A SUPPLEMENT TO PETITIONER'S PROPER PERSON PETITION AS APPEALANT COUNSEL COMPLETELY FAILED TO SUPLEMENT MR.VOSS'S PROPER PERSON PETITION AS COUNSEL WAS ORDERED BY THIS COURT ON MAY 10, 2000. IN ORDER FOR EVIDENTIARY HEARING, APPOINTMENT OF COUNSEL.
19. NOT APPLICABLE.
20. Do you have any petition or appeal now pending in any court state or federal, as to the judgment under attack ? : YES.

- 1 21. Give the name of each attorney who represented you in the
2 proceedings resulting in your conviction and on direct
3 appeal: at trial, COTTER C. CONWAY; on appeal, MARY LOU
4 WILSON, and JENNIFER LUNT.
- 5 22. Do you have any future sentences to serve after you
6 complete the sentence imposed by the judgment under attack?
7 YES.
- 8 23. State concisely every ground on which you claim you are
9 being held unlawfully:
- 10 (a) Ground one: The State committed Prosecutorial Misconduct
11 and denied Petitioner a Fair Trial in violation of his 14th
12 Amendment Constitutional Gaurantees. When the State
13 knowinly and intentionally introduced evidentiary exhibits
14 at trial, when the State had specific knowledge that said
15 exhibits had been tainted by a prior break in the chain of
16 official evidence custody prior to the admission of said
17 state's exhibits #1 and #29 at trial.
- 18
- 19 (b) Ground two: Appointed Trial Counsel committed Ineffective
20 Assistance of Counsel and denied Petitioner his 6th and
21 14th Amendment rights to Effective Assistance of Counsel,
22 and to Fair Trial. When Counsel failed to file pre-trial
23 motion to suppress State's Exhibits #1 and #29, and when
24 Counsel failed to object to the admission of said exhibits
25 at trial. Eventhough, Counsel had express knowledge that
26 said exhibits had previously been tainted by a break in
27 the chain of official evidence custody prior to the
28 admission of said exhibits at trial.

1 (c) Ground three: Appointed Appellant Counsel committed
2 Ineffective Assistance of Counsel and denied Petitioner
3 his 6th and 14th Amendment rights to effective Assistance
4 of Counsel and to appeal his conviction and sentence.
5 When Counsel failed to raise on Direct Appeal to the Nevada
6 Supreme Court a claim of Prosecutorial Misconduct and
7 violation of Petitioner's Substantial Trial Rights,
8 relative to the State's admission and utilization of
9 evidence at trial which had previously been tainted by a
10 break in the chain of official evidence custody prior to
11 trial and prior to the admission of said tainted exhibits
12 at trial.

13
14 (d) Ground four: Appointed post-Conviction Counsel committed
15 Ineffective Assistance Of Counsel and denied Petitioner
16 his 6th and 14th Amendment rights to Effective Assistance
17 of counsel and Due Process Of Law. When Counsel failed to
18 supplement Petitioner's proper person Post-Conviction
19 Petition For Writ Of Habeas corpus as Ordered by the
20 District Court, and thereby Counsel failed to raise claims
21 of Ineffective Assistance Of Trial Counsel and Ineffective
22 Assistance of Appellant Counsel, aswell as Prosecutorial
23 Misconduct and Deprivation of Petitioner's Substantial
24 Trial Rights by the State.

25 Statement of facts, Grounds a, b, c and d: On July 15, 1996 a
26 Preliminary Examination was conducted in the Reno Justice Court
27 relative to Case no. DA#138461. In the course of these proceedings
28 it became clearly apparent that State's Exhibits #A and #B, had

1 been misplaced and left unattended. Thereby breaking the chain of
2 official evidence custody in regard to said State's exhibits.
3 Eventually, the missing exhibits were presumably relocated.
4 However, once the exhibits had been located Trial Counsel, Cotter
5 C.Conway did not engage in any meaningfull examination of the
6 exhibits to determin their condition or authenticicty. Further,
7 Counsel did not object to the re-admission of the exhibits. In fact
8 Counsel actually stipulated to the addmission of same.

9 Though, Petitioner was present during the Preliminary
10 Examination, and Petitioner was within ear-shot of the Court's
11 comments and those of State and Defense Counsel. Petitioner was not
12 afforded any opportunity to engage in any of the Courts discussion.
13 Eventhough, the effected exhibits were refered to as Exhibits #A
14 and #B, there was no open discussion regarding exactly which
15 evidentiary items were effected. That is the exhibits were not
16 refered to by there physical discriptions. Additionally, at no time
17 including in the course of the Preliminary Examination was
18 Petitioner ever provided with any sort of index referencing exactly
19 which evidentiary items State's Exhibits #A and #B, applied to.
20 Further, none of the Exhibits admitted during Preliminary
21 Examination were published to Petitioner for his viewing. Therefore,
22 Petitioner was left completely unaware that State's Exhibits #A and
23 #B, represented key evidentiary items, and that said exhibit
24 numbers applied specifically to: one (1) "Settlement Check" #4248,
25 drawn on the Checking account of Burgess North American Moving and
26 Storage Company; and one "Personal Check" #563, drawn on the
27 Checking account of Beverly Ann baxter. Further, Petitioner was
28 not apprised of the very significant value of said evidence as it

1 applied to the states allegations, nor was Petitioner advised of
2 rules of evidence, chain of custody or admisibility of evidence, or
3 of his right to challenge the validity and authenticity of State's
4 Exhibits #A and #B, based upon the aforementioned break in the chain
5 of official evidence custody.

6 Furthermore, Trial Counsel, Cotter C. Conway failed to move the
7 Trial Court to Suppress the aforementioned evidentiary exhibits
8 which were admitted at trial as State's Exhibits #1 and #29.
9 Eventhough Counsel had specific-express knowledge of the prior
10 break in the chain of evidence custody regarding State's Exhibits
11 #1 and #29, (aka, State's Exhibits #a and #B) Counsel did not even
12 object to the addmission of said State's Exhibits at trial. In fact
13 Counsel actually stipulated to the admission of these highly
14 predudicial exhibits ay trial. Additionally, Counsel did not move
15 the Court to inform State's witnesses of the break in the chain of
16 evidence custody regarding said State's exhibits prior to witness
17 identification of said state's exhibis. In order that said state's
18 witnesses could make informed and objective determinations regarding
19 the validity and Authenticity of State's Exhibits #1 and #29 prior
20 to giving testimony regarding said evidentiary exhibits at trial.
21 Further, Counsel did not prepare or submit to the Court any Special
22 Jury Instructions regarding the break in the chain of official
23 evidence custody, such as:

24 (1) If the jury concludes that the chain of official evidence
25 custody had been broken prior to trial, that the jury was not
26 required to consider State's Exhibits #1 and #29 to be valid
27 or authentic.

28 (2) That a break in the chain of official evidence custody regarding

1 State's Exhibits #1 and #29 could in certain circumstances
2 establish reasonable doubts sufficient to acquit.

3 Appointed Appellant counsel, Mary Lou Wilson and Jennifer
4 Lunt failed to raise within Direct Appeal of Petitioner's
5 conviction and sentence to the Nevada Supreme Court, claims of
6 Prosecutorial Misconduct and Deprivation Of Petitioner's
7 Substantial Trial Rights. Stemming from the inclusion at trial of
8 State's Exhibits #1 and #29. Which had previously been tainted by
9 a break in the chain of official evidence custody eventhough
10 Appellant Counsel had moved the Court to be provided with at
11 public expense copies of all relevant Court Transcripts. Which
12 included a certified copy of the Preliminary Hearing Transcript.

13 On May 11, 2000, the District Court determined that "good
14 cause" appearing, that an evidentiary hearing would be required in
15 the matter of Petitioner's Post-Conviction Petition For Writ Of
16 Habeas Corpus, filed with the Court on March 9, 2000. The Court
17 further ordered that Scott W. Edwards, would be appointed as
18 Post-Conviction Counsel to represent Petitioner in regard to his
19 petition. Additionally, the Court Ordered Counsel to file a
20 supplement to the Petitioner's proper person petition. however,
21 Counsel never filed such a supplement. Eventhough, Counsel had
22 on several occasions related to Petitioner Counsel's intention to
23 file such a supplement with the Court, and eventhough, Counsel had
24 been provided with a certified copy of the Preliminary Examination
25 Transcript, Counsel completely failed to raise Petitioner's
26 present claims within such supplement. Further, during the course
27 of initial communications between Counsel and petitioner, Counsel
28 had specifically expressed a need to supplement Petitioner's

1 proper person petition. Specifically, during consultations taking
2 place at the Lovelock Correctional Center on October 30, 2000
3 Counsel related that he perceived particular errors which occurred
4 during the Preliminary Examination which Counsel claimed that he
5 would raise in his supplement to the petition.

6 Petitioner, submits that trial Counsel Cotter C. Conway's
7 Failure to move to suppress and otherwise object to the admission
8 of State's Exhibits #1 and #29 at trial; Counsel's failure to move
9 the Trial Court to instruct or apprise State's witnesses of the break
10 in the chain of evidence custody regarding State's Exhibits #1 and
11 #29, prior to the witnesses identification of those exhibits at
12 trial; and Counsel's failure to prepare and to put forth Special
13 Jury instructions to the Court. Not only demonstrate a deficiency
14 in Counsel's performance but that Counsel's deficient performance
15 prejudiced Petitioner to such a degree that Counsel was not acting
16 as Counsel guaranteed by the 6th Amendment. because Counsel's
17 performance fell below an objective standard of reasonableness in
18 relation to recognized professional norms. In fact counsel's
19 performance was so deficient as to deny Petitioner a fair trial by
20 denying Petitioner his Substantial Trial Rights as guaranteed by
21 the 14th Amendment to the United States Constitution, and has
22 resulted in a jury verdict not worthy of confidence.

23 Similarly, the inclusion of tainted evidence by the State
24 through the Prosecutor, (DDA) Egan Walker directly deprived the
25 Petitioner of his Substantial Trial rights by not providing
26 State's witnesses with pertinent information regarding evidence
27 custody issues which would have allowed said witnesses to make a
28 more thorough and objective analysis of State's Exhibits #1 and

1 #29 prior to their identification at trial of said exhibits.
2 Further, the State Deprived the Petitioner of a fair trial when
3 the state failed to bring the issues of evidence custody to the
4 attention of the jury, as issues concerning the validity or
5 authenticity of the Exhibit were issues necessary for the jury
6 to consider in reaching a verdict. Further, the issue should
7 have been brought to the attention of the Trial Court so that
8 the trial Court could have assessed the admissibility of the
9 State's Exhibits #1 and #29 prior to trial and thereby allowing
10 the Court to enter any necessary instructions to State's witnesses
11 prior to identification of said exhibits aswell as any necessary
12 instructions or admonishments to the jury regarding said exhibits
13 and the break in the chain of evidence custody effecting same.
14 These failures on the part of the state amount to Prosecutorial
15 Misconduct and have deprived the Petitioner of his Substantial
16 Trial Rights, and have denied Petitioner a Fair Trial through the
17 State's undermining of the adversarial process. Resulting in an
18 inherently unfair proceeding and resulting in a jury verdict not
19 worthy of confidence.

20 Petitioner further submits that Appellant Counsels failure
21 to raise claims of Prosecutorial Misconduct and Deprivation of
22 Petitioner's Substantial Trial Rights constitutes Ineffective
23 Assistance on the part of Appellant Counsel Mary Lou Wilson, and
24 Jennifer Lunt because counsel failed to raise all cognizant
25 issues on direct appeal even after being provided with the
26 necessary resources to identify, prepare and to perfect the
27 present issues on direct appeal from the conviction. These facts
28

1 demonstrate not only a deficiency in Appellant Counsel's performance
2 but also "Actual Prejudice" to Petitioner by denying Petitioner
3 his Due Process Right to pursue all cognizable claims on direct
4 appeal of his conviction and sentence. Thus, Counsel's performance
5 fell far short of an objective standard of reasonableness in
6 relation to all applicable professional norms. It is the duty of
7 Appellant Counsel to research the (complete) record, and to
8 identify all cognizable claims and then prepare and perfect all
9 cognizable claims within a Statement Of Claims On Appeal, and within
10 a Fast Track Statement or Opening Brief, on Direct Appeal of the
11 conviction and/or sentence to the Nevada Supreme Court. As
12 Counsel's failure to present all cognizable claims on Direct Appeal
13 could conceivably, and would likely bar Petitioner from raising
14 such claims in subsequent proceedings.

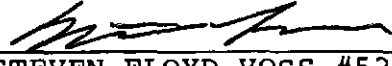
15 Petitioner further submits that Post-Conviction Counsel,
16 Scott W. Edwards' failure to Supplement Petitioner's proper person
17 Post-Conviction petition For Writ Of Habeas Corpus, as Ordered by
18 the District Court, as well as Counsel's failure to present the
19 present claims within such supplemental petition constitute
20 Ineffective Assistance of Counsel. These facts demonstrate not
21 only a mere deficiency in Appellant Counsel's performance but also
22 "Actual Prejudice" to Petitioner by denying Petitioner his Due
23 Process Right to pursue all cognizable claims within a Post-
24 Conviction Petition For Writ Of Habeas Corpus. Thus, Counsel's
25 performance fell below an objective standard of reasonableness in
26 relation to applicable professional norm. It is the absolute duty
27 of Post-Conviction Counsel to diligently advocate the Petitioner's
28 interests in regard to the matters before the Court. Similarly,

1 Counsel has an absolute duty to fully comply with the dictates of
2 any and all Orders of the Court. Including those wich particularly
3 direct Counsel to take a specific action on the part of his client.
4 Such as when the Court Ordered Counsel to supplement Petitioner's
5 proper person petition. Counsel's failure to comply with said
6 Court Order is completely impalpable, and Counsel's failure to
7 supplement the petition with all cognizant claims could conceivably
8 and likely would bar Petitioner from raising such claims in
9 subsequent proceedings.

10 The Petitioner further submits that the instant petition is
11 in compliance with applicable Nevada Revised Statutes, NRS 34.724,
12 NRS 34.726, NRS 34.800 and NRS 34.810. Petitioner hereby asserts
13 that he has plead "good cause" and "Actual Prejudice" sufficient
14 to excuse his instant out of time and successive Post-Conviction
15 Petition For Writ Of Habeas Corpus, within his Motion For Leave Of
16 Court To File (Amended) Successive Petition For Writ Of Habeas
17 Corpus (Post-Conviction), submitted contemporaneously with the
18 instant petition. Petitioner herby by reference herein
19 incorporates his Motion For Leave Of Court To File A Successive
20 (Amended) Petition For Writ Of Habeas Corpus, Herein.

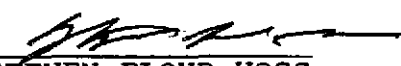
21 WEREFOR, Petitioner prays that this Honorable Court will
22 grant him the relief to which he may be entitled in this proceeding

23 EXECUTED, at the Ely State Prison, on this 11th day of
24 October 2004.

25 By: 
26 STEVEN FLOYD VOSS #52094
27 Petitioner, pro per.
28 Ely State Prison
P.O.Box 1989
Ely, Nevada 89301-9999
-17-

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 upon information and belief, and as to such matters he believes them to be true.

By: 
STEVEN FLOYD VOSS,
Petitioner, pro per.


CERTIFICATE OF SERVICE BY U.S.MAIL

I, STEVEN FLOYD VOSS, hereby certify pursuant to N.R.C.P. 5(b), that on this 11th day of octber 2004, I, mailed a true and correct copy of the foregoing, Post-Conviction Petition For Writ Of Habeas Corpus, addressed to:

E.K McDANIEL, WARDEN
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-9999

BRIAN SANDOVAL
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4714

RICHARD A. GAMICK
Washoe County District Attorney
P.O.Box 11130
Reno, Nevada 89520-0027

By: 
STEVEN FLOYD VOSS,
Petitioner, pro per.

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

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

Supreme Court No. 42307

2004 OCT 18 PM 3:25

District Court Case No. CR961581

RONALD A. LONGTIN, JR.
BY *[Signature]*
DEPUTY

REMITTITUR

TO: Ronald A. Longtin Jr., Washoe District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 13, 2004

Janette M. Bloom, Clerk of Court

By: *J. Richards*

Chief Deputy Clerk

cc: Hon. Steven P. Elliott, District Judge
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Steven Floyd Voss

RECEIPT FOR REMITTITUR

Received of Janette M. Bloom, Clerk of the Supreme Court of the State of Nevada, the

REMITTITUR issued in the above-entitled cause, on

OCT 18 2004

[Signature]
District Court Clerk

CR961581A
DC-9900026740-012
POST: STEVEN FLOYD VOSS (D10 1 Page
District Court 10/18/2004 03:25 PM
Washoe County 4145
TAMC

ORIGINAL

CR96-1581
FILED

2004 OCT 18 PM 3:25

RONALD A. L. MARTIN, JR.
DEPUTY

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 42307

FILED

JUL 27 2004

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

On November 27, 1996, the district court convicted appellant, pursuant to a jury verdict, of one count of burglary, two counts of uttering a forged instrument, two counts of forgery, and one count of attempted theft. The district court sentenced appellant to serve consecutive terms totaling 128 months to 360 months in the Nevada State Prison. This court dismissed appellant's appeal from his judgment of conviction.¹

¹Voss v. State, Docket No. 29783 (Order Dismissing Appeal, March 11, 1999).

On March 9, 2000, appellant filed a post-conviction petition for a writ of habeas corpus. On August 9, 2001, after conducting an evidentiary hearing, the district court denied appellant's petition in part and granted appellant's petition in part.² This court affirmed the order of the district court on appeal.³

On April 14, 2003, appellant filed a proper person motion for leave to file a successive habeas corpus petition and a second post-conviction petition for a writ of habeas corpus. The district court denied appellant's motion and petition. This appeal followed.

Appellant's petition was successive because he had previously filed a post-conviction petition for a writ of habeas corpus and that petition was decided on the merits.⁴ Therefore, appellant's petition was

²The district court determined that a new sentencing hearing was appropriate. The record on appeal before this court does not contain any documents relating to the new sentencing hearing.

³Voss v. State, Docket No. 38373 (Order of Affirmance, January 17, 2002).

⁴See NRS 34.810(1)(b)(2); NRS 34.810(2).

procedurally barred absent a demonstration of good cause and actual prejudice.⁵

Appellant claimed that he had good cause because he only learned of new claims for relief when he filed a federal petition for a writ of habeas corpus and received a copy of the exhibits used during the trial—particularly the transcript for the preliminary hearing. He claimed that his review of the preliminary hearing transcript revealed a chain of evidence problem. He claimed that he could not have known about this claim with the exercise of reasonable diligence prior to the filing of the instant petition.

Based upon our review of the record on appeal, we conclude that the district court did not err in determining that appellant failed to demonstrate good cause to excuse his successive petition. The claims raised in the instant petition relate to the preliminary hearing, and thus, could have been raised in the prior habeas corpus petition. Appellant was present at the preliminary hearing when the alleged error occurred. Thus, his claim that he could not have known about the claim prior to receiving the transcript is without merit. Appellant failed to otherwise demonstrate


⁵See NRS 34.810(1)(b); NRS 34.810(3).

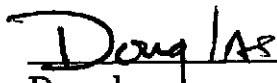
that he was unable to raise the claims earlier. Therefore, we affirm the order of the district court denying appellant's petition.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.⁶ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁷

 J.
Rose

 J.
Maupin

 J.
Douglas

⁶See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

⁷We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE 2007/06/13/2004

Supreme Court Clerk, State of Nevada

By J. Richards Chief Deputy

ORIGINAL

CR96-1581

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2004 OCT 18 PM 3:25

RONALD A. LONGTIN, JR.

No. 42307

DEPUTY

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

FILED

SEP 17 2004

ORDER DENYING REHEARING

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

Rehearing denied.¹ NRAP 40(c).

It is so ORDERED.

Rose J.
Rose

Maupin J.
Maupin

Douglas J.
Douglas

¹In Sullivan v. State, 120 Nev. ___, ___ P.3d ___ (2004), this court recently held that claims that could have been previously presented in a timely post-conviction petition could not be considered timely under NRS 34.726 merely because they were filed within one year of the entry of an amended judgment of conviction. Thus, appellant's petition below was not only successive, but under our holding in Sullivan, appellant failed to demonstrate good cause to overcome the time bar set forth in NRS 34.726.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: October 13, 2004
Supreme Court Clerk, State of Nevada

By J. R. [Signature] Chief Deputy

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

2004 OCT 18 PM 3:25

Supreme Court No. 42307

RONALD A. LONGTIN, JR.

District Court Case No. CR96158

BY *C. Kepler*
DEPUTY

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

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Janette M. Bloom, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows: "ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 27th day of July, 2004.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows: "Rehearing denied."

Judgment, as quoted above, entered this 17th day of September, 2004.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada, this 13th day of October, 2004.

Janette M. Bloom, Supreme Court Clerk

By:

J. Richards
Chief Deputy Clerk

V14. 971 STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box 1989
Ely, Nevada 89301-1989

ORIGINAL

FILED

No. CR96-P-1581-A

Dept. No. 9

2004 DEC -2 PM 4:26

RONALD A. LONGTIN JR.

BY White
DEPUTY

Second Judicial District Court
State of Nevada, Washoe County

STEVEN FLOYD VOSS,
Petitioner,

~~Respondent~~
vs.
E.K. McDaniel, et al.,
Respondent's

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the motion for Reconsideration of Motion for leave to
file Successive Petition, alternate pre-sentencing motion to set
aside verdict, and motion for reassignment., which was filed on the 29th day
of September, 2004, in the above-entitled matter be submitted to
the Court for decision.

Petitioner
The undersigned ~~attorney~~ certifies that a copy of this request has been mailed to all counsel of record.

DATED this 24th day of November, 2004.

Steven Floyd Voss Steven F Voss
~~Attorney~~
Petitioner, proper.

ELY STATE PRISON

P.O. Box 1989

Ely, Nevada 89301-1989

ORIGINAL

No. CR96-P-1581-A

Dept. No. 10

FILED

2004 DEC -2 PM 4:26

RONALD A. LONGTIN, JR.

BY

DEPUTY

Second Judicial District Court

State of Nevada, Washoe County

STEVEN FLOYD VOSS,
 Petitioner,
~~Respondent~~,
 vs.
 E.K.McDaniel, et al.,
 Respondent's.
~~Respondent~~.

REQUEST FOR SUBMISSION OF MOTION

It is requested that the motion for Leave of Court to file (AMENDED)
Successive Post-Conviction Petition for Writ of Habeas Corpus
 _____, which was filed on the 15th day
 of October, 2004, in the above-entitled matter be submitted to
 the Court for decision.

Petitioner

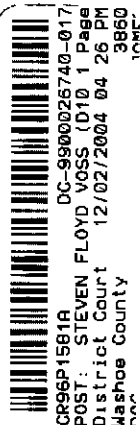
The undersigned ~~attorney~~ certifies that a copy of this request has been mailed to all counsel of record.

DATED this 24th day of November, 2004.

Steven Floyd Voss

~~Attorney for~~

Petitioner, pro per



1 CODE: 3370
2
3

FILED

DEC 13 2004

RONALD A. LONGTIN, JFL CLERK

By: *[Signature]*
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: CR96-P-1581-A

vs.

DEPT. NO.: 10

E.K. MCDANIEL, et al,

Respondent.

ORDER DENYING AMENDED PETITION

The Court has read and considered Petitioner's Motion For Leave Of Court To File (Amended) Successive Post-Conviction Petition For Writ Of Habeas Corpus, filed October 15, 2004.

A request for Rehearing has already been denied by the Nevada Supreme Court as of September 17, 2004. This Court finds no legal justification upon which to allow leave to file an Amended Petition.

NOW, THEREFORE, IT IS HEREBY ORDERED that Petitioner's Motion For Leave Of Court To File (Amended) Successive Post-Conviction Petition For Writ Of Habeas Corpus is **DENIED**.

DATED this 10 day of December, 2004.

[Signature]
STEVEN P. ELLIOTT
District Judge

CERTIFICATE OF MAILING


I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe and that on this date I deposited for mailing a copy of the foregoing document addressed to:

Brian Sandoval
Nevada Attorney General
100 North Carson Street
Carson City, NV 89701-4714

Richard A. Gamick
Washoe County District Attorney
P.O. Box 11130
Reno, NV 89502-0027

Steven Floyd Voss
Ely State Prison
P.O. Box 1989
Ely, NV 89301-9999

DATED this 13 day of December, 2004.


HEIDI HOWDEN
Judicial Assistant

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

ORIGINAL

FILED

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

STEVEN FLOYD VOSS,

Case No. CR96-01581

PETITIONER,

Dept. No. 10

Vs.

STATE OF NEVADA,

NOTICE OF APPEAL

RESPONDENT,

RONALD A. LORSTIN, JR.

DEPUTY

RONALD A. LORSTIN, JR.

2005 JAN 28 PM 2:55

FILED

NOTICE IS HEREBY GIVEN, that STEVEN FLOYD VOSS, the
Petitioner above named, hereby appeals to the Supreme Court of
the State of Nevada from the Order entered in this action on
December 10, 2004. **RESPECTFULLY SUBMITTED,**

DATED this 3rd day of January 2004.

By: Steven F Voss
STEVEN FLOYD VOSS,
Petitioner Pro Per.

X Steven F Voss

CR96P1581R
DC-9500026740-019
POST STEVEN FLOYD VOSS (DT-25) Pages
District Court 01/28/2005 02:55 PM
Washoe County 2515

CERTIFICATE OF SERVICE BY MAIL

I, STEVEN FLOYD VOSS, Petitioner/Appellant in the instant action, certify pursuant to N.R.A.P. 25 (1)(d), that on this 3rd day of January 2004, I mailed a true and correct copy of the forgoing, NOTICE OF APPEAL addressed to:

GARY HATLESTAD (DDA)
Washoe County District Attorney
Appellant Division
P.O. Box #11130
Reno, Nevada 89520-0027

X 
By: 

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

ORIGINAL

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,

RESPONDENT,

Case No. CR96-01581

Dept. No. 10

CASE APPEAL STATEMENT

2005 JAN 28 PM 2:55

FILED

RONALD A. LONGTIN, JR.

DEPUTY

CR96P1581A DC-9900026740-020
POST: STEVEN FLOYD VOSS (D1 3 Pages)
District Court 01/28/2005 02:55 PM
Washoe County

1. Name of appellant filing this case appeal statement: Steven Floyd Voss.

2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Steven P. Elliot.

3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): Steven Floyd Voss, Petitioner, VS. The State of Nevada, Respondent, represented by Washoe County District Attorney.

4. Identify all parties involved in this appeal (the use of et al to denote parties is prohibited): Steven Floyd Voss, Petitioner, VS. The State of Nevada, Respondent.

5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent: Steven Floyd Voss, Ely State Prison, P.O. Box #1989, Ely, Nevada 89301-9999, (Telephone #N/A), Appellant, Pro Per. District Attorney of Washoe County, P.O. Box #30083, Reno, Nevada 89520-3083, (775)328-3200, represents Respondent.

6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appellant was not represented by counsel in the district court.

1 7. Indicate whether appellant is represented by appointed or
2 retained counsel on appeal: Appellant is not represented by
3 counsel.

4 8. Indicate whether appellant was granted leave to proceed in
5 forma pauperis, and the date of entry of the district court order
6 granting such leave: Appellant was granted leave to proceed in
7 forma pauperis on June 12, 2003.

8 9. Indicate the date the proceedings commenced in the district
9 court (e.g., date complaint, indictment, information, or petition
10 was filed): Petition for Writ of habeas Corpus (post-Conviction)
11 was filed on April 14, 2003. RESPECTFULLY SUBMITTED,

12
13 DATED this 3rd day of January 2004.

14
15 By: Steven F. Voss



16 STEVEN FLOYD VOSS,
17 Appellant, Pro Per,

18 X [Signature]

CERTIFICATE OF SERVICE BY MAIL

I, STEVEN FLOYD VOSS, Petitioner/Appellant in the instant action, certify pursuant to N.R.A.P. 25 (1)(d), that on this 3rd day of January 2004 I mailed a true and correct copy of the forgoing, CASE APPEAL STATEMENT addressed to:

GARY HATLESTAD (DDA)
Washoe County District Attorney
Appellant Division
P.O. Box #11130
Reno, Nevada 89520-0027

X 
By: 
STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

ORIGINAL

Code 1350

FILED

2005 FEB -2 AM 9:26

RONALD A. LONGTIN, JR.

BY

DEPUTY

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

STEVEN FLOYD VOSS,

Appellant,

Case No. CR96P1581A

vs.

Dept. No. 10

THE STATE OF NEVADA,

Respondent.

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the Nevada Rules of Appellate Procedure, NRAP 3(e).

Dated this 2 day of February, 2005.

RONALD A. LONGTIN, JR., Clerk of Court

By:

Debra Jaramillo, Deputy Clerk

ORIGINAL

FILED

Code 1365

2005 FEB -2 AM 9:26

RONALD A. LONGTIN, JR.

BY [Signature]
DEPUTY

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

STEVEN FLOYD VOSS,

Appellant,

Case No. CR96P1581A

vs.

Dept. No. 10

THE STATE OF NEVADA,

Respondent.

CERTIFICATE OF TRANSMITTAL

I hereby certify that the enclosed Notice of Appeal and other required documents (certified copies pursuant to NRAP 3(e)), were delivered to the Second Judicial District Court mail room for transmittal to the Nevada Supreme Court.

Dated this 2 day of February, 2005.

RONALD A. LONGTIN, JR., Clerk of Court

By: [Signature]
Debra Jaramillo, Deputy Clerk



ORIGINAL

CR 96P1581A

SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

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

Supreme Court No. 44637

District Court Case No. CR9601581

CR96P1581A DC-9900026740-023
POST: STEVEN FLOYD VOSS (D10 1 Page
District Court 02/07/2005 03:19 PM
Washoe County
1188
nmr

RECEIPT FOR DOCUMENTS

FILED
2005 FEB - 7 PM 3:19
RONALD A. LONGTIN, JR.
BY *[Signature]*
DEPUTY

O: Steven Floyd Voss #52094
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Ronald A. Longtin Jr., District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

02/04/05 Filing Fee Waived: Criminal.
02/04/05 Filed Certified Copy of proper person Notice of Appeal.
Appeal docketed in the Supreme Court this day.

DATE: February 04, 2005

Janette M. Bloom, Clerk of Court

By: sy
Deputy Clerk

ORIGINAL

FILED

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. BOX 1989
Ely, Nevada 89301-1989

2005 FEB 18 PM 2:40

RONALD A. LONGTIN, JR.

BY [Signature]
DEPUTY

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

STEVEN FLOYD VOSS,

Petitioner,

VS.

E.K. McDANIEL, et.al.,

Respondent's.

Case No. CR96-P-1581-A

Dept.No. 9 (Chief Judge)

REQUEST FOR SUBMISSION
OF MOTION

COMES NOW, STEVEN FLOYD VOSS, Petitioner in the above entitled action and hereby requests that his proper person MOTION REQUESTING RECONSIDERATION OF MOTION FOR LEAVE OF COURT TO FILE A SUCCESSIVE POST-CONVICTION PETITION FOR WRIT OF HABEAS CORPUS, OR ALTERNATIVE, PRE-RESENTENCING MOTION TO SET ASIDE VERDICT, UPON THE MERITS OF PETITIONER'S CLAIMS, and REQUEST FOR REASSIGNMENT OF MOTION FOR LEAVE OF COURT TO FILE A SUCCESSIVE PETITION FOR WRIT OF HABEAS CORPUS, OR ALTERNATIVE, PRE-RESENTENCING MOTION TO SET ASIDE VERDICT TO CHIEF JUDGE FOR RE-HEARING UPON THE MERITS OF THE PETITION/MOTION, which was filed on the 29th day of September 2004, in the above entitled matter be submitted to the Court for decision. The undersigned certifies that a copy of the foregoing has been mailed to all counsel of record.

DATED this 14th day of February 2005, By: [Signature]

STEVEN FLOYD VOSS,
Petitioner, pro per.

CERTIFICATE OF SERVICE BY U.S. MAIL

I, STEVEN FLOYD VOSS, hereby certify pursuant to N.R.C.P. 5(b), that on this 14th day of February 2005, I, mailed a true and correct copy of the forgoing motion for reconsideration, and request for re-assignment to Chief Judge, addressed to:

RICHARD GAMICK
Washoe County District Attorney
P.O. Box 11130
Reno, Nevada 89520-0027

BRIAN SANDOVAL
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4714

By: 

STEVEN FLOYD VOSS,
Petitioner, pro per.

ORIGINAL

FILED

CODE 1350

2005 MAR 17 AM 11:19

RONALD A. LONGTIN, JR.

BY *[Signature]*
DEPUTY

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

STEVEN FLOYD VOSS,

Appellant,
vs.

Sup. Ct. Case No. 44637

Case No. CR96P1581A

Dept. No. 10

THE STATE OF NEVADA,
Respondent,

CERTIFICATE OF CLERK – RECORD ON APPEAL

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the Revised Rules of Appellant Procedure Rule D(1).

Dated: March 17, 2005

Ronald Longtin, Jr., Court Clerk

By: *[Signature]*

Gathy Kuper, Appeals Clerk

(775) 325-0000

CR96P1581A DC-9900026740-027
POST STEVEN FLOYD VOSS (D10 1 Page
District Court 03/17/2005 11:19 AM
Washoe County 1350
INVC

ORIGINAL

CODE 1365

FILED

2005 MAR 17 AM 11:19

RONALD LONGTIN, JR.

BY

CLERK

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

STEVEN FLOYD VOSS,

Appellant,
vs.

THE STATE OF NEVADA,

Respondent,

Sup. Ct. Case No. 44637

Case No. CR96P1581A

Dept. No. 10

CERTIFICATE OF TRANSMITTAL – RECORD ON APPEAL

I hereby certify that the enclosed Record on Appeal volumes and other required documents (certified copies), were delivered to the Second Judicial District Court mailroom system for transmittal to the Nevada Supreme Court.

Dated: March 17, 2005

Ronald Longtin, Jr., Court Clerk

By:

Cathy Kepler, Appeals Clerk

(775) 328-3114

2-10
2/18

1 STEVEN FLOYD VOSS #52094
 2 ELY STATE PRISON
 3 P.O. Box 1989
 Ely, Nevada 89301-1989

FILED

2005 MAR 25 PM 4:22

RONALD A. LONGTIN, JR.

BY M. J. Longtin
DEPUTY

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

THE STATE OF NEVADA,
 Plaintiff,

VS.

STEVEN FLOYD VOSS,
 Defendant.

CASE NO. CR96-1581

MOTION FOR COMPLETE UN-REDACTED
TRIAL TRANSCRIPTS AT PUBLIC
EXPENSE.

COMES NOW, Defendant, STEVEN FLOYD VOSS, by and through
 his proper person, and hereby moves this Honorable Court for an
 Order granting him complete unsensored or redacted Trial Transcript
 at public expense for preparation of re-hearing brief on appeal of
 his conviction and sentence to the Nevada Supreme Court.

This motion is made and predicated upon the attached points
 and authorities, and all papers and pleadings presently on file.
 Including Defendant's prior Motion For Trial Transcript At Public
 Expense, filed January 7, 1997 and this Court's Order, filed
 January 13, 1997.

///

///

///

STATEMENT OF FACTS

On January 7, 1997 the Defendant by and through his Counsel of record submitted a Motion For Trial Transcripts At Public Expense.

On January 13, 1997 the Court entered an Order granting the Defendant at public expense, copies of the Trial Transcripts, excluding Jury Selection.

On January 21, 1997 the Trial Transcripts were transcribed by Randi Lee Walker, CSR #137. However, the record was not transcribed in it's intirety. As in compliance with with the Court's Order Randi Lee Walker omitted the Jury Selection portion of the record from the transcript. Furthermore, and for reasons unknown to the Defendant, Randi Lee Walker also ommitted additional and essential elements of the trial record from the transcripts. Specifically, all Jury Instructions, Law, and all Special Limiting Instructions and Admonishments were ommitted from the transcript aswell.

POINTS AND AUTHORITIES

The Defendant asserts that present Federal Law has made an appeal from a judgment of conviction in a criminal case a matter of right. See, Coopledge v. U.S., 82 S.Ct 917, 918 (1962)

If a state has created appellate courts as an integral part of a system for finally adjudicating the guilt or innocence of a defendant, the procedures used in deciding appeals must comport with the demands of the Due Process and Equal Protection clauses

1 of the United States Constitution. See, Evitts v. Lucey, 105 S.Ct.
2 830,834 (1985). The State of Nevada has further provided
3 defendant's convicted of criminal offenses a right to Direct
4 Appeal, as a matter of statute. See, NRS 177.015.

5 A Trial Transcript is a prerequisite to appellate review, and
6 is necessary in virtually all cases for a defendant to present an
7 appeal in a form suitable for appellate review and consideration
8 upon the merits. See, Evitts, supra at 833.

9 Based upon this requirement the Defendant asserts that he is
10 entitled to a complete, unsensored and redacted copy of the Trial
11 Transcript, in order to identify, develop, prepare and to perfect
12 all applicable appellate issues, and that he is intitled to more
13 than just a mere redacted version of the trial record which only
14 amounts to mere excerpts of the actual proceedings.

15
16 Therefore, the Defendant asserts two claims of error regarding
17 The record as transcribed:

18 (a) The Trial Court erred when it limited the transcribed
19 record of trial proceedings, and specifically Ordered
20 that the record of jury selection be excluded from the
21 transcribed record and from being made available to
22 the Defendant. Which, impaired the Defendant's ability
23 to explore, develop, prepare and to perfect an effective
24 direct appeal, which included all applicable appellate
25 issues. Including those of juror Bias.

26 (b) The Court's Reprter erred when she failed to transcribe
27 the complete trial record, and when the "Reporter"
28 failed to include Jury Instructions, Law, and Special

1 Limiting Instructions and Jury Admonishments from the Certified
2 Trial Transcripts. Which impaired the Defendant's ability to
3 explore, develop, prepare and to perfect an effective direct
4 appeal, which included all applicable appellate issues. Including
5 issues regarding Juror Error, Juror Bias, Sufficiency of Evidence,
6 Relevancy and Admissibility of Evidence, and Questions concerning
7 Defendant's Theory of the case and Jury Instructions thereupon.
8 Additionally, which further limited the Defendant's ability to
9 explore, develop, prepare and to perfect his Petition For Writ Of
10 Habeas Corpus (Post-Conviction).

11
12 CONCLUSION

13
14 Petitioner, is entitled to an Order which grants him fully
15 complete and un-sensored Trial Transcripts. Which include Jury
16 Selection, Jury Instructions, Law, and Special Limiting Instruction
17 and Jury Admonishments, at public expense. **RESPECTFULLY SUBMITTED.**

18
19 DATED this 21st day of March 2005.

20
21 By: Steven F Voss
22 STEVEN FLOYD VOSS,
23 Defendant, pro per.
24
25
26
27
28

I, STEVEN FLOYD VOSS, hereby certify pursuant to N.R.C.P. 5(b), that on this 21st day of March 2005, that I, mailed a true and correct copy of the foregoing, Motion For Complete Un-Redacted Trial Transcripts At Public Expense, addressed to:

Gary Hatlestad (DDA)
Washoe County District Attorney
Appellant Division
P.O. Box 11130
Reno, Nevada 89502

By: 
STEVEN FLOYD VOSS,
Defendant, pro per.

ORIGINAL

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FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2005 APR 25 PM 3:32

No. 44637 RONALD A. LONGTIN, JR.

FILED BY DEPUTY

APR 22 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY J. Richard
CHIEF DEPUTY CLERK

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a successive and untimely post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

On November 27, 1996, the district court convicted appellant, pursuant to a jury trial, of one count of burglary, two counts of uttering a forged instrument, two counts of forgery, and one count of attempted theft. The district court sentenced appellant to serve consecutive terms totaling 128 to 360 months in the Nevada State Prison. This court dismissed appellant's appeal from his judgment of conviction.¹ The remittitur issued on April 6, 1999.

On March 9, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus. The district court appointed post-conviction counsel to assist appellant. On August 9, 2001, after conducting an evidentiary hearing, the district court denied the

¹Voss v. State, Docket No. 29783 (Order Dismissing Appeal, March 11, 1999).

petition in part and granted the petition in part.² This court affirmed the order of the district court on appeal.³

On April 14, 2003, appellant filed a proper person motion for leave to file a successive habeas corpus petition and a second post-conviction petition for a writ of habeas corpus. The district court denied appellant's motion and petition. This court affirmed the order of the district court on appeal.⁴

On October 15, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On December 13, 2004, the district court denied appellant's petition. This appeal followed.

Appellant filed his petition approximately five and one-half years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.⁵ Moreover, appellant's petition was successive because he had previously filed two post-conviction

²The district court determined that a new sentencing hearing was appropriate. The record on appeal does not contain any documents relating to the new sentencing hearing.

³Voss v. State, Docket No. 38373 (Order of Affirmance, January 17, 2002).

⁴Voss v. State, Docket No. 42307 (Order of Affirmance, July 27, 2004).

⁵See NRS 34.726(1).

petitions for writs of habeas corpus.⁶ Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.⁷

Appellant raised nearly identical claims to those raised in his 2003 untimely and successive habeas corpus petition. In an attempt to excuse his procedural defects, appellant argued that his attorneys failed to transfer copies of his case files in a timely fashion and that he only received a copy of a preliminary hearing transcript in 2003. Appellant further claimed that his post-conviction counsel was ineffective for failing to raise his claims in the first post-conviction petition.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. This court has already determined that the lack of the preliminary hearing transcript did not constitute good cause to excuse his procedural defects.⁸ Further, trial counsel's failure to send appellant his file did not constitute good cause to excuse the procedural defects.⁹ Finally, appellant did not have the right to counsel at the time he filed his first petition, and therefore he did not have the right to the effective assistance of counsel in that proceeding.¹⁰ "[H]ence, 'good cause' cannot be shown based on an ineffectiveness of post-

⁶See NRS 34.810(1)(b)(2), (2).

⁷See NRS 34.726(1); NRS 34.810(1)(b), (3).

⁸See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).


⁹Hood v. State, 111 Nev. 335, 890 P.2d 797 (1995).

¹⁰See NRS 34.750; McKague v. Warden, 112 Nev. 159, 164-65, 912 P.2d 255, 258 (1996); see also Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997).

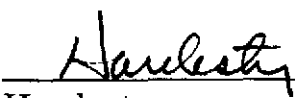
conviction counsel claim."¹¹ Therefore, we affirm the order of the district court.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.¹² Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹³


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

¹¹McKague, 112 Nev. at 165, 912 P.2d at 258.

¹²See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

¹³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

ORIGINAL

FILED

MAY 23 2005

RONALD A. LONGTIN, JR., CLERK
By: *[Signature]*
DEPUTY

CODE: 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: CR96P1581A

DEPT. NO.: 10

STATE OF NEVADA,

Respondent.

ORDER

Mr. Steven Floyd Voss (hereinafter "Voss") presents this Court with a (1) *Motion for Reconsideration of Motion for Leave of Court to File a Successive Petition for Writ of Habeas Corpus (Post-Conviction) and Alternative, Pre-Sentence Motion to Set Aside Jury Verdict*; (2) *Motion for Complete Un-Redacted Trial Transcripts at Public Expense*; and (3) *Motion to Strike Dated and Prejudicial Pre-Sentencing Investigational Report and Sentencing Recommendations*. This Court, having considered all papers and pleadings on file herein, finds and concludes as follows.

MOTION FOR RECONSIDERATION

On September 13, 2004, this Court denied Voss' Motion for Leave of Court to File a Successive Petition for Writ of Habeas Corpus (Post-Conviction) and Alternative, Pre-Sentence Motion to Set Aside Jury Verdict. On September 29, 2004, Voss filed this Motion for Reconsideration, arguing that this Court abused its discretion by denying the underlying motion. Voss contends that this Court mistakenly assumed that the time limitations

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1 enumerated in NRS 34.726 apply to post-conviction petitions or motions to set aside
2 verdicts alleging jurisdictional defects.¹ Voss maintains that jurisdictional challenges may be
3 raised at any time and may not be procedurally barred. Voss cites several Ninth Circuit
4 Court of Appeal cases in support of this motion.

5 Upon review, this Court determines that Voss is not entitled to any relief. Simply
6 labeling a claim as jurisdictional does not, in itself, make it so. Where a district judge is
7 charged with being biased against a party, that party should file a Motion for
8 Disqualification prior to trial, at which time a hearing on the merits will be held before a
9 separate judge. If a criminal defendant wants to make such a complaint after he has been
10 tried and convicted, then he may do so by way of filing a petition for writ of habeas corpus.
11 Accordingly, such a petition is subject to the one-year time limitation articulated in NRS
12 34.726. Thus, this Court properly applied NRS 34.726 to Voss' Successive Petition, and did
13 not overlook or misapprehend any controlling matter. See Matter of Ross, 99 Nev. 657,
14 659, 668 P.2d 1089, 1091 (1983) (setting forth the proper standard when ruling on
15 motions for reconsideration).

16 Therefore, Voss' *Motion for Reconsideration of Motion to File a Successive Post*
17 *Conviction* is DENIED.

18 **MOTION FOR TRANSCRIPTS**

19 On March 25, 2005, Voss filed this Motion for Complete Un-Redacted Trial
20 Transcripts at Public Expense. Voss alleges that on January 13, 1997, this Court granted
21 Voss' request for a copy of the trial transcript, except for that portion which contained the
22 jury selection. Voss further alleges that the copy that he received also omitted all jury
23 instructions, law, and all special limiting instructions and admonitions. In this motion, Voss
24 argues that he is entitled to a complete copy of the trial transcript in order to identify all
25 applicable issues for appeal. Voss thus asserts that this Court erred in ordering the jury
26 selection portion to be excluded from the transcribed record and that this Court's reporter
27

28 ¹ Voss argues in his Successive Petition for Writ of Habeas Corpus that this Court lacked jurisdiction over Voss based on this Court's personal bias towards Voss.

1 erred in failing to include jury instructions, law, and special limiting instructions and
2 admonitions from the certified trial transcript.

3 Upon review, this Court determines that Voss is not entitled to any relief. Voss
4 admits that the trial transcript was transcribed on January 21, 1997, more than eight years
5 ago. This Court will not allow Voss to raise this claim now after such a lengthy delay.
6 Moreover, Voss fails to allege that he was prejudiced, as he does not cite any specific jury
7 instructions, law, or special limiting instructions and admonitions in which a more complete
8 trial transcript would be beneficial. Finally, it seems as though Voss failed to object to any
9 of the jury instructions, law, or special limiting instructions and admonitions that he now
10 claims may form a basis for appeal. The law is clear in Nevada that if a party does not
11 timely object at trial and preserve an issue for appeal, that party is not entitled to relief on
12 appeal, absent plain or constitutional error. Bridges v. State, 116 Nev. 752, 761, 6 P.3d
13 1000, 1007 (2000). As such, receiving the complete trial transcript likely will be of no
14 benefit to Voss.

15 Therefore, Voss' *Motion for Complete Un-Redacted Trial Transcripts* is DENIED.

16 **MOTION TO STRIKE**

17 On April 1, 2005, Voss filed this Motion to Strike Dated and Prejudicial Pre-
18 Sentencing Investigational Report and Sentencing Recommendations. Voss argues that
19 despite his requests for counsel, he was coerced into providing involuntary statements to
20 the Division of Parole and Probation without the aid of counsel and without being read his
21 Miranda rights. Voss also contends that the presentence investigation report (hereinafter
22 "PSI") improperly included allegations of crimes and convictions that were subsequent to
23 his initial sentencing in the instant case. As such, Voss maintains that the Division of Parole
24 and Probation should conduct a new pre-sentence investigation and submit a new PSI and
25 sentencing recommendation.

26 Upon review, this Court determines that Voss is not entitled to any relief. Like the
27 aforementioned Motion for Transcripts, Voss is seeking relief approximately eight years
28 after the event he is complaining of. NRAP 4(b)(1) states, "In a criminal case, the notice of

1 appeal by a defendant shall be filed in the district court within thirty (30) days after the
2 entry of the judgment or order appealed from." Further, and as previously stated, NRS
3 34.726 provides that unless good cause is shown, a petition for writ of habeas corpus must
4 be filed within one year after entry of the judgment of conviction or, if an appeal has been
5 taken, within one year after the Nevada Supreme Court issues its remittitur. Under either
6 time frame, Voss' present motion is untimely.

7 Therefore, Voss' *Motion to Strike Dated and Prejudicial Pre-Sentencing*
8 *Investigational Report and Sentencing Recommendations* is DENIED.

9 **NOW, THEREFORE, IT IS HEREBY ORDERED** that Petitioner's *Motion for*
10 *Reconsideration of Motion to File a Successive Post Conviction* is **DENIED**.

11 **IT IS HEREBY FURTHER ORDERED** that Petitioner's *Motion for Complete Un-*
12 *Redacted Trial Transcripts* is **DENIED**.

13 **IT IS HEREBY FURTHER ORDERED** that Petitioner's *Motion to Strike Dated and*
14 *Prejudicial Pre-Sentencing Investigational Report and Sentencing Recommendations* is
15 **DENIED**.

16
17 **DATED** this 23 day of May, 2005.

18
19
20 
21 STEVEN P. ELLIOTT
22 District Judge
23
24
25
26
27
28

CERTIFICATE OF MAILING

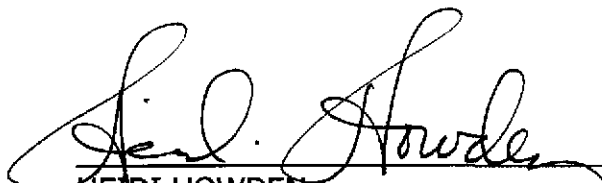
I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe and that on this date I deposited for mailing a copy of the foregoing document addressed to:

Brian Sandoval
Nevada Attorney General
100 North Carson St.
Carson City, NV 89701

Richard A. Gammick
Washoe County District Attorney
P.O. Box 30083
Reno, NV 89520
(Interoffice Mail)

Steven Floyd Voss, #52094
Ely State Prison
P.O. Box 1989
Ely, NV 89301

DATED this 23 day of May, 2005.



HEIDI HOWDEN
Judicial Assistant

ORIGINAL

CR96P1581A

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2005 JUN-3 PM 2:16

No. 44637 RONALD A. LONGTIN, JR.

BY *[Signature]*
DEPUTY

FILED

MAY 26 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

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

ORDER DENYING REHEARING

On April 22, 2005, this court affirmed the order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. On May 6, 2005, this court received a proper person motion to amend this court's order and to provide additional factual findings. We have elected to treat appellant's motion as a petition for rehearing, and we deny rehearing. See NRAP 40(c).

It is so ORDERED.

[Signature] J.
Rose

[Signature] J.
Gibbons

[Signature] J.
Hardesty

CR96P1581A
DC-9900026740-035
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District Court 06/03/2005 02:16 PM
Washoe County 4128
TONE

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

ORIGINAL

CR96P1581A

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

FILED

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

2005 JUN -6 PM 4:11

STEVEN FLOYD VOSS,

Case No. CR96-01581

PETITIONER,

Dept. No. 10

Vs.

STATE OF NEVADA,

NOTICE OF APPEAL

RESPONDENT,

CR96P1581A DC-9900026748-036
POST STEVEN FLOYD VOSS (D1 2 Pages
District Court 06/06/2005 04:11 PM
Washoe County 2515

NOTICE IS HEREBY GIVEN, that STEVEN FLOYD VOSS, the
Petitioner above named, hereby appeals to the Supreme Court of
the State of Nevada from the Order entered in this action on
May 23, 2005. RESPECTFULLY SUBMITTED

DATED this 2nd day of June, 2005.

By: Steven Floyd Voss
STEVEN FLOYD VOSS,
Petitioner, pro per.

CERTIFICATE OF SERVICE BY MAIL

I, STEVEN FLOYD VOSS, Petitioner/Appellant in the instant action, certify pursuant to N.R.A.P. 25 (1)(d), that on this 2nd day of June 2005, I mailed a true and correct copy of the forgoing, NOTICE OF APPEAL addressed to:

GARY HATLESTAD (DDA)
Washoe County District Attorney
Appellant Division
P.O. Box #11130
Reno, Nevada 89520-0027

DATED this 2nd day of June 2005 ~~October 2003~~.

By: 

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

STEVEN FLOYD VOSS #52094
ELY STATE PRISON
P.O. Box #1989
Ely, Nevada 89301-9999

ORIGINAL

CR96P1581A

FILED

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,

RESPONDENT,

Case No. ~~CR96-01581~~ JR.
BY White
Dept. No. 10 DEPUTY

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: Steven Floyd Voss.
2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Steven P. Elliot.
3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): Steven Floyd Voss, Petitioner, VS. The State of Nevada, Respondent, represented by Washoe County District Attorney.
4. Identify all parties involved in this appeal (the use of et al to denote parties is prohibited): Steven Floyd Voss, Petitioner, VS. The State of Nevada, Respondent.
5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the party or parties whom they represent: Steven Floyd Voss, Ely State Prison, P.O. Box #1989, Ely, Nevada 89301-9999, (Telephone #N/A), Appellant, Pro Per. District Attorney of Washoe County, P.O. Box #30083, Reno, Nevada 89520-3083, (775)328-3200, represents Respondent.
6. Indicate whether appellant was represented by appointed or retained counsel in the district court: Appellant was not represented by counsel in the district court.

1 7. Indicate whether appellant is represented by appointed or
2 retained counsel on appeal: Appellant is not represented by
3 counsel.

4 8. Indicate whether appellant was granted leave to proceed in
5 forma pauperis, and the date of entry of the district court order
6 granting such leave: Appellant was granted leave to proceed in
7 forma pauperis on August 30, 2004.

8 9. Indicate the date the proceedings commenced in the district
9 court (e.g., date complaint, indictment, information, or petition
10 was filed): Petition for Writ of habeas Corpus (post-Conviction)
11 was filed on July 27, 2004 **RESPECTFULLY SUBMITTED,**

12
13 DATED this 2nd day of June 2005.

14
15 By: Steven F. Voss
16 STEVEN FLOYD VOSS,
17 Petitioner, pro per.
18
19
20
21
22
23
24
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27
28

CERTIFICATE OF SERVICE BY MAIL

I, STEVEN FLOYD VOSS, Petitioner/Appellant in the instant action, certify pursuant to N.R.A.P. 25 (1)(d), that on this 2nd day of ~~October 2004~~ ^{June 2005}, I mailed a true and correct copy of the forgoing, CASE APPEAL STATEMENT addressed to:

GARY HATLESTAD (DDA)
Washoe County District Attorney
Appellant Division
P.O. Box #11130
Reno, Nevada 89520-0027

DATED this 2nd day of June 2005.

By: Steven F. Voss
STEVEN FLOYD VOSS,
Petitioner, pro per.

ORIGINAL

FILED

2005 JUN -9 AM 10:11

RONALD A. LONGTIN, JR.

BY C. Kepler
DEPUTY

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

STEVEN FLOYD VOSS,

Appellant,

Case No. CR96P1581A

vs.

Dept. No. 10

THE STATE OF NEVADA,

Respondent,

CERTIFICATE OF CLERK

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the Revised Rules of Appellant Procedure Rule D(1).

Dated: June 9, 2005

Ronald Longtin, Jr., Court Clerk

By: C. Kepler

Cathy Kepler, Appeals Clerk

(775) 328-3114

ORIGINAL

FILED

CODE 1365

2005 JUN -9 AM 10:12

RONALD A. LONGTIN, JR.

BY C. Kepler
DEPUTYIN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STEVEN FLOYD VOSS,

Appellant,

Case No. CR96P1581A

vs.

Dept. No. 10

THE STATE OF NEVADA,

Respondent,

CERTIFICATE OF TRANSMITTAL

I hereby certify that the enclosed the Record on Appeal and other required documents (certified copies) were delivered to the Second Judicial District Court mailroom system for transmittal to the Nevada Supreme Court.

Dated: June 9, 2005

Ronald Longtin, Jr., Court Clerk

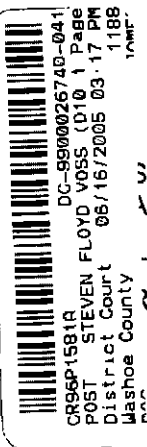
By: C. Kepler

Cathy Kepler, Appeals Clerk

(775) 328-3114

ORIGINAL

CR96P1581A

SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

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

Supreme Court No. 45413

District Court Case No. CR9601581

FILED
2005 JUN 16 PM 3:17
RONALD A. LONGTIN, JR.
BY *[Signature]*
DEPUTY

RECEIPT FOR DOCUMENTS

TO: Steven Floyd Voss #52094
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick and Gary H.
Hatlestad, Deputy District Attorney
Ronald A. Longtin Jr., District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

06/10/05 Filing Fee Waived: Criminal.
06/10/05 Filed Certified Copy of proper person Notice of Appeal.
Appeal docketed in the Supreme Court this day.

DATE: June 10, 2005

Janette M. Bloom, Clerk of Court

By: Sy
Deputy Clerk

ORIGINAL

CR96P1581A

**SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK**

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

Supreme Court No. 45413

District Court Case No. CR0601581

NOTICE TO FILE CASE APPEAL STATEMENT

O: Ronald A. Longtin Jr., District Court Clerk

The 1996 amendments to the Nevada Rules of Appellate Procedure require appellant to file a Case Appeal Statement with the notice of appeal. NRAP 3(a)(1).

Within 10 days of the date of this notice, you are responsible for filing two certified copies of the Case Appeal Statement with the Supreme Court Clerk's Office.

DATE: June 14, 2005

Janette M. Bloom, Clerk of Court

By: Sy
Deputy Clerk

cc: Steven Floyd Voss #52094
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick and Gary H.
Hattlestad, Deputy District Attorney

RONALD A. LONGTIN JR.
DEPUTY

FILED

2005 JUN 16 PM 3:19

CR96P1581A
DC-9500026740-040
POST STEVEN FLOYD VOSS (D10 1 Page
District Court 06/16/2005 03 19 PM
Washoe County 4133
TMC

ORIGINAL

CR96P1581A

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

CR96P1581A
DC-9500026740-043
POST: STEVEN FLOYD VOSS (D10 1 Page
District Court 06/23/2005 12 00 PM
Washoe County 4145

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

Supreme Court No. 44637

2005 JUN 23 PM 12:

District Court Case No. CR9601581

RONALD A. LONGTIN,

BY C. Lepler
DEPUTY

REMITTITUR

O: Ronald A. Longtin Jr., Washoe District Court Clerk

ursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: June 21, 2005

Janette M. Bloom, Clerk of Court

By: J. Richards
Chief Deputy Clerk

cc: Hon. Steven P. Elliott, District Judge
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Steven Floyd Voss

RECEIPT FOR REMITTITUR

Received of Janette M. Bloom, Clerk of the Supreme Court of the State of Nevada, the

JUN 23 2005

REMITTITUR issued in the above-entitled cause, on

Ronald Longtin Jr.
District Court Clerk

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

2005 JUN 23 PM 12:

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

Supreme Court No. 44637

RONALD A. LONGTIN,

District Court Case No. CR9601581

BY Chapley
DEPUTYCLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Janette M. Bloom, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows: "ORDER the judgment of the district court AFFIRMED."

Judgment, as quoted above, entered this 22nd day of April, 2005.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows: "... we deny rehearing."

Judgment, as quoted above, entered this 26th day of May, 2005.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada, this 21st day of June, 2005.

Janette M. Bloom, Supreme Court Clerk

By: J. Richards
Chief Deputy Clerk

CR9601581A
DC-9900026740-044
POST: STEVEN FLOYD VOSS (D10, 1 Page
District Court 06/23/2005 12:00 PM
Washoe County 4111)

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2005 JUN 23 PM 12:03

RONALD A. LONGTIN, JR.

No. 44637

BY *C. Copley*
DEPUTY

FILED

MAY 26 2005

JANETTE M. GLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

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

ORDER DENYING REHEARING

On April 22, 2005, this court affirmed the order of the district court denying appellant's post-conviction petition for a writ of habeas corpus. On May 6, 2005, this court received a proper person motion to amend this court's order and to provide additional factual findings. We have elected to treat appellant's motion as a petition for rehearing, and we deny rehearing. See NRAP 40(c).

It is so ORDERED.

Rose J.
Rose

Gibbons J.
Gibbons

Hardesty J.
Hardesty

CR96P15B1R DC-9900026740-045
POST: STEVEN FLOYD VOSS (D1 3 Pages
District Court 06/23/2005 12:03 PM
Washoe County 4128

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: 11/10/05

Supreme Court of Nevada

By [Signature] Chief Deputy

ORIGINAL

CR9601581

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2005 JUN 23 PM 12:03

RONALD A. LONGTIN, JR.

No. 44637

FILED DEPUTY

APR 22 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a successive and untimely post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

On November 27, 1996, the district court convicted appellant, pursuant to a jury trial, of one count of burglary, two counts of uttering a forged instrument, two counts of forgery, and one count of attempted theft. The district court sentenced appellant to serve consecutive terms totaling 128 to 360 months in the Nevada State Prison. This court dismissed appellant's appeal from his judgment of conviction.¹ The remittitur issued on April 6, 1999.

On March 9, 2000, appellant filed a proper person post-conviction petition for a writ of habeas corpus. The district court appointed post-conviction counsel to assist appellant. On August 9, 2001, after conducting an evidentiary hearing, the district court denied the

¹Voss v. State, Docket No. 29783 (Order Dismissing Appeal, March 11, 1999).

petition in part and granted the petition in part.² This court affirmed the order of the district court on appeal.³

On April 14, 2003, appellant filed a proper person motion for leave to file a successive habeas corpus petition and a second post-conviction petition for a writ of habeas corpus. The district court denied appellant's motion and petition. This court affirmed the order of the district court on appeal.⁴

On October 15, 2004, appellant filed a proper person post-conviction petition for a writ of habeas corpus in the district court. Pursuant to NRS 34.750 and 34.770, the district court declined to appoint counsel to represent appellant or to conduct an evidentiary hearing. On December 13, 2004, the district court denied appellant's petition. This appeal followed.

Appellant filed his petition approximately five and one-half years after this court issued the remittitur from his direct appeal. Thus, appellant's petition was untimely filed.⁵ Moreover, appellant's petition was successive because he had previously filed two post-conviction

²The district court determined that a new sentencing hearing was appropriate. The record on appeal does not contain any documents relating to the new sentencing hearing.

³Voss v. State, Docket No. 38373 (Order of Affirmance, January 17, 2002).

⁴Voss v. State, Docket No. 42307 (Order of Affirmance, July 27, 2004).

⁵See NRS 34.726(1).

petitions for writs of habeas corpus.⁶ Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice.⁷

Appellant raised nearly identical claims to those raised in his 2003 untimely and successive habeas corpus petition. In an attempt to excuse his procedural defects, appellant argued that his attorneys failed to transfer copies of his case files in a timely fashion and that he only received a copy of a preliminary hearing transcript in 2003. Appellant further claimed that his post-conviction counsel was ineffective for failing to raise his claims in the first post-conviction petition.

Based upon our review of the record on appeal, we conclude that the district court did not err in denying the petition. This court has already determined that the lack of the preliminary hearing transcript did not constitute good cause to excuse his procedural defects.⁸ Further, trial counsel's failure to send appellant his file did not constitute good cause to excuse the procedural defects.⁹ Finally, appellant did not have the right to counsel at the time he filed his first petition, and therefore he did not have the right to the effective assistance of counsel in that proceeding.¹⁰ "[H]ence, 'good cause' cannot be shown based on an ineffectiveness of post-

⁶See NRS 34.810(1)(b)(2), (2).

⁷See NRS 34.726(1); NRS 34.810(1)(b), (3).

⁸See Hall v. State, 91 Nev. 314, 535 P.2d 797 (1975).


⁹Hood v. State, 111 Nev. 335, 890 P.2d 797 (1995).

¹⁰See NRS 34.750; McKague v. Warden, 112 Nev. 159, 164-65, 912 P.2d 255, 258 (1996); see also Crump v. Warden, 113 Nev. 293, 934 P.2d 247 (1997).

conviction counsel claim."¹¹ Therefore, we affirm the order of the district court.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.¹² Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹³


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

¹¹McKague, 112 Nev. at 165, 912 P.2d at 258.

¹²See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

¹³We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk



CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: June 21, 2005

Supreme Court Clerk, State of Nevada

By J. Richards Chief Deputy

ORIGINAL

CR96P1581A

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

2005 JUN 23 PM 1:44

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

No. 45413

RONALD A. LONGTIN, JR.

BY **FILED**

JUN 22 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURTORDER DIRECTING TRANSMISSION OF RECORD BY **FILED**

CHIEF DEPUTY CLERK

Having reviewed the documents on file in this proper person appeal, this court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 30 days from the date of this order within which to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2) (the complete record shall contain each and every paper, pleading and other document filed, or submitted for filing, in the district court, as well as any previously prepared transcripts of the district court proceedings).¹

It is so ORDERED.

Becker, C.J.

¹The record shall not include any physical, non-documentary exhibits or the original documentary exhibits filed in the district court, but copies of documentary exhibits submitted in the district court proceedings shall be transmitted as part of the record on appeal. The record shall also include any presentence investigation reports submitted in this matter. The clerk of the district court shall transmit the reports to this court in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

CR96P1581A
DC-9900026748-042
POST STEVEN FLOYD VOSS (D1 2 Pages
District Court 06/23/2005 01:44 PM
4126
Washoe County
TMC

cc: Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk✓

SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

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

Supreme Court No. 45413

District Court Case No. CR9601581

2005 JUL -5 PM 2:00
FILED
BY RONALD A. LONGTIN, JR.
DEPUTY

RECEIPT FOR DOCUMENTS

O: Steven Floyd Voss #52094
Washoe County District Attorney Richard A. Gammick and Gary H.
Hatlestad, Deputy District Attorney
Ronald A. Longtin Jr., District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

07/01/05 Filed Record on Appeal (Copy).
Vols. 1 through 7 (TRANSFERRED FROM CASE NO. 44637).
07/01/05 Submitted for decision on record.

DATE: July 01, 2005

Janette M. Bloom, Clerk of Court

By: A. Longtin

Deputy Clerk

ORIGINAL

FILED

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3

2005 JUL 19 AM 11:50

RONALD A. LONGTIN, JR.

BY Cathy Kepler
DEPUTY

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

STEVEN FLOYD VOSS,

Appellant,

Case No. CR96P1581A

vs.

Dept. No. 10

THE STATE OF NEVADA,

Respondent,

CERTIFICATE OF CLERK – RECORD ON APPEAL

I hereby certify that the enclosed documents are certified copies of the original pleadings on file with the Second Judicial District Court, in accordance with the Revised Rules of Appellant Procedure Rule D(1).

Dated: July 19, 2005

Ronald Longtin, Jr., Court Clerk

By Cathy Kepler

Cathy Kepler, Appeals Clerk

(775) 328-3114

CR96P1581A
DC-9900026740-048
POST: STEVEN FLOYD VOSS (D10 1 Page
District Court 07/19/2005 11:50 AM
Washoe County 1350

ORIGINAL

FILED

2005 JUL 19 AM 11:51

RONALD A. LONGTIN, JR.

BY Cathy Kepler
DEPUTY

1 CODE 1365

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CR96P1581A
DC-9900026740-049
POST STEVEN FLOYD VOSS (D10 1 Page
District Court 07/19/2005 11:51 AM
Washoe County
1365
TOMER

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

STEVEN FLOYD VOSS,

Appellant,

vs.

Case No. CR96P1581A

Dept. No. 10

THE STATE OF NEVADA,

Respondent,

CERTIFICATE OF TRANSMITTAL - *Record on Appeal*

I hereby certify that the enclosed the Record on Appeal and other required documents
(certified copies) were delivered to the Second Judicial District Court mailroom system for
transmittal to the Nevada Supreme Court.

Dated: July 19, 2005

Ronald Longtin, Jr., Court Clerk

By Cathy Kepler

Cathy Kepler, Appeals Clerk

(775) 328-3114

SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

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

Supreme Court No. 45413

District Court Case No. CR9601581A

FILED

2005 JUL 29 PM 2:29

RONALD A. LONGTIN, JR.

BY

DEPUTY

RECEIPT FOR DOCUMENTS

O: Steven Floyd Voss #52094
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick and Gary H.
Hatlestad, Deputy District Attorney
Ronald A. Longtin Jr., District Court Clerk

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

07/28/05 Filed Record on Appeal (Copy).
Vol. 8.

DATE: July 28, 2005

Janette M. Bloom, Clerk of Court

By: Ai
Deputy Clerk

ORIGINAL

FILED

AUG 22 2005

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

CR96P1581A

No. 45413

STEVEN FLOYD VOSS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

FILED

AUG 18 2005

ORDER DISMISSING APPEAL

JANETTE M. BUDON
CLERK OF SUPREME COURT

BY: *[Signature]*
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion for reconsideration, motion for complete unredacted trial transcripts at public expense, and motion to strike a prejudicial presentence investigation report. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an

¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

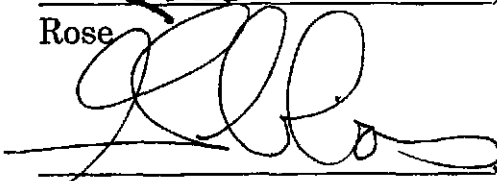
V14 1030
CR96P1581A
DC-9900026611-058
POST: STEVEN FLOYD VOSS (D1 2 Pages
District Court 08/22/2005 12 02 PM
Washoe County 4127
MPL/ENV
noc

appeal from the denial of the aforementioned motions. Accordingly, we


ORDER this appeal DISMISSED.²



Rose J.



Gibbons J.



Hardesty J.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²We have received the proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.

CR96P1581A
DC-9900026611-057
POST: STEVEN FLOYD VOSS (D10 1 Page)
District Court 09/12/2005 02:21 PM
Washoe County
MB: FLOYD

V14. 1032

ORIGINAL

FILED

SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

SEP 12 2005

RONALD A. LONGTIN, JR., CLERK
By: *[Signature]*
DEPUTY CLERK

Supreme Court No. 45592

District Court Case No. CR961581

CR96P1581A

STEVEN FLOYD VOSS,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA, IN AND FOR THE COUNTY OF WASHOE, AND THE
HONORABLE STEVEN P. ELLIOTT, DISTRICT JUDGE,
Respondents.

RECEIPT FOR DOCUMENTS

TO: Steven Floyd Voss #52094
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

09/02/05 Received Proper Person Motion.
Motion Requesting Clarification of Order Denying Petition for Writ of Mandamus.

DATE: September 02, 2005

Janette M. Bloom, Clerk of Court

By: *[Signature]*
Deputy Clerk

V14. 1032

CR96P1581A
DC-9900026611856
Pages
POST STEVEN FLOYD VOSS (D1 2
District Court 09/12/2005 02:54 PM
Washoe County
NAC

1033

ORIGINAL

FILED

SEP 12 2005

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
STEVEN P. ELLIOTT, DISTRICT
JUDGE,
Respondents.

CR96P1581A

No. 45592

FILED

AUG 23 2005

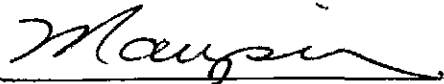
[Signature]
CLERK

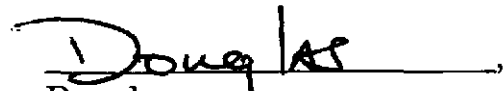
ORDER DENYING PETITION

This is a proper person petition for a writ of mandamus. Petitioner seeks an order directing the district court to reverse and vacate its previously entered order denying petitioner's motion for complete unredacted trial transcripts at public expense, motion to strike dated and prejudicial presentencing report, and motion for new presentencing report. We have considered the petition on file herein, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted

at this time.¹ Accordingly, we

ORDER the petition DENIED.²

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹See NRS 34.160; NRS 34.170.

²We have received all proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.

ORIGINAL

FILED

SEP 14 2005

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

CR96P1581A

No. 45413

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

FILED

SEP 13 2005

ORDER DENYING REHEARING

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

Rehearing denied. NRAP 40(c).

It is so ORDERED.

[Signature]

Rose

J.

[Signature]

Gibbons

J.

[Signature]

Hardesty

J.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

CR96P1581A
DC-9900026611-004
POST: STEVEN FLOYD VOSS (D10 1 Page
District Court 09/15/2005 03 14 PM
Washoe County
NAC

1036

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEP 15 2005

RONALD A. LONGTINI, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

STEVEN FLOYD VOSS,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
STEVEN P. ELLIOTT, DISTRICT
JUDGE,
Respondents.

No. 45592

CR96P1581A

FILED

SEP 14 2005

JANE T. M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DENYING MOTION

On August 23, 2005, this court entered an order denying an original petition for a writ of mandamus. On September 2, 2005, this court received a proper person motion requesting clarification of our order denying the petition for a writ of mandamus. No good cause appearing, the motion is hereby denied.

It is so ORDERED.

Bicker, C.J.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

SEP 21 2005

TEVEN FLOYD VOSS,
petitioner,

vs.

THE SECOND JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA, IN AND FOR THE COUNTY OF
ASHOE, AND THE HONORABLE STEVEN P.
ELLIOTT, DISTRICT JUDGE,
respondents.

Supreme Court No.

RONALD A. LONGTIN, JR., CLERK
45592 By: *[Signature]*
DEPUTY CLERK

District Court Case No.

CR961581A

CR96P1581A

NOTICE IN LIEU OF REMITTITUR

TO THE ABOVE-NAMED PARTIES:

The decision and Order of the court in this matter having been entered on 08/23/05, and the period for the filing of a petition for rehearing having expired and no petition having been filed, notice is hereby given that the Order and decision entered herein has, pursuant to the rules of this court, become effective.

DATE: September 20, 2005

Janette M. Bloom, Clerk of Court

By: *[Signature]*

Chief Deputy Clerk

cc: Hon. Steven P. Elliott, District Judge
Ronald A. Longtin Jr., Washoe District Court Clerk ✓
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Steven Floyd Voss

CR96P1581A
DC-9900026611-000
POST: STEVEN FLOYD VOSS (D10 1 Page)
District Court 10/12/2005 12:24 PM
Washoe County
Nevada

1038

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

OCT 12 2005

RONALD A. LONGTIN, JR., CLERK

Supreme Court No. 45413 By: *[Signature]*

DEPUTY CLERK

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

District Court Case No. CR9601581

CR96P1581A

REMITTITUR

TO: Ronald A. Longtin Jr., Washoe District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: October 11, 2005

Janette M. Bloom, Clerk of Court

By: *[Signature]*
Chief Deputy Clerk

cc: Hon. Steven P. Elliott, District Judge
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Steven Floyd Voss

RECEIPT FOR REMITTITUR

Received of Janette M. Bloom, Clerk of the Supreme Court of the State of Nevada, the

REMITTITUR issued in the above-entitled cause, on

OCT 12 2005

[Signature]
District Court Clerk

05-18270
V14. 1038

FILED

OCT 12 2005

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD A. LONGTIN, JR., CLERK
By: *[Signature]*
(DEPUTY CLERK)

ORIGINAL

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

Supreme Court No. 45413

District Court Case No. CR9601581

CR9601581A

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Janette M. Bloom, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows: "ORDER this appeal DISMISSED."

Judgment, as quoted above, entered this 18th day of August, 2005.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows: "Rehearing denied."

Judgment, as quoted above, entered this 13th day of September, 2005.

IN WITNESS WHEREOF, I have subscribed my name and affixed the seal of the Supreme Court at my Office in Carson City, Nevada, this 11th day of October, 2005.

Janette M. Bloom, Supreme Court Clerk

By: *[Signature]*

Chief Deputy Clerk



V14. 1039

CR96P1581A DC-9500026611-0457
 POST: STEVEN FLOYD VOSS (D10) 4 Pages
 District Court 10/12/2005 12:24 PM
 Washoe County 4128
 nrc

FILED

OCT 12 2005

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

STEVEN FLOYD VOSS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 45413

CR96P1581A
FILED

SEP 13 2005

ORDER DENYING REHEARINGJANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERK

Rehearing denied. NRAP 40(c).

It is so ORDERED.

[Signature]
Rose

J.

[Signature]
Gibbons

J.

[Signature]
Hardesty

J.

cc: Hon. Steven P. Elliott, District Judge
 Steven Floyd Voss
 Attorney General Brian Sandoval/Carson City
 Washoe County District Attorney Richard A. Gammick
 Washoe District Court Clerk

CERTIFIED COPY

This document is a full, true and correct copy of
the original on file and of record in my office.

DATE: Oct. 11, 2005

Supreme Court Clerk, State of Nevada

By J. Richards Chief Deputy

ORIGINAL

FILED

OCT 12 2005

RONALD A. LONGTAL JR., CLERK

By: *[Signature]*

DEPUTY CLERK

CR96P1581A

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 45413

FILED

AUG 18 2005

ORDER DISMISSING APPEALJANE T. M. GLOON
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

This is a proper person appeal from an order of the district court denying a motion for reconsideration, motion for complete unredacted trial transcripts at public expense, and motion to strike a prejudicial presentence investigation report. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

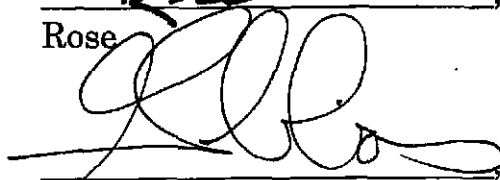
Our review of this appeal reveals a jurisdictional defect. The right to appeal is statutory; where no statute or court rule provides for an appeal, no right to appeal exists.¹ No statute or court rule provides for an


¹Castillo v. State, 106 Nev. 349, 792 P.2d 1133 (1990).

CR96P1581A DC-9900026611-050
POST STEVEN FLOYD VOSS (D1 2 Pages
District Court 10/12/2005 12 25 PM
Washoe County 4127
motion

appeal from the denial of the aforementioned motions. Accordingly, we
ORDER this appeal DISMISSED.²


_____, J.
Rose


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

²We have received the proper person documents submitted in this matter, and we conclude that no relief is warranted for the reason set forth above.

ORIGINAL

FILED

NOV 01 2005

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD A. LONGTIN, JR., CLERK
By: *[Signature]*
DEPUTY CLERK

CR96P1581A

No. 45413

FILED

STEVEN FLOYD VOSS,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

OCT 31 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
CHIEF DEPUTY CLERKORDER DENYING EN BANC RECONSIDERATION

Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.

Becker

Becker

C.J.

Rose J.
Rose*Maupin* J.
Maupin*Gibbons* J.
Gibbons*Douglas* J.
Douglas*Hardesty* J.
Hardesty*Parraguirre* J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

ORIGINAL

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

NOV 15 2005

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY CLERK

No. 45413

CR96P1581A

FILED

NOV 14 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURTBY: *[Signature]*
CHIEF DEPUTY CLERK

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

ORDER DENYING REQUEST

On August 18, 2005, this court dismissed this appeal. On September 13, 2005, this court denied a petition for rehearing. On October 11, 2005, the remittitur was issued in this appeal. On October 31, 2005, this court denied a petition for en banc reconsideration. This court received a proper person document requesting that this court recall the remittitur because his petition for en banc reconsideration was pending in this court when he filed his request. The filing of a petition for en banc reconsideration does not stay the issuance of the remittitur. Accordingly, appellant's motion is denied.¹

It is so ORDERED.

Becker, C.J.

cc: Hon. Steven P. Elliott, District Judge
Steven Floyd Voss
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

¹See NRAP 41(a) ("Unless the court otherwise orders, a petition for full court reconsideration shall not affect the finality of the judgment of the court or stay issuance of the remittitur.").

ORIGINAL FILED

MAR 27 2006

RONALD A. LONGTIN, JR., CLERK
By: *[Signature]*
DEPUTY

CODE: 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: CR96P1581A

DEPT. NO.: 10

STATE OF NEVADA,

Respondent.

ORDER

The Court has received Petitioner's Motion for Correction of Trial Record, filed September 26, 2005.

The Court finds that the instant motion attempts to advance arguments already rejected by the Court's Order issued May 23, 2005. For the reasons set forth in the May 23, 2005 Order, the Motion is denied.

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant's Motion for Correction of Trial Record is **DENIED**.

DATED this 27 day of March, 2006.

[Signature]
STEVEN P. ELLIOTT
District Judge

CR96P1581A
DC-9900026611-043
POST: STEVEN FLOYD VOSS (D1 2 Pages
District Court 03/27/2006 03:53 PM
Washoe County 2842
hnc

CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe and that on this date I deposited for mailing a copy of the foregoing document addressed to:

Richard A. Gammick
Washoe County District Attorney
P.O. Box 30083
Reno, NV 89520
(Interoffice Mail)

Steven Floyd Voss, #52094
Nevada State Prison
P.O. Box 607
Carson City, Nevada 89702

DATED this 27 day of March, 2006.



HEIDI HOWDEN
Judicial Assistant

ORIGINAL

FILED

AUG 17 2007

RONALD A. LONGTIN, JR., CLERK

By: *[Signature]*
DEPUTY

CODE: 2842

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: CR96P1581A

DEPT. NO.: 10

STATE OF NEVADA,

Respondent.

ORDER

The Court has received Petitioner's Emergency Ex Parte Motion for Injunctive Relief and Application for Temporary protective Order, filed August 15, 2007.

Petitioner argues that agents and employees of the Nevada Department of Corrections are actively attempting to impede his legal pursuits. Specifically, he claims corrections officers temporarily deprived him of his legal materials, but continue to harass him. Petitioner also claims he has been moved to a cell in close proximity to boot camp inmates, where he has trouble focusing because of the noise. He further complains that his cell is too hot, that he was required to dispose of his personal typewriter, and that he has been afforded increasingly limited access to the law library and legal forms.

This Court is not satisfied that Petitioner's arguments have any legal merit. Petitioner's Motion must therefore be denied.

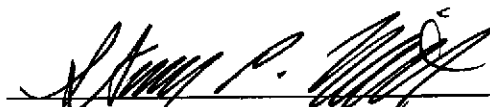
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DC-9900061456-005
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District Court 08/17/2007 05:04 PM
2842
Washoe County
HOMDEN
NOV

1 **NOW, THEREFORE, IT IS HEREBY ORDERED** that Petitioner's Emergency Ex
2 Parte Motion for Injunctive Relief and Application for Temporary Protective Order is
3 **DENIED.**

4 **DATED** this 17 day of August, 2007.

5
6 
7 _____
8 STEVEN P. ELLIOTT
9 District Judge
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CERTIFICATE OF MAILING

I hereby certify that I am an employee of the Second Judicial District Court of the State of Nevada, in and for the County of Washoe and that on this date I deposited for mailing a copy of the foregoing document addressed to:

Richard A. Gammick
Washoe County District Attorney
P.O. Box 30083
Reno, NV 89520
(Interoffice Mail)

Steven Floyd Voss, #52094
Nevada State Prison
P.O. Box 607
Carson City, NV 89702

DATED this 17 day of August, 2007.



HEIDI HOWDEN
Judicial Assistant