

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

AUG 04 2020

STEVEN FLOYD VOSS

Appellant,

vs.

THE STATE OF NEVADA

Respondent.

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

Supreme Court No. 81471

District Court No. CR96-1581

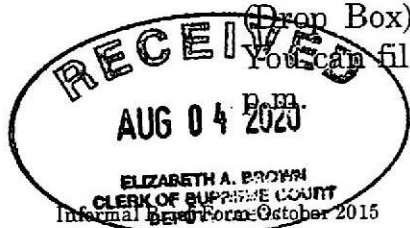
APPELLANT'S INFORMAL BRIEF

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

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

WHERE TO FILE THE BRIEF: You may file your brief in person or by mail.

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



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

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

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

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

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

Filed Date	Name of Judgment or Order
07-07-2020	Order Denying Motion For New Trial

Notice of Appeal. Give the date you filed your notice of appeal in the district court: July 10, 2020

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

Case No.	Case Title	Name of Court

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

☐ Yes ☒ No

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

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

The Appellant was charged by way of Information and tried in the Second Judicial District Court in and for Washoe County in Case No. CR96-1581, with the crimes of Count I, Burglary; Count II and III, Uttering a Forged Instrument; Count IV and V, Forgery; and Count VI Attempted Theft. At trial the state had knowingly admitted at trial evidence which had been

obtained by the state during non-consensual searches of the Appellant's residence and vehicle. Such evidentiary exhibits which were the fruits of unconstitutional searches undertaken by State Agents without duly authorized and properly executed search warrants. Therefore, the Appellant alleges that the State has committed a wanton fraud upon the Court, when the State had admitted at trial evidence obtained in violation of the Fourth Amendment to the United States Constitution, where the State had both express and constructive knowledge of the fact that no magistrate had authorized search warrants for the places to be searched and for the seizure of any items therefrom.

Thus, on November 19, 2019 the Appellant had filed a Motion For New Trial in the District Court. Whereby, the Appellant had invoked the Court's jurisdiction and discretion pursuant to both NRS 176.515; and the Court's inherent authority to correct a fraud perpetrated upon the Court conferred pursuant to Article 1 § 8 of the Constitution of the State of Nevada.

However, on July 7, 2020, the District Court had entered an Order Denying Motion For New-Trial, wherein, the Court had concluded that the Appellant's Motion did not allege newly discovered evidence

and that it was not filed within seven days of the verdict. Thus, the Motion is barred by NRS 176.515(3) and (4). The Court basing its decision entirely upon the statutory language of NRS 176.515, and ignoring completely the case law plead, and the Court's inherent authority to correct a fraud perpetrated upon the Court, as well as the well established principle of Nevada State Law that the title of a pleading is of little importance. Because where there has been a mistake in the rendering of a judgment which works to the extreme detriment of the Defendant the Court cannot allow that mistake to go uncorrected.

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

It was clear error for the District Court to deny the Appellant's Motion For New Trial without inquiring into the merits of the Appellant's claims that the State had perpetrated a wanton fraud upon the Trial Court, and thereby abusing its discretion. Whereas, the Appellant had submitted to the District Court prima facie evidence which tends to support his claims, and the State has never denied the Appellant's fraud upon the Court claims to any degree whatsoever.

Thus, the Appellant's claims are undisputed by the state. The District Court quite simply does not have discretion to ignore the Appellant's fraud upon the court claims, because such claims go well beyond the mere fundamental fairness of the trial proceedings, as they implicate the jurisdiction of the Court to render Judgment of Conviction and to impose sentence. Because, if the Court were to determine that there were no Search Warrants duly authorized by a Magistrate allowing for the searches of the Appellant's Residence and Vehicle and the seizure of items therefrom, which were admitted at trial; and that it could reasonably be established that the Prosecution had either express or constructive knowledge of the unconstitutional character of the searches and the seizures of property in the wake thereof; the state's admission of such seized property at trial functions to create a "structural error" in the trial mechanism which is not amenable to harmless error review, constituting a reversible error and mandating that the Appellant receive a new trial.

The Appellant submits that prima facie evidence was submitted to the District Court which tends to demonstrate the existence of

exactly such a "Structural error", and that the Appellant is as a matter of law entitled to receive a new trial. Especially, when considered in light of the record of the trial proceedings.

In conclusion, the state has not and cannot show, that there exists duly authorized and executed Search Warrants for the Appellant's Residence and Vehicle and for the seizure of any items therefrom. However, *prima facie* evidence demonstrates that such searches were in fact undertaken by State Agents, and numerous items were seized in the wake of such searches. Further, the Trial Record demonstrates that items seized in said searches was in fact admitted by the state at trial. Moreover, *prima facie* evidence, to wit, the Transcript of Sworn Search Warrant Affidavit, presented on June 17, 1996 in the Justice Court for Reno Township, unequivocally demonstrates that the state's Prosecutor, Deputy District Attorney, Egan Walker, Esq., was present when the Justice Court endeavored to authorize Search Warrants for two (2) Rental Storage units, and a Seizure Order for biological specimens from the Appellant's person. The Justice Court clearly did not authorize Search Warrants for the Appellant's Residence or Vehicle. Thus, said Prosecutor is charged with having express knowledge of the fact that

the Justice Court had never authorized such Search Warrants for Appellant's Residence or vehicle. Therefore, said Prosecutor also had express knowledge that the searches of the Appellant's Residence and Vehicle were illegal and the admission of items seized in the wake of those searches were constitutionally inadmissible at trial. Nonetheless, said Prosecutor had caused such illegally seized evidence to be admitted at trial, when he knew the illegal character of same, and while offering same under a guise of propriety. Thereby, actively undertaking a fraud upon the Court.

Therefore, the District Court abused its discretion when the Court failed to inquire into the merits of the Appellant's claims.

DATED this 30th day of July, 2020.



Signature of Appellant

STEVEN FLOYD VOSS

Print Name of Appellant


CERTIFICATE OF SERVICE

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

☐ By personally serving it upon him/her; or

☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

DATED this 30th day of July, 2020.


Signature of Appellant

STEVEN FLOYD VOSS
Print Name of Appellant

NNCC, P.O. Box #7000
Address

Carson City, NV. 89701-7000
City/State/Zip

N/A
Telephone