

FILED

OCT 06 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

STEVEN FLOYD VOSS # 52094
Northern Nevada Correctional Center
Post Office Box # 7000
Carson City, Nevada 89702-7000

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

81472

(EMERGENCY)

FIRST AMENDMENT MOTION TO PROCEED IN PROPER
PERSON ON APPEAL

COMES NOW Appellant, STEVEN FLOYD VOSS, by and
through his proper person, and hereby submits
the instant Motion for expedited Emergency -
Consideration.

The instant Motion is made and is predicated
upon the attached memorandum of points and
issues, and all papers and pleadings on
file in the above entitled case, and in the
court below.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. Nature of Motion:

Through the instant First Amendment Motion the Appellant invokes his right under the United States Constitution, and independent Nevada state Law, to access the courts and to receive an adequate and effective Direct Appeal from the District Court's imposition of its July 8, 2020, Judgment of Conviction; and hereby demands that he be permitted to proceed in the instant appeal in his proper person, and to have the Court consider his appellate claims raised within his Appellant's Proper Person Opening Brief (Docket at page 20-029087) filed August 7, 2020, (prior to this Court's August 19, 2020 Order of Limited Remand For Designation of Counsel (Docket at page 20-030674), and the District Court's subsequent Order Appointing Counsel ("Appellant") filed August 26, 2020)).

II. Discussion:

The appellant has since the initiation of the instant Direct Appeal has asserted his desire to proceed on appeal in his proper person, and not to be deprived of an adequate and effective direct appeal by ineffective, appointed appellate

1 Counsel. The Appellant again informs the Court
2 that both, his prior appointed counsel, Tracie
3 Lindeman, Esq., and his present appointed counsel,
4 Vicky Oldenburg, Esq., have each neglected to
5 consult with the Appellant in regard to the
6 objectives of their respective representation of
7 the Appellant in the instant Direct Appeal taken as
8 a matter of right under the Fourteenth Amendment
9 to the United States Constitution, and independent
10 Nevada State Law. Despite, the Appellant's repeated
11 requests for such consultations with each of the
12 aforementioned appointed counsel. Thus, neither
13 appointed Appellate Counsel had adequately
14 addressed any of the Appellant's claims which he
15 had asserted within his proper person Appellant's
16 Opening Brief.

17 18 III. Argument:

19
20 A. Court appointed Appellant Counsel have
21 not acted as the counsel guaranteed under the
22 Sixth Amendment to the United States Constitution,
23 and have provided ineffective assistance
24 through their prejudicially deficient performance
25

26 First, as asserted above Court appointed
27 counsel have neglected to consult with the Appellant
28 and to discuss the Appellant's objectives in regard

1 to the instant appeal. Thus, appointed counsel
2 had completely neglected to engage in any meaningful
3 consultations with the Appellant as required under
4 Strickland v. Washington, 466 U.S. 668 (1984). This
5 neglect resulted in appointed counsel's failures to
6 plead several meritorious claims cognizable only
7 on direct appeal. Whereas, in the instant case
8 state habeas corpus review is completely
9 unavailable because the sentence imposed
10 pursuant to the challenged July 8, 2020 Judgment of
11 Conviction constituted a sentence of time-served.
12 Thus, the Appellant is no longer in-custody pursuant
13 to said Judgment. Specifically, appointed counsel
14 have not raised claims concerning the constitutionality
15 of the various statutes underlying the Appellant's
16 convictions, nor the double jeopardy issues which
17 flow from the fact that the Appellant had already
18 served to completion and discharge each of the
19 six decidedly "onerous", "suspect and impalpable"
20 sentences previously imposed pursuant to the original
21 November 27, 1996 Judgment of Conviction, prior to: (1)
22 the issuance of the Writ of Mandamus by the
23 Nevada Court of Appeals on August 15, 2018 in the
24 context of Case No. 74227, which had remanded the
25 case back down to the District Court with instructions
26 to resentence the Appellant; and (2) prior to the
27 District Court's subsequent July 8, 2020 entry of
28 its presently challenged Judgment of Conviction.

1 B. This Court should intervene at present
2 juncture, to preempt abuses to the Appellant's
3 Fourteenth Amendment rights and those guaranteed
4 pursuant to independent Nevada state law including
5 Article 1 & 8 of the Nevada State Constitution, and
6 grant the Appellant his request to proceed in his
7 proper person, and to have his proper person
8 claims for relief specified within his "Appellant's
9 Proper Person Opening Brief" (Docket at page 20-029087)
10 considered by this Court.

11
12 The Appellant first submits that these
13 proceedings have been pending in this court long
14 enough, and that despite his appointed counsel's
15 failures and absolute neglect, identified above,
16 that he believes that he has adequately plead
17 his claims for relief within his proper person
18 Opening Brief, and thus, he requests that the
19 court proceed in deciding the instant direct
20 appeal as a proper person appeal based upon
21 the Appellant's proper person claims. Whereas,
22 the Appellant from the very initiation of the
23 instant appeal and to present date has sought
24 to gain either his requested relief in this court
25 or to exhaust his claims for relief in this
26 court. The Appellant has never requested to be
27 represented by the inept and ineffective
28 counsel which has been appointed to represent him.

1 The Appellant is much better aware of the facts
2 and circumstances involved than any appointed
3 counsel will ever arise to comprehend.

4 Therefore, the Appellant once again implores
5 the Court to allow him to proceed in his proper
6 person on appeal; or to at minimum, consider
7 his proper person claims when resolving the
8 instant appeal. Otherwise, there will clearly
9 be no adequate state corrective process
10 available to address the Appellants proper
11 person claims of constitutional magnitude.

12 13 IV. Conclusion:

14
15 The Court should in the interest of
16 substantial justice grant the instant Motion
17 and consider the Appellant's previously filed
18 "Appellant's Proper Person Opening Brief" when
19 resolving the instant appeal.

20
21 Respectfully submitted on this 3rd day of
22 October 2021.

23 By: 

24 STEVEN FLOYD VOSS,

25 Appellant, in pro per.

CERTIFICATE OF SERVICE VIA U.S. MAIL

I, STEVEN FLOYD VOSS, do hereby certify that on this 3rd day of October 2021, that I mailed a true and correct copy of the foregoing Motion, addressed to:

JENNIFER P. NOBLE, Esq. (DDA)
To Washoe County District Attorney
Post Office Box # 11130
Reno, Nevada 89520-0027

and

ARRON FORD, Esq.
Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

By: 

STEVEN FLOYD VOSS.