

FILED

JAN 15 2021

JACQUELINE BRYANT, CLERK

By: [Signature]  
DEPUTY CLERK

Electronically Filed  
Jan 22 2021 02:20 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. CR03-1263

Dept. No. 10

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

\* \* \* \* \*

THE STATE OF NEVADA, )

Plaintiff, )

-vs- )

FERRILL J. VOLPICELLI, )

Defendant. )

NOTICE OF APPEAL

NOTICE IS GIVEN that Defendant, FERRILL J. VOLPICELLI,  
in pro se, hereby appeals to the Nevada Supreme Court the ORDER  
DENYING MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION  
filed/entered on or about the 21 day of DECEMBER, 2020,  
in the above-entitled Court.

Dated this 15 day of JANUARY, 2021.

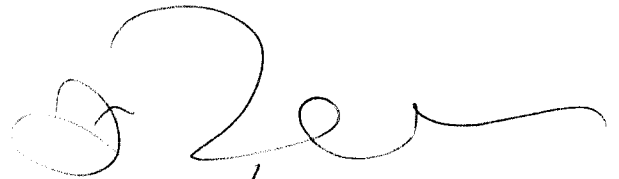
[Signature]  
FERRILL J. VOLPICELLI #79565  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Defendant In Pro Se

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 15 day of JANUARY, 2021, by placing same in the U.S. Mail via prison law library staff:

WASHOE COUNTY  
DISTRICT ATTORNEY  
75 COURT ST.  
RENO, NV 89501



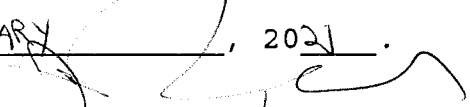
FERRILL VOLP KELLY #19565  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. CR03-1263 does not contain the social security number of any person.

Dated this 15 day of JANUARY, 2021.

  
FERRILL VOLP KELLY

Defendant In Pro Se

Code 1310

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

**FERRILL J. VOLPICELLI,**

**Petitioner,**

**Case No. CR03-1263**

**vs.**

**Dept. No. 10**

**THE STATE OF NEVADA,**

**Respondent.**

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**CASE APPEAL STATEMENT**

This case appeal statement is filed pursuant to NRAP 3(f).

1. Appellant is Ferrill J. Volpicelli.
2. This appeal is from an order entered by the Honorable Judge Elliott A. Sattler.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:  
  
Ferrill J. Volpicelli #79565  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:  
  
Jennifer P. Noble, Esq., SBN: 9446  
P.O. Box 11130  
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Indictment on June 11, 2003.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying Motion for Relief with Habitual Criminal Adjudication filed December 21<sup>st</sup>, 2020.
11. The case has been the subject of a previous appeal to the Supreme Court.  
Supreme Court No.: 43203, 51622, 61142, 63554, 65212, 70126, 70646 and 81337
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 15th day of January, 2021.

Jacqueline Bryant  
Clerk of the Court  
By: /s/ YViloria  
YViloria  
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR03-1263**

**DEPT. D10**

**HON. KATHLEEN SIGURDSON**

Report Date & Time

1/15/2021

2:37:24PM

<b>Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)</b>			
<b>Case ID:</b>	<b>CR03-1263</b>	<b>Case Type:</b>	<b>CRIMINAL</b>
		<b>Initial Filing Date:</b>	<b>6/11/2003</b>

**Parties**

RESP	STATE OF NEVADA - STATE
APPE	FERRILL JOSEPH VOLPICELLI - @67988
PROP	FERRILL JOSEPH VOLPICELLI - @67988
PNP	Div. of Parole & Probation - DPNP
PLTF	STATE OF NEVADA - STATE
DA	Katherine H. Lyon, Esq. - 7070
DA	Jennifer P. Noble, Esq. - 9446
AG	Frederick J. Perdomo, Esq. - 10714
DEFT	FERRILL JOSEPH VOLPICELLI - @67988
CAA	Kay Armstrong - 715

**Charges**

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>	
1	G130	6/11/2003	IND	CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY
2	F170	6/11/2003	IND	BURGLARY
3	F170	6/11/2003	IND	BURGLARY
4	F170	6/11/2003	IND	BURGLARY
5	F170	6/11/2003	IND	BURGLARY
6	F170	6/11/2003	IND	BURGLARY
7	F170	6/11/2003	IND	BURGLARY
8	F170	6/11/2003	IND	BURGLARY
9	F170	6/11/2003	IND	BURGLARY
10	F1086	6/11/2003	IND	UNLAWFUL POSSESSION, MAKING, FORGERY OF COUNTERFEITING OF INVENTORY PRICING LABELS

**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
10	F1086	6/18/2003	PLED NOT GUILTY
2	F170	6/18/2003	PLED NOT GUILTY
3	F170	6/18/2003	PLED NOT GUILTY
4	F170	6/18/2003	PLED NOT GUILTY
5	F170	6/18/2003	PLED NOT GUILTY
6	F170	6/18/2003	PLED NOT GUILTY
7	F170	6/18/2003	PLED NOT GUILTY
8	F170	6/18/2003	PLED NOT GUILTY
9	F170	6/18/2003	PLED NOT GUILTY
1	G130	6/18/2003	PLED NOT GUILTY

**Sentences**

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
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**Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)**

<b>Case ID:</b>	<b>CR03-1263</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>6/11/2003</b>
4/1/2004	1 - Washoe County Jail	WCJ 12 MOS., TO RUN CONCUR. W/ COUNTS II THRU X + REST. + FEES. SAID SENTENCE IS TO RUN CONSEC. TO ANY OTHER SENTENCE THE DEFT. IS OBLIGATED TO SERVE.			
4/1/2004	10 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONSEC. TO COUNT IX			
4/1/2004	2 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED			
4/1/2004	3 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT II			
4/1/2004	4 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT III			
4/1/2004	5 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT IV			
4/1/2004	6 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT V			
4/1/2004	7 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT VI			
4/1/2004	8 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT VII			
4/1/2004	9 - Life With Poss of Parole	NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS BEEN SERVED, TO RUN CONCURRENTLY W/ COUNT VIII			

**Release Information***Custody Status***Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>1</b> D9	ARRAIGNMENT	6/18/2003	08:30:00	6/18/2003
Event Extra Text: ON INDICTMENT		<b>Disposition:</b> D725 6/18/2003 INDICTMENT		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>2</b> D9	MOTION TO CONFIRM TRIAL	9/24/2003	08:30:00	9/24/2003
Event Extra Text:		<b>Disposition:</b> D435 9/24/2003 COUNSEL FOR STATE INDICATED THIS CASE HAD BEEN RESCHEDULED FOR A MTC 10/24/03 AT 8:30 A.M. AND A JURY TRIAL 11/10/03 AT 8:30 A.M. WITH THE COURT'S ADMINISTRATIVE ASSISTANT		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>3</b> D9	TRIAL - JURY	10/6/2003	08:30:00	9/24/2003
Event Extra Text: (4 DAYS)		<b>Disposition:</b> D844 9/24/2003 STIP & ORDER TO BE SENT TO DEPT		

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)					
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date:	6/11/2003
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D9	MOTION TO CONFIRM TRIAL	10/24/2003	08:30:00	10/24/2003
	Event Extra Text:		Disposition:		
			D425	10/24/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D9	STATUS HEARING	10/29/2003	08:30:00	10/29/2003
	Event Extra Text: RE: SUBMITTED MOTIONS BY DEFENSE COUNSEL		Disposition:		
			D435	10/29/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D10	HEARING...	11/10/2003	13:30:00	11/10/2003
	Event Extra Text: HEARING REGARDING DEFENSE COUNSEL ADVISING COURT THAT DEFENDANT HAS REQUESTED NEW COUNSEL		Disposition:		
			D435	11/10/2003	
			TRIAL TO PROCEED AS SCHEDULED		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D9	TRIAL - JURY	11/10/2003	08:30:00	10/29/2003
	Event Extra Text:		Disposition:		
			D844	10/29/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
8	D10	EXHIBITS TO BE MARKED W/CLERK	11/10/2003	13:30:00	11/10/2003
	Event Extra Text:		Disposition:		
			D596	11/10/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
9	D10	TRIAL - JURY	11/12/2003	08:30:00	11/12/2003
	Event Extra Text: (2 DAYS)		Disposition:		
			D832	11/12/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
10	D9	TRIAL - JURY	11/12/2003	10:00:00	11/10/2003
	Event Extra Text: (2 DAYS)		Disposition:		
			D844	11/10/2003	
	Department	Event Description	Sched. Date & Time		Disposed Date
11	D10	TRIAL ONGOING	11/13/2003	10:30:00	11/13/2003
	Event Extra Text:		Disposition:		
			D832	11/13/2003	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)					
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date:	6/11/2003
	Department	Event Description	Sched. Date & Time		Disposed Date
12	D10	TRIAL ONGOING	11/14/2003	10:00:00	11/14/2003
	Event Extra Text:		Disposition: D895 11/14/2003 COUNTS I THROUGH X		
	Department	Event Description	Sched. Date & Time		Disposed Date
13	D10	SENTENCING	12/23/2003	08:30:00	12/22/2003
	Event Extra Text:		Disposition: D870 12/22/2003 STIP AND ORDER TO BE FILED (RESET 12/12/03)		
	Department	Event Description	Sched. Date & Time		Disposed Date
14	D10	SENTENCING	2/5/2004	11:00:00	2/2/2004
	Event Extra Text:		Disposition: D875 2/2/2004 RESET BY STIPULATION OF COUNSEL TO 4/1/04 @ 10:00 A.M.		
	Department	Event Description	Sched. Date & Time		Disposed Date
15	D10	SENTENCING	4/1/2004	10:00:00	4/1/2004
	Event Extra Text:		Disposition: D765 4/1/2004		
	Department	Event Description	Sched. Date & Time		Disposed Date
16	D10	Request for Submission	4/10/2012	15:24:00	5/24/2012
	Event Extra Text: WRIT OF PROHIBITION AND ACCOMPANYING RESPONSES (NO PAPER ORDER PROVIDED)		Disposition: S200 5/24/2012		
	Department	Event Description	Sched. Date & Time		Disposed Date
17	D10	Request for Submission	5/28/2013	16:20:00	6/4/2013
	Event Extra Text: MOTION TO CORRECT JUDGMENT OF CONVICTION		Disposition: S200 6/4/2013		
	Department	Event Description	Sched. Date & Time		Disposed Date
18	D10	Request for Submission	11/18/2013	13:25:00	11/21/2013
	Event Extra Text: MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE		Disposition: S200 11/21/2013		
	Department	Event Description	Sched. Date & Time		Disposed Date
19	D10	Request for Submission	1/2/2014	14:50:00	1/15/2014
	Event Extra Text: MOTION TO CORRECT ILEGAL SENTENCE/MODIFY SENTENCE		Disposition: S200 1/15/2014		



Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)					
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date:	6/11/2003
	Department	Event Description	Sched. Date & Time		Disposed Date
20	D10	Request for Submission	1/27/2014	16:55:00	2/25/2014
	Event Extra Text: MOTION FOR RECONSIDERATION		Disposition:		
			S200	2/25/2014	
	Department	Event Description	Sched. Date & Time		Disposed Date
21	D10	Request for Submission	7/17/2014	16:25:00	8/28/2014
	Event Extra Text: MOTION TO COMPEL		Disposition:		
			S200	8/28/2014	
	Department	Event Description	Sched. Date & Time		Disposed Date
22	D10	Request for Submission	12/16/2014	16:50:00	1/16/2015
	Event Extra Text: MOTION TO COMPEL (NO PAPER ORDER PROVIDED)		Disposition:		
			S200	1/16/2015	
	Department	Event Description	Sched. Date & Time		Disposed Date
23	D10	Request for Submission	3/5/2015	09:34:00	3/20/2015
	Event Extra Text: MOTION TO TAKE JUDICIAL NOTICE & COMPEL ( NO PAPER ORDER )		Disposition:		
			S200	3/20/2015	
	Department	Event Description	Sched. Date & Time		Disposed Date
24	D10	Request for Submission	3/19/2015	09:32:00	4/1/2015
	Event Extra Text: JUDICIAL NOTICE		Disposition:		
			S200	4/1/2015	
	Department	Event Description	Sched. Date & Time		Disposed Date
25	D10	Request for Submission	1/25/2016	08:22:00	3/8/2016
	Event Extra Text: MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUP 23 OF 2ND HABEAS (PAPER ORDER NOT PROVIDED)		Disposition:		
			S200	3/8/2016	
	Department	Event Description	Sched. Date & Time		Disposed Date
26	D10	Request for Submission	2/29/2016	15:29:00	3/2/2016
	Event Extra Text: SECOND REQUEST - MOTION FOR JUDICIAL ACTION SEPECIFIC TO GROUND TWENTY-THREE (23) OF 2005 HABEAS PETITION (NO PAPER ORDER PROVIDED)		Disposition:		
			S200	3/2/2016	
	Department	Event Description	Sched. Date & Time		Disposed Date
27	D10	Request for Submission	4/27/2016	08:38:00	5/19/2016
	Event Extra Text: PETITIONER'S MOTION TO CORRECT AN ILLEGAL SENTENCE		Disposition:		
			S200	5/19/2016	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)					
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date:	6/11/2003
	Department	Event Description	Sched. Date & Time		Disposed Date
28	D10	Request for Submission	4/20/2020	14:41:00	5/12/2020
	Event Extra Text: MOTION FOR CLARIFICATION AS TO THE MARCH 8, 2016 ORDER ( NO ORDER PROVIDED)		Disposition: S200 5/12/2020 ORDER DENYING MOTION FOR CLARIFICATION FILED MAY 12, 2020		
	Department	Event Description	Sched. Date & Time		Disposed Date
29	D10	Request for Submission	8/14/2020	15:16:00	10/2/2020
	Event Extra Text: MOTION FOR APPOINTMENT OF COUNSEL ( ORDER ATTACHED AS EXHIBIT 1)		Disposition: S200 10/2/2020 ORDER FILED OCTOBER 2, 2020		
	Department	Event Description	Sched. Date & Time		Disposed Date
30	D10	Request for Submission	8/14/2020	15:21:00	10/2/2020
	Event Extra Text: MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION ( NO ORDER PROVIDED)		Disposition: S200 10/2/2020 ORDER FILED OCTOBER 2, 2020		
	Department	Event Description	Sched. Date & Time		Disposed Date
31	D10	Request for Submission	9/1/2020	15:10:00	10/2/2020
	Event Extra Text: MOTION FOR ENLARGEMENT OF TIME ( NO ORDER PROVIDED)		Disposition: S200 10/2/2020 ORDER FILED OCTOBER 2, 2020		
	Department	Event Description	Sched. Date & Time		Disposed Date
32	D10	Request for Submission	9/8/2020	16:32:00	9/23/2020
	Event Extra Text: SECOND REQUEST FOR APPOINTMENT OF COUNSEL ( NO ORDER PROVIDED)		Disposition: S200 9/23/2020 SECOND REQUEST FOR MOTION FOR APPOINTMENT OF COUNSEL NOT NECESSARY; COURT WILL ADDRESS FIRST REQUEST		
	Department	Event Description	Sched. Date & Time		Disposed Date
33	D10	Request for Submission	10/20/2020	13:51:00	12/21/2020
	Event Extra Text: MOTION BASED ON COURT'S 10-2-2020 ORDER		Disposition: S200 12/21/2020 ORDER DENYING MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION FILED DECEMBER 21, 2020		

## Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA314735
PC	PCN number	PCN82444285/81788297/81625263
PC	PCN number	PCN82444206/82444252
RP	Reno Police Department	RPDRP01219145/RP01220307
RP	Reno Police Department	RPDRP01221241
RP	Reno Police Department	RPDRP01216321/RP01216452
SC	Supreme Court	SCN 43203
SC	Supreme Court	SCN 61142
SC	Supreme Court	SCN 63554
SC	Supreme Court	SCN 65212
SC	Supreme Court	SCN 70646

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
SC	Supreme Court		SCN 81337	
SC	Supreme Court		SCN 70126	

Actions			
Action Entry Date	Code	Code Description	Text
7/7/2000	1080	Agreement...	RECIPROCAL DISCOVERY AGREEMENT
6/11/2003	1300	Bench Warrant Filed-Case Clsd	BAIL SET AT \$50,000.00 CASH ONLY
6/11/2003	1795	Indictment	
6/17/2003	1300	Bench Warrant Filed-Case Clsd	
6/17/2003	3897	Return	BENCH WARRANT
6/17/2003	1325	** Case Reopened	
6/18/2003	1280	** 60 Day Rule - Waived	
6/18/2003	MIN	***Minutes	
6/20/2003	1775	General Receipt	GRAND JURY TRANSCRIPT (D.A.)
6/20/2003	4185	Transcript	GRAND JURY
6/23/2003	4185	Transcript	JUNE 18, 2003 - ARRAIGNMENT ON INDICTMENT
7/9/2003	3839	Request Agree Ord Recp Discv	
7/9/2003	1775	General Receipt	GRAND JURY TRANSCRIPT:
7/16/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL
7/22/2003	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE PET
8/1/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL: DUPLICATE ENTRY
8/1/2003	3862	**Criminal Submit	DOCUMENT TITLE: EX PARTE PET FOR CLARIFICATION
8/1/2003	3645	Petition ...	EX PARTE PET FOR CLARIFICATION ON ISSUES RE: STATE BAIL
8/8/2003	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WEIT OF HABEAS CORPUS
8/8/2003	3585	Pet Writ Habeas Corpus	
8/13/2003	2840	Ord Denying ...	EX PARTE PETITION FOR CLARIFICATION
8/18/2003	3897	Return	
9/3/2003	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RELEASE OF DOCUMENTS
9/4/2003	2650	Opposition to ...	
9/12/2003	3860	Request for Submission	
9/12/2003	1930	Letters ...	FROM DEFENDANT
9/17/2003	3795	Reply...	REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS
9/24/2003	MIN	***Minutes	
10/7/2003	4030	Stip & Ord Continue Trial	STIPULATION FOR CHANGE OF TRIAL DATE
10/7/2003	1810	Inmate Request Form Filed	NO DOCUMNET IN FILE TO IMAGE - LMATHEUS
10/9/2003	2610	Notice ...	NOTICE OF INTENT TO SEEK HABITUAL CRIMINAL STATUS
10/13/2003	4185	Transcript	09/24/03 - MOTION TO CONFIRM TRIAL
11/7/2003	3370	Order ...	ORDER TRANSFERRING CASE TO D10 FOR TRIAL 11/12/03
11/7/2003	3370	Order ...	GRANTING DEFENDANT'S MOTION TO SUPPRESS; DENYING DEFENDANT'S REQUEST TO QUASH THE
11/7/2003	2592	Notice of Witnesses	
11/10/2003	MIN	***Minutes	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
11/12/2003	MIN	***Minutes		
11/14/2003	1695	** Exhibit(s) ...	STATE'S EXHIBITS 1 THROUGH 46	
11/14/2003	1885	Jury Instructions	1 THROUGH 37	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 6: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 5: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 4: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 3: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 2: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY COUNT 10: ULAWFUL POSSESSION, MAKING, OF COUNTERFEITING OF INVENTORY PRICE	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 9: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 8: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 7: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY ON COUNT 6: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY ON COUNT 5: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 4: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 3: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 2: BURGLARY	
11/14/2003	4235	Unused Verdict Form(s)...	NOT GUILTY OF COUNT 1: CONSPIRACY TO COMMIT CRIMES AGAINST PROPERTY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 10: ULAWFUL POSSESSION, MAKING , FORGERY OR COUNTERFEITING OF INVENTORY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 9: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 8: BURGLARY	
11/14/2003	4245	Verdict(s)...	GUILTY OF COUNT 7: BURGLARY	
11/17/2003	1930	Letters ...	FROM DEFENDANT	
11/26/2003	4185	Transcript	10/24/03 - MOTION TO CONFIRM TRIAL	
12/2/2003	4185	Transcript	OCTOBER 29, 2003 - STATUS HEARING	
12/12/2003	1250	Application for Setting	2-5-04 @11:00	
12/15/2003	4185	Transcript	11/10/03 - HEARING	
12/19/2003	4500	PSI - Confidential	* SEALED * 11/25/03 REPORT	
1/16/2004	1260	Application Produce Prisoner		
1/22/2004	3340	Ord to Produce Prisoner		
4/1/2004	MIN	***Minutes		
4/1/2004	1695	** Exhibit(s) ...	STATE'S EXHIBIT 1-5	
4/1/2004	1850	Judgment of Conviction		
4/13/2004	4185	Transcript	04/01/04 - SENTENCING	
4/19/2004	4300	Withdrawal of Counsel		
4/22/2004	1215	Application Appoint Counsel	REQUEST	
4/22/2004	1310	Case Appeal Statement		
4/22/2004	1350	Certificate of Clerk		

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
4/22/2004	1365	Certificate of Transmittal		
4/22/2004	2515	Notice of Appeal Supreme Court		
4/27/2004	2840	Ord Denying ...	ORDER DENYING REQUEST FOR APPOINTMENT OF COUNSEL	
4/29/2004	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 43203	
4/29/2004	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 43203	
5/7/2004	3868	Req to Crt Rptr - Rough Draft		
5/11/2004	4135	Supreme Court Ord Remanding	SUPREME COURT CASE NO. 43203	
5/11/2004	1030	Affidavit in Support...	OF REQUEST TO PROCEED IN FORMA PAUPERIS	
5/11/2004	2385	Mtn Proceed Forma Pauperis		
5/11/2004	3862	**Criminal Submit	DOCUMENT TITLE: ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL	
5/17/2004	2405	Mtn to Quash...	SUBPOENA DUCES TECUM	
5/19/2004	3862	**Criminal Submit	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS	
5/27/2004	3035	Ord Grant in Forma Pauperis		
5/28/2004	2525	Notice of Change of Address		
6/1/2004	2715	Ord Appointing Counsel	MARY LOU WILSON	
6/1/2004	3370	Order ...	DECLARING DEFENDANT A HABITUL CRIMINAL	
6/1/2004	2525	Notice of Change of Address		
6/14/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
6/14/2004	2610	Notice ...	NOTICE TO APPOINTED COUNSEL	
6/21/2004	3870	Request	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
7/2/2004	4185	Transcript	TRIAL 11-12-03	
7/2/2004	4185	Transcript	JURY TRIAL 11-13-03 - 11-14-03	
7/6/2004	3870	Request		
7/6/2004	2145	Mtn Ord to Show Cause	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
7/14/2004	1670	Ex-Parte Mtn...	*SEALED* - EXPARTE MOTION FOR APPROVAL OF FEES IN THE APPELLANT'S OPENING BRIEF AND JOI	
7/22/2004	1675	Ex-Parte Ord...	*SEALED* - EXPARTE ORDER FOR APPROVAL OF FEES IN THE PREPARATION AND COMPLETION OF TH	
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
8/3/2004	2490	Motion ...	MOTION FOR RETURN OF PROPERTY AND REQUEST FOR HEARING RE: RESTITUTION AMOUNT	
8/3/2004	3860	Request for Submission	DOCUMENT STRUCK FROM RECORD PER ORDER FILED 9-23-04	
8/18/2004	2475	Mtn to Strike...	FUGITIVE DOCUMENT	
8/26/2004	3860	Request for Submission	BOTH REQUESTS FOR SUBMISSION FILED 8-26-04: STRUCK FROM RECORD PER ORDER FILED 9-23-04	
8/26/2004	3860	Request for Submission	STRUCK FROM RECORD PER ORDER FILED ON 9-23-04	
9/23/2004	3250	Ord Striking ...	FUGITIVE DOCUMENTS	
6/30/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43203	
8/1/2005	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 43203	
8/1/2005	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 43203	
8/1/2005	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 43203	
9/12/2005	2270	Mtn to Compel...	MOTION FOR ORDER TO COMPEL	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
9/12/2005	2645	Opposition to Mtn ...	FOR ORDER TO COMPEL	
9/13/2005	1650	Errata...	TO OPPOSITION TO MOTION FOR ORDER TO COMPEL	
9/27/2005	3795	Reply...	TO STATE'S OPPOSITION TO MOTION FOR ORDER TO COMPEL AND AND TO VAN RY'S ERRATA TO OPP	
9/30/2005	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL, DEFENDANT'S ANSWER, ERRATA TO OPPOSITION...	
12/12/2005	3370	Order ...	ORDER TO RESPOND	
12/15/2005	1245	Application Ord Show Cause	(2) REQUEST(S) FOR ORDER TO SHOW CAUSE RE: CONTEMPT OF COURT - ORDER TO COMPEL	
12/15/2005	4065	Subpoena Duces Tecum	DOCUMENT NOT IN FILE	
1/10/2006	3880	Response...	FORMER COUNSEL'S RESPONSE IN ACCORDANCE WITH ORDER TO RESPOND	
2/9/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL	
1/14/2011	PAYRC	**Payment Received	A Payment of -\$122.78 was made on receipt DCDC300116.	
12/6/2011	4305	Writ ...	DEFENDANTS WRIT OF PROHIBITION CHALLENGING PROCEEDING IN EXCESS OF JURISDICTION AT SI	
12/6/2011	1325	** Case Reopened		
12/6/2011	3862	**Criminal Submit	DOCUMENT TITLE: APPLICATION TO PROCEED IN FORMA PAUPERIS (PAPER ORDER)	
12/6/2011	2385	Mtn Proceed Forma Pauperis	* SEALED * APPLICATION TO PROCEED IN FORMA PAUPERIS	
12/27/2011	3336	Ord Deny in Forma Pauperis	Transaction 2668506 - Approved By: NOREVIEW : 12-27-2011:14:10:47	
12/27/2011	NEF	Proof of Electronic Service	Transaction 2668532 - Approved By: NOREVIEW : 12-27-2011:14:15:15	
2/10/2012	NEF	Proof of Electronic Service	Transaction 2759131 - Approved By: NOREVIEW : 02-10-2012:16:37:50	
2/10/2012	3880	Response...	RESPONSE TO DEFENDANT'S WRIT OF PROHIBITION - Transaction 2758941 - Approved By: JYOST : 02-10-2012:16:37:50	
2/10/2012	2526	Notice of Change of Attorney	NOTICE OF CHANGE OF RESPONSIBLE ATTORNEY - Transaction 2758941 - Approved By: JYOST : 02-10-2012:16:37:50	
3/2/2012	3795	Reply...	REPLY TO RESPONSE TO DEFENDANTS WRIT OF PROHIBITION	
4/10/2012	3860	Request for Submission	DOCUMENT TITLE: WRIT OF PROHIBITION AND ACCOMPANYING RESPONSES (NO PAPER ORDER PRC	
5/24/2012	1315	** Case Closed		
5/24/2012	NEF	Proof of Electronic Service	Transaction 2978594 - Approved By: NOREVIEW : 05-24-2012:17:13:26	
5/24/2012	2840	Ord Denying ...	WRIT OF PROHIBITION - Transaction 2978589 - Approved By: NOREVIEW : 05-24-2012:17:12:03	
5/24/2012	S200	Request for Submission Complet		
6/22/2012	1310E	Case Appeal Statement	Transaction 3035933 - Approved By: NOREVIEW : 06-22-2012:09:13:36	
6/22/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3035933 - Approved By: N	
6/22/2012	2515	Notice of Appeal Supreme Court		
6/22/2012	NEF	Proof of Electronic Service	Transaction 3035938 - Approved By: NOREVIEW : 06-22-2012:09:15:21	
6/28/2012	NEF	Proof of Electronic Service	Transaction 3049223 - Approved By: NOREVIEW : 06-28-2012:10:53:16	
6/28/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 61142/RECEIPT FOR DOCUMENTS - Transaction 3049152 - Approved By: NOI	
7/26/2012	NEF	Proof of Electronic Service	Transaction 3108812 - Approved By: NOREVIEW : 07-26-2012:08:11:10	
7/26/2012	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 61142/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 31088	
8/30/2012	NEF	Proof of Electronic Service	Transaction 3187612 - Approved By: NOREVIEW : 08-30-2012:15:33:55	
8/30/2012	1350	Certificate of Clerk	SUPREME COURT NO. 61142 / CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Trar	
9/6/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 61142 / SUPREME COURT RECIPRT FOR DOCUMENTS - RECORD ON APPEAL VC	
9/6/2012	NEF	Proof of Electronic Service	Transaction 3196985 - Approved By: NOREVIEW : 09-06-2012:09:01:43	
9/6/2012	NEF	Proof of Electronic Service	Transaction 3196991 - Approved By: NOREVIEW : 09-06-2012:09:03:09	
9/6/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 61142 / SUPREME COURT RECIPRT FOR DOCUMENTS - RECORD ON APPEAL VC	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
3/18/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61142/ORDER OF AFFIRMANCE - Transaction 3597716 - Approved By: NOREVIEW :	
3/18/2013	NEF	Proof of Electronic Service	Transaction 3597731 - Approved By: NOREVIEW : 03-18-2013:15:24:48	
3/22/2013	NEF	Proof of Electronic Service	Transaction 3611231 - Approved By: NOREVIEW : 03-22-2013:12:09:44	
3/22/2013	4075	Substitution of Counsel	CHRISTIAN G. WILSON, DDA / STATE - Transaction 3611053 - Approved By: MCHOLICO : 03-22-2013:12:08:00	
4/29/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61142/ORDER OF AFFIRMANCE - Transaction 3689938 - Approved By: NOREVIEW :	
4/29/2013	NEF	Proof of Electronic Service	Transaction 3689973 - Approved By: NOREVIEW : 04-29-2013:08:56:17	
4/29/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 61142/REMITTITUR - Transaction 3689938 - Approved By: NOREVIEW : 04-29-2013:08:56:17	
4/29/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 61142/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3689938 - Approved By: NOREVIEW :	
5/14/2013	2490	Motion ...	MOTION TO CORRECT JUDGMENT TO REMOVE DOUBLE JEOPARDY AND ILLEGAL CHARGES	
5/17/2013	3880	Response...	RESPONSE TO DEFENDANT'S MOTION TO CORRECT JUDGMENT OF CONVICTION - Transaction 3732580	
5/17/2013	NEF	Proof of Electronic Service	Transaction 3732618 - Approved By: NOREVIEW : 05-17-2013:10:31:23	
5/28/2013	1325	** Case Reopened		
5/28/2013	3860	Request for Submission	DOCUMENT TITLE: MOTION TO CORRECT JUDGMENT OF CONVICTION	
6/3/2013	2490	Motion ...	MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE	
6/3/2013	1960	Memorandum ...	MEMORANDUM TO MOTION TO CORRECT ILLEGAL SENTENCE / MODIFY SENTENCE	
6/4/2013	3105	Ord Granting ...	ORDER GRANTING MOTION TO CORRECT JUDGMENT OF CONVICTION - Transaction 3764809 - Approved By: NOREVIEW :	
6/4/2013	NEF	Proof of Electronic Service	Transaction 3764842 - Approved By: NOREVIEW : 06-04-2013:13:24:01	
6/4/2013	S200	Request for Submission Complet		
6/18/2013	PAYVD	**Payment Voided	Receipt Number DCDC300116 has been voided.	
6/18/2013	NEF	Proof of Electronic Service	Transaction 3794605 - Approved By: NOREVIEW : 06-18-2013:08:20:33	
6/18/2013	PAYRC	**Payment Received	A Payment of -\$122.78 was made on receipt DCDC412378.	
6/18/2013	1855	Judgment of Conviction-Amended	Transaction 3794602 - Approved By: NOREVIEW : 06-18-2013:08:19:19	
6/25/2013	CHECK	**Trust Disbursement	A Disbursement of \$97.78 on Check Number 24967	
7/1/2013	1960	Memorandum ...	MEMORANDUM OF POINTS AND AUTHORITES IN SUPPORT OF NOTICE OF APPEAL ISSUES	
7/1/2013	1650	Errata...	ERRATUM NOTICE OF APPEAL ISSUES TO BE RAISE	
7/1/2013	2515	Notice of Appeal Supreme Court		
7/1/2013	2490	Motion ...	MOTION FOR CONTINUANCE FOR STATE OF PROCEEDINGS WITH PENDING SUCCESSIVE WRIT	
7/9/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3840970 - Approved By: NOREVIEW :	
7/9/2013	1310E	Case Appeal Statement	Transaction 3840970 - Approved By: NOREVIEW : 07-09-2013:13:27:32	
7/9/2013	NEF	Proof of Electronic Service	Transaction 3840976 - Approved By: NOREVIEW : 07-09-2013:13:29:52	
7/12/2013	1188	Supreme Court Receipt for Doc	SUPREME COURT NO 63554-RECEIPT FOR DOCUMENTS - Transaction 3851223 - Approved By: NOREVIEW :	
7/12/2013	NEF	Proof of Electronic Service	Transaction 3851255 - Approved By: NOREVIEW : 07-12-2013:11:33:56	
8/9/2013	NEF	Proof of Electronic Service	Transaction 3911663 - Approved By: NOREVIEW : 08-09-2013:10:02:55	
8/9/2013	4126	Supreme Ct Order Directing...	Supreme Court No. 63554/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 3911654 - Approved By: NOREVIEW :	
8/29/2013	COC	Evidence Chain of Custody Form		
9/5/2013	NEF	Proof of Electronic Service	Transaction 3974990 - Approved By: NOREVIEW : 09-05-2013:14:12:47	
9/5/2013	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 3974959 - Approved By: NOREVIEW :	
10/11/2013	1477	**Consolidated With...	CONSOLIDATED WITH CR03P1263. PLEASE FILE ALL FUTURE PLEADINGS IN THIS CASE.	
11/14/2013	NEF	Proof of Electronic Service	Transaction 4134219 - Approved By: NOREVIEW : 11-14-2013:14:32:47	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)			
Case ID:	CR03-1263	Case Type:	CRIMINAL
		Initial Filing Date:	6/11/2003
11/14/2013	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT CASE NO 63554/ORDER DISMISSING APPEAL - Transaction 4134192 - Approved By: NO
11/15/2013	3860	Request for Submission	DOCUMENT TITLE: MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE
11/21/2013	S200	Request for Submission Complet	
12/24/2013	NEF	Proof of Electronic Service	Transaction 4218585 - Approved By: NOREVIEW : 12-24-2013:14:43:20
12/24/2013	4128	Supreme Court Order Denying	SUPREME COURT NO. 63554/ORDER DENYING REHEARING - Transaction 4218560 - Approved By: NOREVIEW
1/2/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION TO CORRECT ILEGAL SENTENCE/MODIFY SENTENCE
1/15/2014	NEF	Proof of Electronic Service	Transaction 4259505 - Approved By: NOREVIEW : 01-15-2014:15:06:47
1/15/2014	S200	Request for Submission Complet	
1/15/2014	2840	Ord Denying ...	ORDER DENYING MOTION TO CORRECT ILLEGAL SENTENCE/MODIFY SENTENCE - Transaction 4259471
1/24/2014	4128	Supreme Court Order Denying	SUPREME COURT NO. 63554/ORDER DENYING REHEARING - Transaction 4274128 - Approved By: NOREVIEW
1/24/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 63554/ORDER DISMISSING APPEAL - Transaction 4274128 - Approved By: NOREVIEW
1/24/2014	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 63554/CLERKS CERTIFICATE AND JUDGMENT - Transaction 4274128 - Approved By: NOREVIEW
1/24/2014	NEF	Proof of Electronic Service	Transaction 4274131 - Approved By: NOREVIEW : 01-24-2014:13:17:01
1/24/2014	4145	Supreme Court Remittitur	SUPREME COURT NO. 63554/REMITTITUR - Transaction 4274128 - Approved By: NOREVIEW : 01-24-2014:13:17:01
1/27/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR RECONSIDERATION
1/27/2014	2175	Mtn for Reconsideration	
2/25/2014	2842	Ord Denying Motion	ORDER DENYING MOTION FOR RECONSIDERATION - Transaction 4318794 - Approved By: NOREVIEW : 02-25-2014:14:48:44
2/25/2014	NEF	Proof of Electronic Service	Transaction 4318797 - Approved By: NOREVIEW : 02-25-2014:14:48:44
2/25/2014	S200	Request for Submission Complet	
3/4/2014	2515	Notice of Appeal Supreme Court	Appellant, Ferrill Volpicelli, proper
3/12/2014	1310E	Case Appeal Statement	Transaction 4339417 - Approved By: NOREVIEW : 03-12-2014:08:52:06
3/12/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4339417 - Approved By: NOREVIEW
3/12/2014	NEF	Proof of Electronic Service	Transaction 4339432 - Approved By: NOREVIEW : 03-12-2014:08:53:54
3/18/2014	NEF	Proof of Electronic Service	Transaction 4347993 - Approved By: NOREVIEW : 03-18-2014:11:13:55
3/18/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 65212/RECEIPT FOR DOCUMENTS - Transaction 4347931 - Approved By: NOREVIEW
4/9/2014	NEF	Proof of Electronic Service	Transaction 4380198 - Approved By: NOREVIEW : 04-09-2014:13:12:32
4/9/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 65212/ORDER DISMISSING APPEAL - Transaction 4380194 - Approved By: NOREVIEW
5/8/2014	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 65212/ORDER DISMISSING APPEAL - Transaction 4424258 - Approved By: NOREVIEW
5/8/2014	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 65212/REMITTITUR - Transaction 4424258 - Approved By: NOREVIEW : 05-08-2014:16:19:24
5/8/2014	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 65212/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 4424258 - Approved By: NOREVIEW
5/8/2014	NEF	Proof of Electronic Service	Transaction 4424259 - Approved By: NOREVIEW : 05-08-2014:16:19:24
6/11/2014	NEF	Proof of Electronic Service	Transaction 4471490 - Approved By: NOREVIEW : 06-11-2014:09:31:43
6/11/2014	4125	Supreme Court Order...	SUPREME COURT NO. 65212/ORDER - Transaction 4471488 - Approved By: NOREVIEW : 06-11-2014:09:30:43
6/17/2014	2270	Mtn to Compel...	
7/17/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL
8/28/2014	NEF	Proof of Electronic Service	Transaction 4581642 - Approved By: NOREVIEW : 08-28-2014:09:54:16
8/28/2014	S200	Request for Submission Complet	
8/28/2014	3370	Order ...	ORDER REGARDING MOTION TO COMPEL - Transaction 4581639 - Approved By: NOREVIEW : 08-28-2014:09:54:16
9/11/2014	2490	Motion ...	MOTION TO TAKE JUDICIAL NOTICE AND FOR ORDER TO ANSWER MOTION TO COMPEL



Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
12/16/2014	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL (NO PAPER ORDER PROVIDED)	
1/16/2015	3370	Order ...	ORDER REGARDING MOTION TO TAKE JUDICIAL NOTICE AND FOR ORDER TO ANSWER MOTION TO CC	
1/16/2015	NEF	Proof of Electronic Service	Transaction 4777495 - Approved By: NOREVIEW : 01-16-2015:14:04:53	
1/16/2015	S200	Request for Submission Complet		
2/17/2015	2520	Notice of Appearance	LIMITED NOTICE OF APPEARANCE - FREDERICK J. PERDOMO, ESQ - Transaction 4819901 - Approved By:	
2/17/2015	3880	Response...	RESPONSE TO MOTION TO TAKE JUDICIAL NOTICE AND FOR ORDER TO ANSWER MOTION TO COMPEL	
2/17/2015	NEF	Proof of Electronic Service	Transaction 4820831 - Approved By: NOREVIEW : 02-17-2015:16:46:38	
2/18/2015	NEF	Proof of Electronic Service	Transaction 4820993 - Approved By: NOREVIEW : 02-18-2015:08:20:50	
3/4/2015	FIE	**Document Filed in Error	FIE	
3/4/2015	3860	Request for Submission	DOCUMENT TITLE: MOTION TO TAKE JUDICIAL NOTICE & COMPEL ( NO PAPER ORDER )	
3/4/2015	3790	Reply to/in Opposition	REPLY TO PLAINTIFF'S RESPONSE TO MOTION TO TAKE JUDICIAL NOTICE FOR ORDER TO ANSWER M	
3/19/2015	3860	Request for Submission	DOCUMENT TITLE: JUDICIAL NOTICE	
3/19/2015	FIE	**Document Filed in Error	FIE-asmith 03/20/15	
3/19/2015	2610	Notice ...	JUDICIAL NOTICE	
3/20/2015	2840	Ord Denying ...	ORDER DENYING MOTION TO COMPEL - Transaction 4871235 - Approved By: NOREVIEW : 03-20-2015:14:1	
3/20/2015	NEF	Proof of Electronic Service	Transaction 4871241 - Approved By: NOREVIEW : 03-20-2015:14:19:16	
3/20/2015	S200	Request for Submission Complet		
4/1/2015	S200	Request for Submission Complet		
1/7/2016	2385	Mtn Proceed Forma Pauperis	* SEALED * APPLICATION TO PROCEED IN FORMA PAUPERIS - Transaction 5310654 - Approved By: KJONI	
1/7/2016	2490	Motion ...	MOTION FOR APPOINTMENT OF ATTORNEY AY LAW RICHARD CORNELL - Transaction 5310654 - Approve	
1/7/2016	2490	Motion ...	MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUND TWENTY-THREE (23) OF 2005 HABEAS PETITION	
1/7/2016	NEF	Proof of Electronic Service	Transaction 5310698 - Approved By: NOREVIEW : 01-07-2016:16:57:35	
1/7/2016	3862	**Criminal Submit	DOCUMENT TITLE: "NO S1 BUILT"-MOTION TO PROCEED INFORMA PAUPERIS (PAPER ORDER PROVID	
1/14/2016	2490	Motion ...	MOTION TO TRANSFER CR02-0147 AND TO CR02-0148 TO DEPARTMENT 10 - Transaction 5319885 - Appr	
1/14/2016	2490	Motion ...	MOTION TO TRANSFER CR02-0147 AND CR02-0148 TO DEPARTMENT 10 - Transaction 5319885 - Approve	
1/14/2016	NEF	Proof of Electronic Service	Transaction 5320064 - Approved By: NOREVIEW : 01-14-2016:09:26:44	
1/21/2016	2645	Opposition to Mtn ...	OPPOSITION TO "MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUND TWENTY-THREE (23) OF 2005	
1/21/2016	NEF	Proof of Electronic Service	Transaction 5329329 - Approved By: NOREVIEW : 01-21-2016:09:53:43	
1/22/2016	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR JUDICIAL ACTION SPECIFIC TO GROUP 23 OF 2ND HABEAS (PAPER O	
1/25/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO TRANSFER CR02-0147 AND CR02-0148 TO DEPARTMENT 10 - Transaction 5	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5333997 - Approved By: NOREVIEW : 01-25-2016:09:53:40	
2/29/2016	3860	Request for Submission	DOCUMENT TITLE: SECOND REQUEST - MOTION FOR JUDICIAL ACTION SEPECIFIC TO GROUND TWO	
3/2/2016	S200	Request for Submission Complet		
3/8/2016	NEF	Proof of Electronic Service	Transaction 5404781 - Approved By: NOREVIEW : 03-08-2016:08:19:16	
3/8/2016	S200	Request for Submission Complet		
3/8/2016	2840	Ord Denying ...	ORDER DENYING 2013 PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)AND GROUND 2	
3/30/2016	2490	Motion ...	MOTION TO CORRECT AN ILLEGAL SENTENCE PURSUANT TO NRS 176.555	
4/1/2016	1372	Certification ...	CERTIFICATION OF ISSUES TO BE RAISED ON APPEAL	
4/1/2016	FIE	**Document Filed in Error	ATTACHMENT IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES FOR APPEAL	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
4/1/2016	FIE	**Document Filed in Error	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPEAL	
4/1/2016	FIE	**Document Filed in Error	fie-document not filed stamped - asmith 04/05/16	
4/1/2016	2515	Notice of Appeal Supreme Court	Appellant, FERRILL J VOLPICELLI, proper	
4/1/2016	4105	Supplemental ...	ATTACHMENT IN SUPPORT OF MEMORANDUM OF POINTS AND AUTHORITIES FOR APPEAL	
4/1/2016	FIE	**Document Filed in Error	fie-document not filed stamped - asmith 04/05/16	
4/1/2016	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPEAL	
4/7/2016	NEF	Proof of Electronic Service	Transaction 5454127 - Approved By: NOREVIEW : 04-07-2016:08:31:39	
4/7/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO CORRECT ILLEGAL SENTENCE - Transaction 5454108 - Approved By: MCHOI	
4/8/2016	NEF	Proof of Electronic Service	Transaction 5456720 - Approved By: NOREVIEW : 04-08-2016:08:49:05	
4/8/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5456718 - Approved By: N	
4/8/2016	1310E	Case Appeal Statement	Transaction 5456718 - Approved By: NOREVIEW : 04-08-2016:08:48:15	
4/14/2016	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 70126 / RECEIPT FOR DOCUMENTS - Transaction 5467578 - Approved By: NOREVII	
4/14/2016	NEF	Proof of Electronic Service	Transaction 5467586 - Approved By: NOREVIEW : 04-14-2016:16:10:55	
4/19/2016	NEF	Proof of Electronic Service	Transaction 5472816 - Approved By: NOREVIEW : 04-19-2016:09:30:56	
4/19/2016	3795	Reply...	REPLY TO RESPONDENT'S OPPOSITION TO CORRECT ILLEGAL SENTENCE	
4/19/2016	2540	Notice of Entry of Ord	Transaction 5472810 - Approved By: NOREVIEW : 04-19-2016:09:28:23	
4/27/2016	NEF	Proof of Electronic Service	Transaction 5486388 - Approved By: NOREVIEW : 04-27-2016:08:38:00	
4/27/2016	3860	Request for Submission	PETITIONER'S MOTION TO CORRECT AN ILLEGAL SENTENCE - Transaction 5486384 - Approved By: MCHC	
5/19/2016	NEF	Proof of Electronic Service	Transaction 5524098 - Approved By: NOREVIEW : 05-19-2016:16:12:47	
5/19/2016	S200	Request for Submission Complet		
5/19/2016	2840	Ord Denying ...	ORDER DENYING MOTION TO CORRECT AN ILLEGAL SENTENCE PURSUANT TO NRS 176.555 - Transact	
5/20/2016	4126	Supreme Ct Order Directing...	SUPREME COURT NO. 70126/ORDER DIRECTING TRANSMISSION OF RECORD - Transaction 5525148 - A	
5/20/2016	NEF	Proof of Electronic Service	Transaction 5525156 - Approved By: NOREVIEW : 05-20-2016:10:41:22	
6/8/2016	NEF	Proof of Electronic Service	Transaction 5552970 - Approved By: NOREVIEW : 06-08-2016:14:12:30	
6/8/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5552965 - Approved By:	
6/16/2016	NEF	Proof of Electronic Service	Transaction 5565323 - Approved By: NOREVIEW : 06-16-2016:12:27:40	
6/16/2016	1955	Memorandum Points&Authorities	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF APPEAL (NRAP 3) - Transaction 5565320	
6/16/2016	2515	Notice of Appeal Supreme Court	Appellant, Deft Ferrill Joseph Volpicelli - Transaction 5565320 - Approved By: YVILORIA : 06-16-2016:12:26:41	
6/16/2016	1372	Certification ...	CERTIFICATE OF ISSUES TO BE RAISED ON APPEAL - Transaction 5565320 - Approved By: YVILORIA : 06-	
6/21/2016	1365	Certificate of Transmittal	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5571355 - Approved By: N	
6/21/2016	NEF	Proof of Electronic Service	Transaction 5571360 - Approved By: NOREVIEW : 06-21-2016:09:28:51	
6/21/2016	1310E	Case Appeal Statement	Transaction 5571355 - Approved By: NOREVIEW : 06-21-2016:09:27:44	
6/28/2016	NEF	Proof of Electronic Service	Transaction 5582656 - Approved By: NOREVIEW : 06-28-2016:10:55:06	
6/28/2016	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 70646 - RECEIPT FOR DOCUMENTS - Transaction 5582651 - Approved By: N	
1/5/2017	4125	Supreme Court Order...	SUPREME COURT NO. 70646 / ORDER RE: RECORD ON APPEAL - Transaction 5886650 - Approved By: NO	
1/5/2017	NEF	Proof of Electronic Service	Transaction 5886654 - Approved By: NOREVIEW : 01-05-2017:16:19:15	
1/6/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - RECORD ON APPEAL - Transaction 5888419 - Approved By:	
1/6/2017	NEF	Proof of Electronic Service	Transaction 5888427 - Approved By: NOREVIEW : 01-06-2017:15:03:55	
2/9/2017	4125	Supreme Court Order...	SUPREME COURT NO. 70126 / ORDER - Transaction 5943075 - Approved By: NOREVIEW : 02-09-2017:11:13	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
2/9/2017	NEF	Proof of Electronic Service	Transaction 5943091 - Approved By: NOREVIEW : 02-09-2017:11:14:38	
2/9/2017	1930	Letters ...		
3/16/2017	4133	Supreme Court Notice	SUPREME COURT NO. 70126 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 6001627 - A	
3/16/2017	NEF	Proof of Electronic Service	Transaction 6001640 - Approved By: NOREVIEW : 03-16-2017:14:36:05	
4/10/2017	4133	Supreme Court Notice	SUPREME COURT NO. 70646 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 6041778 - A	
4/10/2017	NEF	Proof of Electronic Service	Transaction 6041785 - Approved By: NOREVIEW : 04-10-2017:09:19:14	
6/15/2017	4134	Supreme Court Order Affirming	SUPREME COURT NO. 70126 / ORDER OF AFFIRMANCE - Transaction 6150520 - Approved By: NOREVIEW	
6/15/2017	4134	Supreme Court Order Affirming	SUPREME COURT NO. 70646 / ORDER OF AFFIRMANCE - Transaction 6150516 - Approved By: NOREVIEW	
6/15/2017	NEF	Proof of Electronic Service	Transaction 6150523 - Approved By: NOREVIEW : 06-15-2017:11:09:05	
6/15/2017	NEF	Proof of Electronic Service	Transaction 6150526 - Approved By: NOREVIEW : 06-15-2017:11:10:09	
7/13/2017	NEF	Proof of Electronic Service	Transaction 6193608 - Approved By: NOREVIEW : 07-13-2017:10:35:22	
7/13/2017	4145	Supreme Court Remittitur	SUPREME COURT NO. 70126 / REMITTITUR - Transaction 6193605 - Approved By: NOREVIEW : 07-13-2017	
7/13/2017	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 70126 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 6193605 - Approved By:	
7/13/2017	4134	Supreme Court Order Affirming	SUPREME COURT NO. 70126 / ORDER OF AFFIRMANCE - Transaction 6193605 - Approved By: NOREVIEW	
7/19/2017	4145	Supreme Court Remittitur	SUPREME COURT NO. 70646 / REMITTITUR - Transaction 6203206 - Approved By: NOREVIEW : 07-19-2017	
7/19/2017	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 70646 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 6203206 - Approved By:	
7/19/2017	NEF	Proof of Electronic Service	Transaction 6203209 - Approved By: NOREVIEW : 07-19-2017:11:18:37	
7/19/2017	4134	Supreme Court Order Affirming	SUPREME COURT NO. 70646 / ORDER OF AFFIRMANCE - Transaction 6203206 - Approved By: NOREVIEW	
3/12/2019	1360	Certificate of Service		
4/6/2020	NEF	Proof of Electronic Service	Transaction 7823674 - Approved By: NOREVIEW : 04-06-2020:14:49:06	
4/6/2020	2040	Mtn for Clarification ...	MOTION FOR CLARIFICATION AS TO THE MARCH 8, 2016 ORDER - Transaction 7823670 - Approved By: NC	
4/20/2020	NEF	Proof of Electronic Service	Transaction 7842295 - Approved By: NOREVIEW : 04-20-2020:14:39:44	
4/20/2020	3860	Request for Submission	Transaction 7842294 - Approved By: NOREVIEW : 04-20-2020:14:38:52	
5/12/2020	S200	Request for Submission Complet	ORDER DENYING MOTION FOR CLARIFICATION FILED MAY 12, 2020	
5/12/2020	NEF	Proof of Electronic Service	Transaction 7872493 - Approved By: NOREVIEW : 05-12-2020:11:25:12	
5/12/2020	2842	Ord Denying Motion	ORDER DENYING MOTION FOR CLARIFICATION - Transaction 7872490 - Approved By: NOREVIEW : 05-12-	
5/13/2020	2540	Notice of Entry of Ord	Transaction 7874193 - Approved By: NOREVIEW : 05-13-2020:09:17:45	
5/13/2020	NEF	Proof of Electronic Service	Transaction 7874198 - Approved By: NOREVIEW : 05-13-2020:09:20:28	
6/11/2020	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 7921187 - Approved By: NOREVIEW : 06-11-2020:14:50:44	
6/11/2020	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL: DEFT 5/12/2020 - Transaction 7920972 - Approved By: YVILORIA : 06-11-2020:14:04:54	
6/11/2020	NEF	Proof of Electronic Service	Transaction 7921000 - Approved By: NOREVIEW : 06-11-2020:14:05:48	
6/11/2020	NEF	Proof of Electronic Service	Transaction 7921195 - Approved By: NOREVIEW : 06-11-2020:14:51:41	
6/11/2020	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7921187 - Approved By: N	
6/22/2020	1187	**Supreme Court Case No. ...	SUPREME COURT NO. 81337 - VOLPICELLI	
6/23/2020	NEF	Proof of Electronic Service	Transaction 7939089 - Approved By: NOREVIEW : 06-23-2020:14:04:01	
6/23/2020	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 81337 / RECEIPT FOR DOCUMENTS - Transaction 7939077 - Approved By: NOREVII	
6/30/2020	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 81337 / ORDER DISMISSING APPEAL - Transaction 7948752 - Approved By: NOREV	
6/30/2020	NEF	Proof of Electronic Service	Transaction 7948760 - Approved By: NOREVIEW : 06-30-2020:09:56:19	
7/23/2020	NEF	Proof of Electronic Service	Transaction 7985763 - Approved By: NOREVIEW : 07-23-2020:15:22:58	

Case Description: STATE VS. FERRILL JOSEPH VOLPICELLI (D10)				
Case ID:	CR03-1263	Case Type:	CRIMINAL	Initial Filing Date: 6/11/2003
7/23/2020	4145	Supreme Court Remittitur	SUPREME COURT NO. 81337 / REMITTITUR - Transaction 7985758 - Approved By: NOREVIEW : 07-23-2020	
7/23/2020	4127	Supreme Ct Ord Dismiss Appeal	SUPREME COURT NO. 81337 / ORDER DISMISSING APPEAL - Transaction 7985758 - Approved By: NOREVIEW	
7/23/2020	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 81337 / CLERK'S CERTIFICATE & JUDGMENT - Transaction 7985758 - Approved By:	
8/14/2020	NEF	Proof of Electronic Service	Transaction 8020465 - Approved By: NOREVIEW : 08-14-2020:15:23:07	
8/14/2020	NEF	Proof of Electronic Service	Transaction 8020459 - Approved By: NOREVIEW : 08-14-2020:15:21:47	
8/14/2020	1215	Application Appoint Counsel	MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8020449 - Approved By: BBLOUGH : 08-14-2020:1	
8/14/2020	3860	Request for Submission	Transaction 8020449 - Approved By: BBLOUGH : 08-14-2020:15:20:55	
8/14/2020	2490	Motion ...	MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION - Transaction 8020449 - Approved By: BB	
8/14/2020	3860	Request for Submission	Transaction 8020460 - Approved By: NOREVIEW : 08-14-2020:15:22:10	
8/24/2020	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION - Transaction 8034386 -	
8/24/2020	NEF	Proof of Electronic Service	Transaction 8034660 - Approved By: NOREVIEW : 08-24-2020:15:55:43	
9/1/2020	3860	Request for Submission	Transaction 8048099 - Approved By: BBLOUGH : 09-01-2020:15:11:04	
9/1/2020	2075	Mtn for Extension of Time	MOTION FOR ENLARGEMENT OF TIME - Transaction 8048099 - Approved By: BBLOUGH : 09-01-2020:15:11	
9/1/2020	NEF	Proof of Electronic Service	Transaction 8048107 - Approved By: NOREVIEW : 09-01-2020:15:12:00	
9/8/2020	3860	Request for Submission	Transaction 8057384 - Approved By: NOREVIEW : 09-08-2020:16:33:14	
9/8/2020	NEF	Proof of Electronic Service	Transaction 8057390 - Approved By: NOREVIEW : 09-08-2020:16:34:32	
9/23/2020	S200	Request for Submission Complet	SECOND REQUEST FOR MOTION FOR APPOINTMENT OF COUNSEL NOT NECESSARY; COURT WILL AD	
10/1/2020	3790	Reply to/in Opposition	REPLY TO OPPOSITION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION	
10/2/2020	NEF	Proof of Electronic Service	Transaction 8097381 - Approved By: NOREVIEW : 10-02-2020:11:17:10	
10/2/2020	NEF	Proof of Electronic Service	Transaction 8097369 - Approved By: NOREVIEW : 10-02-2020:11:13:41	
10/2/2020	S200	Request for Submission Complet	ORDER FILED OCTOBER 2, 2020	
10/2/2020	S200	Request for Submission Complet	ORDER FILED OCTOBER 2, 2020	
10/2/2020	2842	Ord Denying Motion	ORDER DENYING MOTION FOR APPOINTMENT OF COUNSEL - Transaction 8097377 - Approved By: NORE	
10/2/2020	3370	Order ...	ORDER REGARDING MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION - Transaction 8097	
10/2/2020	3030	Ord Granting Extension Time	ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME - Transaction 8097349 - Approved By: NOREVIEW	
10/2/2020	S200	Request for Submission Complet	ORDER FILED OCTOBER 2, 2020	
10/2/2020	NEF	Proof of Electronic Service	Transaction 8097355 - Approved By: NOREVIEW : 10-02-2020:11:09:29	
10/6/2020	NEF	Proof of Electronic Service	Transaction 8101409 - Approved By: NOREVIEW : 10-06-2020:08:22:37	
10/6/2020	2540	Notice of Entry of Ord	Transaction 8101404 - Approved By: NOREVIEW : 10-06-2020:08:21:38	
10/6/2020	2540	Notice of Entry of Ord	Transaction 8101404 - Approved By: NOREVIEW : 10-06-2020:08:21:38	
10/20/2020	3860	Request for Submission	DOCUMENT TITLE: MOTION BASED ON COURT'S 10-2-2020 ORDER	
12/21/2020	S200	Request for Submission Complet	ORDER DENYING MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION FILED DECEMBER 2	
12/21/2020	2840	Ord Denying ...	ORDER DENYING MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION - Transaction 8214877	
12/21/2020	NEF	Proof of Electronic Service	Transaction 8214881 - Approved By: NOREVIEW : 12-21-2020:16:59:30	
12/22/2020	2540	Notice of Entry of Ord	Transaction 8215153 - Approved By: NOREVIEW : 12-22-2020:08:36:15	
12/22/2020	NEF	Proof of Electronic Service	Transaction 8215158 - Approved By: NOREVIEW : 12-22-2020:08:37:16	
1/15/2021	2515	Notice of Appeal Supreme Court	NOTICE OF APPEAL - 12/21/2020	
1/15/2021	1310E	Case Appeal Statement	CASE APPEAL STATEMENT - Transaction 8249705 - Approved By: NOREVIEW : 01-15-2021:14:36:16	
1/15/2021	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8249705 - Approved By: N	

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

**Case History - CR03P1263**

**DEPT. D10**

**HON. KATHLEEN SIGURDSON**

Report Date & Time

1/15/2021

2:38:06PM

<b>Case ID:</b>	<b>CR03P1263</b>	<b>Case Type:</b>	<b>POST CONVICTION</b>	<b>Initial Filing Date:</b>	<b>11/9/2005</b>
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**Parties**

RESP	STATE OF NEVADA - STATE
PETR	FERRILL JOSEPH VOLPICELLI - @67988
DA	Christopher J. Hicks, Esq. - 7747
DA	Jennifer P. Noble, Esq. - 9446
CAA	Kay Armstrong - 715

**Charges**

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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**Plea Information**

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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**Release Information**

*Custody Status*

**Hearings**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
1	D10	Request for Submission		
		1/29/2007	08:30:00	1/30/2007
Event Extra Text: MOTION FOR COURT APPOINTED FEES		<b>Disposition:</b> S200 1/30/2007 ORDER GRANTING FEES		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
2	D10	Tickle Start Code		
		5/7/2007	07:00:00	8/2/2007
Event Extra Text: 60 DAYS SINCE REQUEST FOR SUBMISSION OF MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FILED 3/5/07. STATUS?		<b>Disposition:</b> T200 8/2/2007 ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND ORDER TO SET HEARING		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3	D10	Tickle Start Code		
		8/27/2007	07:00:00	8/8/2007
Event Extra Text: PER ORDER OF 8/2/07 HEARING TO HAVE BEEN SET BY 8/23/07		<b>Disposition:</b> T200 8/8/2007 EVIDENTIARY HEARING SET FOR 9/20/07 @ 1:30 P.M.		

Case Description: Consolidated into CR03-1263 (D10)					
Case ID:	CR03P1263	Case Type:	POST CONVICTION	Initial Filing Date:	11/9/2005
	Department	Event Description	Sched. Date & Time		Disposed Date
4	D10	PETITION FOR POST CONVICTION	9/20/2007	13:30:00	9/20/2007
	Event Extra Text: EVIDENTIARY HEARING		Disposition:		
			D445	9/20/2007	
	Department	Event Description	Sched. Date & Time		Disposed Date
5	D10	Request for Submission	10/25/2007	12:55:00	10/25/2007
	Event Extra Text: PETITION FOR POST-CONVICTION HABEAS CORPUS		Disposition:		
			S200	10/25/2007	
			ENTERED IN ERROR		
	Department	Event Description	Sched. Date & Time		Disposed Date
6	D10	Request for Submission	12/24/2007	12:45:00	1/8/2008
	Event Extra Text: MOTION FOR COURT APPOINTED FEES		Disposition:		
			S200	1/8/2008	
			ORDER GRANTING MOTION FOR COURT APPOINTED FEES		
	Department	Event Description	Sched. Date & Time		Disposed Date
7	D10	PETITION FOR POST CONVICTION	1/23/2008	13:30:00	1/23/2008
	Event Extra Text: EVIDENTIARY HEARING		Disposition:		
			D843	1/23/2008	
	***COURT CLERKS- PLEASE GET POLICE TRANSCRIPT EXHIBITS FROM EXHIBIT ROOM FOR JUDGE FOR HEARING***		RESPECTIVE COUNSEL STIPULATED TO VACATE AND RESET HRG DUE TO MS. ARMSTRONG'S ILLNESS.		
	Department	Event Description	Sched. Date & Time		Disposed Date
8	D10	PETITION FOR POST CONVICTION	2/14/2008	13:30:00	2/14/2008
	Event Extra Text: CONTINUATION OF WRIT OF HABEAS CORPUS HEARING		Disposition:		
			D355	2/14/2008	
	Department	Event Description	Sched. Date & Time		Disposed Date
9	D10	Request for Submission	7/7/2008	10:31:00	7/17/2008
	Event Extra Text: MOTION FOR COURET APPOINTED FEES		Disposition:		
			S200	7/17/2008	
	Department	Event Description	Sched. Date & Time		Disposed Date
10	D10	Request for Submission	8/29/2013	14:20:00	9/24/2013
	Event Extra Text: MOTION FOR CONTINUANCE OR STAY OF PROCEEDINGS WITH PENDING SUCCESSIVE WRIT		Disposition:		
			S200	9/24/2013	

## Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 51622

## Actions

Action Entry Date	Code	Code Description	Text
11/9/2005	1670	Ex-Parte Mtn...	FOR APPOINTMENT OF COUNSEL

Case ID: CR03P1263			Case Description: Consolidated into CR03-1263 (D10)		Initial Filing Date: 11/9/2005	
Case ID:	CR03P1263	Case Type:	POST CONVICTION			
11/9/2005	3565	Pet Post-Conviction Relief				
11/9/2005	1955	Memorandum Points&Authorities				
1/5/2006	3862	**Criminal Submit	DOCUMENT TITLE: PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)			
1/31/2006	2270	Mtn to Compel...	MOTION FOR ORDER TO COMPEL			
1/31/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION TO COMPEL			
1/31/2006	3860	Request for Submission	DOCUMENT TITLE: POST CONVICTION			
2/9/2006	3860	Request for Submission				
2/17/2006	2645	Opposition to Mtn ...	FOR ORDER TO COMPEL AND MOTION TO QUASH SUBPOENA DUCES TECUM			
3/6/2006	1930	Letters ...	LETTER BRIEF			
3/17/2006	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR ORDER TO COMPEL AND MOTION TO QUASH SUBPOENA DUCES TECUM			
3/21/2006	3880	Response...	RESPONSE TO PETITIONER' "LETTER BREIF" FILED IN REPLY TO THE CITY OF RENO'S OPPOSITION TC			
3/21/2006	3860	Request for Submission	DOCUMENT TITLE: RESPONSE TO PETITIONER'S LETTER BRIEF			
3/22/2006	4105	Supplemental ...	MEMORANDUM OF POINTS AND AUTHROITIES IN SUPPORT OF PETITION FOR POST CONVICTION			
5/22/2006	3860	Request for Submission	DOCUMENT TITLE: POST CONVICTION			
8/10/2006	3370	Order ...	QUASHING SUBPOENA DUCES TECUM AND DENYING MOTION TO COMPEL			
8/10/2006	3370	Order ...	APPOINTING KAY ELLEN ARMSTRON AS COUNSEL TO REPRESENT PETITION IN HIS WRIT OF HABEAS			
9/15/2006	4047	Stip Extension of Time ...	STIPULATION TO EXTEND TIME TO FILE SUPPLEMENT TO PETITION			
11/21/2006	4100	Supplemental Petition				
12/18/2006	3370	Order ...	FOR RESPONSE [FROM DISTRICT ATTORNEY]			
1/26/2007	3860	Request for Submission	*SEALED *			
1/30/2007	S200	Request for Submission Complet	ORDER GRANTING FEES			
1/30/2007	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES.			
1/30/2007	1315	** Case Closed				
2/5/2007	2155	Mtn Partial Dismissal ...	MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABASU			
2/5/2007	1130	Answer ...	TO PETITION AND SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)			
2/20/2007	3790	Reply to/in Opposition				
3/5/2007	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR PARTIAL DISMISSAL OF PETITION AND SUPPLEMENTAL PETITION			
3/5/2007	1325	** Case Reopened				
8/2/2007	T200	Tickle End Code	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND O			
8/2/2007	3370	Order ...	ORDER PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND O			
8/8/2007	T200	Tickle End Code	EVIDENTIARY HEARING SET FOR 9/20/07 @ 1:30 P.M.			
8/9/2007	1325	** Case Reopened				
8/9/2007	1250	Application for Setting	SET FOR 9/20/07 AT 1:30 PM			
8/20/2007	1260	Application Produce Prisoner				
8/20/2007	3340	Ord to Produce Prisoner				
9/20/2007	MIN	***Minutes				
10/3/2007	MIN	***Minutes	09/20/07-PETITION FOR POST CONVICTION/EVIDENTIARY HEARING - Transaction 61059 - Approved By: N			
10/11/2007	1075	Affidavit ...	AFFIDAVIT OF KAREN S FRALEY			
10/11/2007	2385	Mtn Proceed Forma Pauperis	* sealed *			

Case Description: Consolidated into CR03-1263 (D10)			
Case ID:	CR03P1263	Case Type:	POST CONVICTION
			Initial Filing Date: 11/9/2005
10/11/2007	1030	Affidavit in Support...	AFFIDAVIT IN SUPPORT OF APPLICATION TO PROCEED IN FORMA PAUPERIS
10/17/2007	3035	Ord Grant in Forma Pauperis	
10/25/2007	3860	Request for Submission	DOCUMENT TITLE: PETITION FOR POST-CONVICTION HABEAS CORPUS
10/25/2007	S200	Request for Submission Complet	ENTERED IN ERROR
11/5/2007	1250	Application for Setting	CONTINUATION OF EVIDENTIARY HEARING SET FOR 1/23/08 @ 1:30 P.M.
11/8/2007	4185	Transcript	9/20/2007 PETITION FOR POST CONVICTION
11/8/2007	4185	Transcript	EVIDENTIARY HEARING ON PETITION FOR POST CONVICTION - HEARD 9/20/07
11/8/2007	4185	Transcript	9/20/07 PETITION FOR POST CONVICTION
11/8/2007	4185	Transcript	9/20/2007 PETITION FOR POST CONVICTION
11/8/2007	4185	Transcript	PETITION FOR POST CONVICTION - SEPT 20, 2007
12/5/2007	3370	Order ...	*SEALED ORDER*
12/5/2007	4270	Waiver of Appearance	
12/5/2007	3860	Request for Submission	
12/21/2007	2610	Notice ...	OF WAIVER OF APPEARANCE
12/21/2007	2490	Motion ...	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT
12/21/2007	3860	Request for Submission	*SEALED*
1/8/2008	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES
1/8/2008	S200	Request for Submission Complet	ORDER GRANTING MOTION FOR COURT APPOINTED FEES
1/28/2008	1250	Application for Setting	02/14/2008 @ 1:30 P.M. - PETITION FOR WRIT OF HABEAS CORPUS POST-CONVICTION HEARING
1/30/2008	4050	Stipulation ...	STIPULATION FOR CONTINUANCE
2/14/2008	1315	** Case Closed	
3/5/2008	MIN	***Minutes	FEBRUARY 14, 2008 - WRIT OF HABEAS CORPUS - Transaction 152335 - Approved By: NOREVIEW : 03-05-
4/14/2008	1750	Findings, Conclusions & Judg	
4/24/2008	4185	Transcript	POST CONVICTION - 2/14/08
5/8/2008	2515	Notice of Appeal Supreme Court	
5/12/2008	1310	Case Appeal Statement	
5/12/2008	1365	Certificate of Transmittal	
5/12/2008	1350	Certificate of Clerk	
5/15/2008	3370	Order ...	ORDER DIRECTING THE STATE PUBLIC DEFENDER TO PAY PEGGY HOOGS & ASSOCIATES \$34.10.
5/15/2008	3370	Order ...	ORDER DIRECTING STATE PUBLIC DEFENDER TO PAY PEGGY HOOGS & ASSOCIATES \$42.60.
5/19/2008	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 51622
5/19/2008	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 51622
6/4/2008	4135	Supreme Court Ord Remanding	SURPEME COURT CASE NO. 51622
6/4/2008	3863	**Submit regarding Appeals	DOCUMENT TITLE: SUPREME COURT ORDER OF LIMITED REMAND FOR APPOINTMENT OF COUNSEL
6/9/2008	2715	Ord Appointing Counsel	KAY ELLEN ARMSTRONG, ESQ. FOR FERRILL J. VOLPICELLI FOR APPEAL PURPOSES ONLY
6/10/2008	2540	Notice of Entry of Ord	
7/7/2008	1325	** Case Reopened	
7/7/2008	2010	Mtn for Attorney's Fee	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT
7/7/2008	3860	Request for Submission	*SEALED*



Case ID:		CR03P1263	Case Type:	Case Description: Consolidated into CR03-1263 (D10) POST CONVICTION	Initial Filing Date:	11/9/2005
7/17/2008	3060	Ord Granting Mtn ...	*SEALED* ORDER GRANTING MOTION FOR COURT APPOINTED FEES			
7/17/2008	S200	Request for Submission Complet				
7/17/2008	1315	** Case Closed				
11/12/2008	4128	Supreme Court Order Denying	SUPREME COURT CASE NO. 52600			
9/10/2009	4125	Supreme Court Order...	ORDER TO (KAY ELLEN ARMSTRONG) TO FILE SUPPLEMENTAL APPENDIX: SUPREME COURT CASE NC			
10/27/2009	3860	Request for Submission	*SEALED*			
10/27/2009	2010	Mtn for Attorney's Fee	*SEALED* MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT			
11/6/2009	2777	Ord Approving ...	*SEALED * RECOMMENDATION AND ORDER FOR PAYMENT OF ATTORNEY'S FEES AND EXPENSES			
12/4/2009	NEF	Proof of Electronic Service	Transaction 1189860 - Approved By: NOREVIEW : 12-04-2009:15:18:39			
12/4/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1189844 - Approved By: NOREVIEW : 12-04-2009:15:16:05			
12/30/2009	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:27			
12/30/2009	NEF	Proof of Electronic Service	Transaction 1235684 - Approved By: NOREVIEW : 12-30-2009:16:38:06			
12/30/2009	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:27			
12/30/2009	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 51622 - Transaction 1235675 - Approved By: NOREVIEW : 12-30-2009:16:36:27			
1/28/2010	NEF	Proof of Electronic Service	Transaction 1286834 - Approved By: NOREVIEW : 01-28-2010:10:23:42			
1/28/2010	4128	Supreme Court Order Denying	ORDER DENYING MOTION TO RECALL REMITTITUR AND DENYING PERMISSION FOR A LATE PETITION			
4/22/2010	3860	Request for Submission	*SEALED*			
4/22/2010	2010	Mtn for Attorney's Fee	*SEALED * MOTION FOR COURT APPOINTED FEES WITH AFFIDAVIT IN SUPPORT			
5/6/2010	2777	Ord Approving ...	*SEALED* RECOMMENDATION AND ORDER FOR PAYMENT OF INTERIM ATTORNEY'S FEES			
4/23/2013	1955	Memorandum Points&Authorities	(COPY OF MEMORANDUM AND ALL EXHIBITS SENT TO DEFENDANT ON 07-10-13)			
4/23/2013	3565	Pet Post-Conviction Relief	PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)			
8/29/2013	1325	** Case Reopened				
8/29/2013	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR CONTINUANCE OR STAY OF PROCEEDINGS WITH PENDING SUCCES			
9/24/2013	3105	Ord Granting ...	ORDER GRANTING MOTION TO STAY - Transaction 4017249 - Approved By: NOREVIEW : 09-24-2013:12:14:			
9/24/2013	S200	Request for Submission Complet				
9/24/2013	NEF	Proof of Electronic Service	Transaction 4017253 - Approved By: NOREVIEW : 09-24-2013:12:15:54			
10/11/2013	1478	**Consolidated To...	CONSOLIDATED INTO CR03-1263. PLEASE FILE ALL FUTURE PLEADINGS INTO CR03-1263.			

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

\* \* \*

FERRILL J. VOLPICELLI,

Petitioner,

Case No.: CR03-1263

vs.

Dept. No.: 10

THE STATE OF NEVADA,

Respondent.

**ORDER DENYING MOTION FOR RELIEF WITH  
HABITUAL CRIMINAL ADJUDICATION**

Presently before the Court is the MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION (“the Motion”). The Motion was filed by Petitioner FERRILL J. VOLPICELLI (“the Petitioner”) on August 14, 2020. Respondent the STATE OF NEVADA (“the State”) filed the OPPOSITION FOR RELIEF WITH HABITUAL ADJUDICATION (“the Opposition”) on August 24, 2020. The Petitioner filed the REPLY TO OPPOSITION TO MOTION FOR RELIEF WITH HABITUAL CRIMINAL ADJUDICATION on October 1, 2020.<sup>1</sup> The Petitioner submitted the Motion for the Court’s consideration on October 20, 2020.

<sup>1</sup> The Court granted the Petitioner’s request for an extended deadline of October 15, 2020, to file the Reply. ORDER GRANTING MOTION FOR ENLARGEMENT OF TIME (Oct. 2, 2020).

1 The Petitioner was found guilty pursuant to a jury verdict of one count of CONSPIRACY  
2 TO COMMIT A CRIME AGAINST PROPERTY, a gross misdemeanor; eight counts of  
3 BURGLARY, all felonies; and one count of UNLAWFUL POSSESSION, MAKING, FORGERY,  
4 OR COUNTERFEITING OF INVENTORY PRICING LABELS, a felony, on November 14, 2003.  
5 The Court found the Petitioner to be a habitual criminal pursuant to NRS 207.010.<sup>2</sup> Judge Elliott  
6 sentenced the Plaintiff to imprisonment in Washoe County Jail for a term of twelve (12) months for  
7 the gross misdemeanor conviction. Judge Elliott sentenced the Petitioner to imprisonment in the  
8 Nevada Department of Corrections for concurrent life sentences for each BURGLARY conviction,  
9 and a consecutive life sentence for COUNTERFEITING conviction pursuant to NRS 201.010.  
10 Judge Elliott ordered the Petitioner to pay restitution in the amount of TEN THOUSAND THREE  
11 HUNDRED THIRTY-NINE DOLLARS AND SIXTEEN CENTS (\$10,339.16). *See* JUDGMENT  
12 (Apr. 4, 2004).

15 The Petitioner's sentence has been the subject of multiple motions, appeals, and a writ. The  
16 Nevada Supreme Court affirmed the Judgment on June 29, 2005. *See* ORDER OF AFFIRMANCE  
17 NO. 43205. The Petitioner filed the WRIT OF HABEAS CORPUS (POST-CONVICTION) ("the  
18 Writ") on November 9, 2005. The Court dismissed a majority of the Writ. *See* ORDER  
19 PARTIALLY DISMISSING PETITION FOR WRIT OF HABEAS CORPUS (POST-  
20 CONVICTION) AND ORDER TO SET HEARING (Aug. 2, 2007) filed in case number  
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27 <sup>2</sup> The Honorable Steven P. Elliott ("Judge Elliott") was the presiding judge in Department 10 in 2010. Judge Elliott  
28 retired in 2013. The undersigned took office on March 18, 2013.

1 See FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT (Apr. 14, 2008). The  
2 Nevada Supreme Court affirmed the district court decision regarding the Writ. See ORDER OF  
3 AFFIRMANCE NO. 51622 (Dec. 4, 2009) (“Order No. 51622”).

4 The Petitioner seeks relief from habitual criminal adjudication arguing it is unconstitutional  
5 and resulted in a miscarriage of justice. The Petitioner contends under both state and federal law he  
6 is legally and factually innocent as a habitual criminal. The Petition 1¶¶2-3. The Petitioner  
7 contends he is legally innocent because: 1) the Court misapprehended the Petitioner’s criminal  
8 record, which lead to an illegal adjudication and sentence; and 2) the Supreme Court affirmed the  
9 Court’s decisions contrary to state and federal law. The Petition 3¶1; 4¶1. The Petitioner argues he  
10 is factually innocent because the recently amended NRS 207.010 retroactively applies to him. The  
11 Petitioner claims he no longer satisfies the criteria to be adjudicated as a habitual criminal;  
12 therefore, requests the Court for immediate release. The Petitioner argues the following compel a  
13 sentence modification from NRS 207.010(1)(b)(2) to NRS 207.010(1)(a): 1) the Petitioner has been  
14 in custody for over two decades which is unfitting for the offence; 2) the Petitioner has worked and  
15 programmed throughout incarceration, and is deemed a productive and non-problematic inmate;  
16 3) the Petitioner suffers from age related ailments; 4) the Petitioner has maintained a continuous  
17 regimen of psychotropic medication over the past two decades; 5) the Petitioner is at high-risk of  
18 contracting COVID-19; 6) the Petitioner’s mother needs him as a caregiver; and 7) the Petitioner’s  
19 continued incarceration is an economic drag on taxpayers. The Petition 4¶2; 5¶¶1-2; 6¶1.

20 The State argues the Petitioner is attempting to avoid procedural bars by styling the pleading  
21 as a motion, rather than a petition. The State contends the motion is untimely, successive, and an  
22 abusive petition for writ of habeas corpus, which should be summarily dismissed. The Opposition  
23 3:15-19. The State argues the amendments to NRS 207.010 are not retroactive. The Opposition  
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1 4:11-24; 5:1-11. The Petitioner replies the Motion is not an untimely writ of habeas corpus. The  
2 Petitioner cites to NRCP 60(b)(4), NRS 176.555, and NRS 34.960 in support of his contention. The  
3 Reply 3¶3. The Petitioner replies he is not arguing ineffective assistance of counsel and referenced  
4 his previous attorney in the Motion to illustrate “every officer of the court erred.” The Reply 4¶3;  
5 5¶1. The Petitioner insists the imposition of nine life sentences for non-violent property crimes is a  
6 miscarriage of justice. The Reply 6¶1. The Petitioner claims he never argued AB 236 retroactively  
7 applies to him; instead, he argues Section 86 of AB 236 imposes new obligations upon the Court,  
8 which are “retroactive by federal law because they necessarily carry a significant risk a defendant  
9 no longer qualifies for the ongoing status of . . . a habitual criminal.” The Reply 7¶2; 8¶1.

10  
11 Sentencing decisions fall within the province of the trial court. *Stromberg v. Second Jud.*  
12 *Dist. Ct.*, 125 Nev. 1, 8, 200 P.3d 509, 513 (2009). The trial court’s discretion is limited by the  
13 sentencing parameters established by the Nevada Legislature in the relevant sentencing statute.  
14 *State v. Second Jud. Dist. Ct. (Hearn)*, 134 Nev. 783, 786, 432 P.3d 154, 158 (2018). A district  
15 court has limited authority to revisit a sentence after the defendant has started serving it. *Passanisi*  
16 *v. State*, 108 Nev. 318, 321-23, 831 P.2d 1371, 1372-73 (1992), *overruled on other grounds by*  
17 *Harris v. State*, 130 Nev. 435, 329 P.3d 619 (2014). A district court has inherent authority to  
18 modify a sentence within statutory limits which was pronounced “based on a materially untrue  
19 assumption or mistake of fact that has worked to the extreme detriment of the defendant.” *Edwards*  
20 *v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). However, modification is limited to  
21 situations where the sentence “is the result of the sentencing judge’s misapprehension of a  
22 defendant’s criminal record.” *Id.* The court should summarily deny a motion to modify a sentence  
23 raising claims that fall outside the proper scope. *Id.* at 708-09 n.2, 918 P.2d at 315 n.2.  
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1 The Court will deny the Motion. The Court interprets the Motion to be a motion to modify.  
2 The Court finds the Petitioner failed to demonstrate his sentence is entitled to modification. A  
3 motion to modify a sentence is based on very narrow due process grounds. The Nevada Supreme  
4 Court has emphasized:

5 “ . . . not every mistake or error which occurs during sentencing gives rise to a due  
6 process violation. The cases implicitly recognize . . . a due process violation arises  
7 only when the errors result in materially untrue assumptions about a defendant’s  
8 [criminal] record . . . . [T]hese considerations represent an appropriate  
9 jurisdictional limit to the correction or modification of a defective sentence by a  
district court.”

10 *Passanisi*, 108 Nev. at 323, 831 P.2d at 1373-74 (internal quotations and citations omitted). In  
11 other words, the Petitioner may only seek modification if a due process violation resulted from an  
12 error regarding a materially untrue assumption about the Petitioner’s criminal record.

13 The Petitioner has not shown his sentence was premised upon a materially untrue  
14 assumption about his criminal record. The Petitioner argues, “(1) the State and the district court  
15 botched his habitual criminal adjudication by unconstitutionally relying upon an improper judgment  
16 of convictions at sentencing, and (2) that the Nevada Supreme Court unconstitutionally” affirmed  
17 the Court’s sentence contrary to law. The Motion 3¶1. During sentencing, the State filed three (3)  
18 judgments of conviction: 1) the 2004 judgment of convicting for obtaining money by false  
19 pretenses prior to his conviction in this case (“the 2004 Judgment”); 2) a 1998 federal court  
20 conviction of four counts of felony tax perjury (“the 1998 Federal Judgment”); and 3) a 1998  
21 Nevada conviction of two counts of burglary (“the 1998 Nevada Judgment”). The Nevada Supreme  
22 Court held the 2004 Judgment was erroneously considered by the Court during sentencing;  
23 however, the error was harmless because a sufficient number of convictions were presented. The  
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1 Nevada Supreme Court noted the 1998 Federal Judgment and the 1998 Nevada Judgment “list six  
2 additional felonies which were properly considered when determining appellant’s adjudication of a  
3 habitual felon.” Order No. 51622, p. 3.

4         The Nevada Supreme Court decision in Order No. 51622 is the law of this case; thus, the  
5 Petitioner has failed to demonstrate a materially untrue assumption about his criminal record.  
6  
7         “[T]he law of the case doctrine states that [t]he law of a first appeal is the law of the case on all  
8 subsequent appeals in which the facts are substantially the same.” *Pellegrini v. State*, 117 Nev. 860,  
9 884, 34 P.3d 519, 535 (2001) *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423  
10 n.12, 423 P.3d 1084, 1097 n.12 (2018) (internal quotations omitted). Under the law of the case  
11 doctrine, “[w]hen an appellate court states a principle or rule of law necessary to a decision, the  
12 principle or rule becomes the law of the case and must be followed throughout its subsequent  
13 progress, both in the lower court and upon subsequent appeal.” *Hsu v. Cty. of Clark*, 123 Nev. 625,  
14 629-30, 172 P.3d 724, 728 (2007) (quoting *Wickliffe v. Sunrise Hosp.*, 104 Nev. 777, 780, 866 P.2d  
15 1322, 1324 (1988)). The law of the case doctrine “is designed to ensure judicial consistency and to  
16 prevent the reconsideration, during the course of a single continuous lawsuit, of those decisions  
17 which are intended to put a particular matter to rest.” *Id.* at 630, 173 P.3d at 728 (quoting *United*  
18 *States v. Real Prop. Located at Incline Vill.*, 976 F.Supp. 1327, 1353 (D. Nev. 1997)). “The law of  
19 the case doctrine, therefore, serves important policy considerations, including judicial consistency,  
20 finality, and protection of the court’s integrity.” *Id.* Because the Nevada Supreme Court has ruled  
21 on the issue presented, and the Motion presents no legal analysis contradicting the ruling, the  
22 decision in Order No. 51622 is the law of the case and will not be reconsidered.  
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1           The Court also finds the recent amendments to NRS 207.010 do not apply to the Petitioner.  
2           The Nevada Legislature passed Assembly Bill 236 (“AB 236”) during the eightieth session.  
3           Section 86 of the bill increased the number of predicate felonies necessary to impose the habitual  
4           criminal enhancement. Section 86 of AB 236 does not retroactively apply to the Petitioner. The  
5           Nevada Supreme Court has held “unless the Legislature clearly expresses its intent to apply a law  
6           retroactively, Nevada law requires application of the law in effect at the time of the commission of  
7           the crime.” *State v. Second Jud. Dist. Ct. (Pullin)*, 124 Nev. 564, 569, 188 P.2d 1079, 1082 (2008)  
8           (explaining statutory retroactivity pursuant to Nevada caselaw). *See also State v. Merolla*, 100 Nev.  
9           461, 465, 686 P.2d 244, 246 (1984) (explaining statute generally must be construed to have only  
10          prospective effect, unless contrary legislative intent is clearly indicated).

11           A review of the legislative history reveals no indication the Nevada Legislature intended the  
12          amendments to apply retroactively. When interpreting statutes, Nevada follows the maxim  
13          “expressio unius est exclusio alterius,” the expression of one thing is the exclusion of another. *State*  
14          *v. Javier C.*, 128 Nev. 536, 541, 289 P.3d 1194, 1197 (2012) (citing *Cramer v. State, Dept. of Motor*  
15          *Vehicles*, 126 Nev. 388, 393-94, 240 P.3d 8, 12 (2010)). The Legislation passed AB 3 during the  
16          thirty-second special session of 2020. Section 8 of AB 3 amended Section 34 of AB 236, making  
17          Section 34 retroactive. The Court interprets the Nevada Legislation’s expression of retroactive  
18          application to one part of AB 236, is the exclusion of retroactive application to other parts of AB  
19          236 not mentioned in AB 3. The Court finds the recent amendments do not apply to the Petitioner  
20          and his sentence may not be modified pursuant to AB 236.

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1           **IT IS ORDERED** the MOTION FOR RELIEF WITH HABITUAL CRIMINAL  
2 ADJUDICATION is hereby **DENIED**.

3           **DATED** this 21st day of December, 2020.

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7 ELLIOTT A. SATTLER  
8 District Judge  
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FERRILL J. VOLPICELLI #79565  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

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JENNIFER NOBLE, ESQ.

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1 **CODE 2540**

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

7  
8 **STATE OF NEVADA,**

9 **Plaintiff,**

**Case No: CR03-1263**

10 **vs.**

**Dept. No: 10**

11  
12 **FERRILL J. VOLPICELLI,**

13 **Defendant.**

14 \_\_\_\_\_/

15 **NOTICE OF ENTRY OF ORDER**

16  
17 PLEASE TAKE NOTICE that on December 21, 2020, the Court entered a decision  
18 or order in this matter, a true and correct copy of which is attached hereto.

19 Dated December 22, 2020.

20  
21 \_\_\_\_\_  
22 **JACQUELINE BRYANT**

**Clerk of the Court**

23 \_\_\_\_\_  
24 **/s/N. Mason**

**N. Mason-Deputy Clerk**

1 **CERTIFICATE OF SERVICE**

2 Case No. CR03-1263

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second  
4 Judicial District Court; that on December 22, 2020, I electronically filed the Notice of Entry  
5 of Order with the Court System which will send a notice of electronic filing to the following:  
6

7 DIV. OF PAROLE & PROBATION  
8 KATHERINE H. LYON, ESQ. for STATE OF NEVADA  
JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA

9 I further certify that on December 22, 2020, I deposited in the Washoe  
10 County mailing system for postage and mailing with the U.S. Postal Service in Reno,  
11 Nevada, a true copy of the attached document, addressed to:

12  
13 Attorney General's Office  
14 100 N. Carson Street  
Carson City, NV 89701-4717

15 Ferrill J. Volpicelli (#79565)  
16 Lovelock Correctional Center  
17 1200 Prison Rd.  
Lovelock, NV 89419

18 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the  
19 preceding document does not contain the personal information of any person.

20 Dated December 22, 2020.

21 /s/N. Mason  
22 N. Mason- Deputy Clerk  
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IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
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FERRILL J. VOLPICELLI,

Petitioner,

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20 The State argues the Petitioner is attempting to avoid procedural bars by styling the pleading  
21 as a motion, rather than a petition. The State contends the motion is untimely, successive, and an  
22 abusive petition for writ of habeas corpus, which should be summarily dismissed. The Opposition  
23 3:15-19. The State argues the amendments to NRS 207.010 are not retroactive. The Opposition  
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1 4:11-24; 5:1-11. The Petitioner replies the Motion is not an untimely writ of habeas corpus. The  
2 Petitioner cites to NRCP 60(b)(4), NRS 176.555, and NRS 34.960 in support of his contention. The  
3 Reply 3¶3. The Petitioner replies he is not arguing ineffective assistance of counsel and referenced  
4 his previous attorney in the Motion to illustrate “every officer of the court erred.” The Reply 4¶3;  
5 5¶1. The Petitioner insists the imposition of nine life sentences for non-violent property crimes is a  
6 miscarriage of justice. The Reply 6¶1. The Petitioner claims he never argued AB 236 retroactively  
7 applies to him; instead, he argues Section 86 of AB 236 imposes new obligations upon the Court,  
8 which are “retroactive by federal law because they necessarily carry a significant risk a defendant  
9 no longer qualifies for the ongoing status of . . . a habitual criminal.” The Reply 7¶2; 8¶1.

10  
11 Sentencing decisions fall within the province of the trial court. *Stromberg v. Second Jud.*  
12 *Dist. Ct.*, 125 Nev. 1, 8, 200 P.3d 509, 513 (2009). The trial court’s discretion is limited by the  
13 sentencing parameters established by the Nevada Legislature in the relevant sentencing statute.  
14 *State v. Second Jud. Dist. Ct. (Hearn)*, 134 Nev. 783, 786, 432 P.3d 154, 158 (2018). A district  
15 court has limited authority to revisit a sentence after the defendant has started serving it. *Passanisi*  
16 *v. State*, 108 Nev. 318, 321-23, 831 P.2d 1371, 1372-73 (1992), *overruled on other grounds by*  
17 *Harris v. State*, 130 Nev. 435, 329 P.3d 619 (2014). A district court has inherent authority to  
18 modify a sentence within statutory limits which was pronounced “based on a materially untrue  
19 assumption or mistake of fact that has worked to the extreme detriment of the defendant.” *Edwards*  
20 *v. State*, 112 Nev. 704, 707, 918 P.2d 321, 324 (1996). However, modification is limited to  
21 situations where the sentence “is the result of the sentencing judge’s misapprehension of a  
22 defendant’s criminal record.” *Id.* The court should summarily deny a motion to modify a sentence  
23 raising claims that fall outside the proper scope. *Id.* at 708-09 n.2, 918 P.2d at 315 n.2.  
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1 The Court will deny the Motion. The Court interprets the Motion to be a motion to modify.  
2 The Court finds the Petitioner failed to demonstrate his sentence is entitled to modification. A  
3 motion to modify a sentence is based on very narrow due process grounds. The Nevada Supreme  
4 Court has emphasized:

5 “ . . . not every mistake or error which occurs during sentencing gives rise to a due  
6 process violation. The cases implicitly recognize . . . a due process violation arises  
7 only when the errors result in materially untrue assumptions about a defendant’s  
8 [criminal] record . . . . [T]hese considerations represent an appropriate  
9 jurisdictional limit to the correction or modification of a defective sentence by a  
district court.”

10 *Passanisi*, 108 Nev. at 323, 831 P.2d at 1373-74 (internal quotations and citations omitted). In  
11 other words, the Petitioner may only seek modification if a due process violation resulted from an  
12 error regarding a materially untrue assumption about the Petitioner’s criminal record.

13 The Petitioner has not shown his sentence was premised upon a materially untrue  
14 assumption about his criminal record. The Petitioner argues, “(1) the State and the district court  
15 botched his habitual criminal adjudication by unconstitutionally relying upon an improper judgment  
16 of convictions at sentencing, and (2) that the Nevada Supreme Court unconstitutionally” affirmed  
17 the Court’s sentence contrary to law. The Motion 3¶1. During sentencing, the State filed three (3)  
18 judgments of conviction: 1) the 2004 judgment of convicting for obtaining money by false  
19 pretenses prior to his conviction in this case (“the 2004 Judgment”); 2) a 1998 federal court  
20 conviction of four counts of felony tax perjury (“the 1998 Federal Judgment”); and 3) a 1998  
21 Nevada conviction of two counts of burglary (“the 1998 Nevada Judgment”). The Nevada Supreme  
22 Court held the 2004 Judgment was erroneously considered by the Court during sentencing;  
23 however, the error was harmless because a sufficient number of convictions were presented. The  
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1 Nevada Supreme Court noted the 1998 Federal Judgment and the 1998 Nevada Judgment “list six  
2 additional felonies which were properly considered when determining appellant’s adjudication of a  
3 habitual felon.” Order No. 51622, p. 3.

4         The Nevada Supreme Court decision in Order No. 51622 is the law of this case; thus, the  
5 Petitioner has failed to demonstrate a materially untrue assumption about his criminal record.  
6  
7         “[T]he law of the case doctrine states that [t]he law of a first appeal is the law of the case on all  
8 subsequent appeals in which the facts are substantially the same.” *Pellegrini v. State*, 117 Nev. 860,  
9 884, 34 P.3d 519, 535 (2001) *abrogated on other grounds by Rippo v. State*, 134 Nev. 411, 423  
10 n.12, 423 P.3d 1084, 1097 n.12 (2018) (internal quotations omitted). Under the law of the case  
11 doctrine, “[w]hen an appellate court states a principle or rule of law necessary to a decision, the  
12 principle or rule becomes the law of the case and must be followed throughout its subsequent  
13 progress, both in the lower court and upon subsequent appeal.” *Hsu v. Cty. of Clark*, 123 Nev. 625,  
14 629-30, 172 P.3d 724, 728 (2007) (quoting *Wickliffe v. Sunrise Hosp.*, 104 Nev. 777, 780, 866 P.2d  
15 1322, 1324 (1988)). The law of the case doctrine “is designed to ensure judicial consistency and to  
16 prevent the reconsideration, during the course of a single continuous lawsuit, of those decisions  
17 which are intended to put a particular matter to rest.” *Id.* at 630, 173 P.3d at 728 (quoting *United*  
18 *States v. Real Prop. Located at Incline Vill.*, 976 F.Supp. 1327, 1353 (D. Nev. 1997)). “The law of  
19 the case doctrine, therefore, serves important policy considerations, including judicial consistency,  
20 finality, and protection of the court’s integrity.” *Id.* Because the Nevada Supreme Court has ruled  
21 on the issue presented, and the Motion presents no legal analysis contradicting the ruling, the  
22 decision in Order No. 51622 is the law of the case and will not be reconsidered.  
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1           The Court also finds the recent amendments to NRS 207.010 do not apply to the Petitioner.  
2           The Nevada Legislature passed Assembly Bill 236 (“AB 236”) during the eightieth session.  
3           Section 86 of the bill increased the number of predicate felonies necessary to impose the habitual  
4           criminal enhancement. Section 86 of AB 236 does not retroactively apply to the Petitioner. The  
5           Nevada Supreme Court has held “unless the Legislature clearly expresses its intent to apply a law  
6           retroactively, Nevada law requires application of the law in effect at the time of the commission of  
7           the crime.” *State v. Second Jud. Dist. Ct. (Pullin)*, 124 Nev. 564, 569, 188 P.2d 1079, 1082 (2008)  
8           (explaining statutory retroactivity pursuant to Nevada caselaw). *See also State v. Merolla*, 100 Nev.  
9           461, 465, 686 P.2d 244, 246 (1984) (explaining statute generally must be construed to have only  
10          prospective effect, unless contrary legislative intent is clearly indicated).

11           A review of the legislative history reveals no indication the Nevada Legislature intended the  
12          amendments to apply retroactively. When interpreting statutes, Nevada follows the maxim  
13          “expressio unius est exclusio alterius,” the expression of one thing is the exclusion of another. *State*  
14          *v. Javier C.*, 128 Nev. 536, 541, 289 P.3d 1194, 1197 (2012) (citing *Cramer v. State, Dept. of Motor*  
15          *Vehicles*, 126 Nev. 388, 393-94, 240 P.3d 8, 12 (2010)). The Legislation passed AB 3 during the  
16          thirty-second special session of 2020. Section 8 of AB 3 amended Section 34 of AB 236, making  
17          Section 34 retroactive. The Court interprets the Nevada Legislation’s expression of retroactive  
18          application to one part of AB 236, is the exclusion of retroactive application to other parts of AB  
19          236 not mentioned in AB 3. The Court finds the recent amendments do not apply to the Petitioner  
20          and his sentence may not be modified pursuant to AB 236.

21          ///

22          ///

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1           **IT IS ORDERED** the MOTION FOR RELIEF WITH HABITUAL CRIMINAL  
2 ADJUDICATION is hereby **DENIED**.

3           **DATED** this 21st day of December, 2020.

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7           ELLIOTT A. SATTLER  
8 District Judge  
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FERRILL J. VOLPICELLI #79565  
Lovelock Correctional Center  
1200 Prison Road  
Lovelock, Nevada 89419

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JENNIFER NOBLE, ESQ.

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CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/18/03

ARRAIGNMENT

HONORABLE

Deputy District Attorney Tammy Riggs represented the State.

09/24/03

JAMES W.

Defendant was present with counsel, Jack Alian, Esq. Probation

8:30 a.m.

HARDESTY

Officer Heidi Poe was present on behalf of the Division of Parole and

Motion to

DEPT. NO. 9

Probation.

Confirm

C. Wynn

Defense counsel was handed a copy of the Information; waived

(Clerk)

formal reading.

10/06/03

D. Davidson

TRUE NAME: FERRILL JOSEPH VOLPICELLI

8:30 a.m.

(Reporter)

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

Jury Trial

(4 days)

COURT ORDERED: Matter continued for trial by jury.

Defendant was remanded to the custody of the Sheriff.

CR03-1263 DC-9900025179-027  
STATE VS. FERRILL JOSEPH VOLP 1 Page  
District Court 06/18/2003 10:36 AM  
Washoe County  
MTN  
TOWER

**CASE NO. CR03-1263**

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

## APPEARANCES-HEARING

**CONTINUED TO**

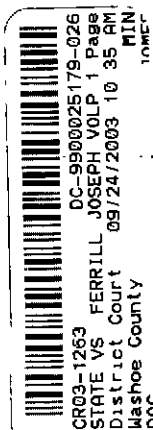
09/24/03  
HONORABLE  
JAMES W.  
HARDESTY  
DEPT. NO. 9  
S. Sattler  
(Clerk)  
D. Davidson  
(Reporter)

**MOTION TO CONFIRM TRIAL**

Deputy D.A. Tammy Riggs represented the State.  
Defendant present without counsel.  
Counsel for State addressed the Court and indicated they had met with his Administrative Assistant to continue this matter and noted this was Mr. Van Ry's case.  
Court indicated he believed this matter had been previously continued and advised the Defendant not to speak to the Court without his counsel.  
Defendant remanded to the custody of the Sheriff.

10/24/03  
at 8:30 a.m.  
Motion to  
Confirm

11/10/03  
at 8:30 a.m.  
Jury Trial



0-5  
12/6  
related

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

11/10/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
P. Hoogs  
(Reporter)

HEARING RE: CONFLICT OF COUNSEL

Deputy D.A. Tammy Riggs represented the State.  
Defendant present with counsel, Bradley Van Ry.  
Counsel for State addressed the Court and stated that she has not received notice of motion for discharging of counsel.  
Counsel for Defendant informed the Court that no formal has been filed and stated the Defendant had written letters informing him that the Defendant was not prepared for trial.  
Court made inquiries of defense counsel regarding preparedness for trial; counsel for Defendant stated he was prepared for trial.  
Counsel for State informed the Court that the Defendant had tried to delay the trial many times before.  
Court made inquiries of Defendant regarding self-representation; Defendant responded that he would not represent himself.  
COURT ORDERED: Trial set for Wednesday, November 12, 2003 is confirmed.  
Court informed respective counsel that the writ filed by the defense had been denied by Judge Hardesty.  
Counsel for State requested the Court to admonish the Defendant as to making any eleventh hour motions to delay the trial.  
Court informed the Defendant that all motions must be brought to the Court's attention through defense counsel.

11/12/03  
8:30 a.m.  
Jury Trial

CR03-1263  
DC-9900025179-025  
STATE VS. FERRILL JOSEPH VOLPICELLI  
District Court  
Washoe County  
11/10/2003 10:35 AM  
10MIN  
10MIN



DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

## APPEARANCES-HEARING

11/12/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL

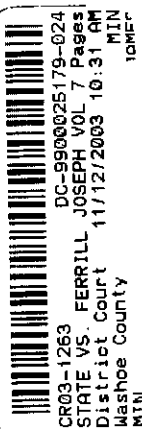
Deputy D.A. Tammy Riggs represented the State.  
Defendant was present with counsel, Bradley Van Ry.  
Introductions of Court, counsel, Court personnel and respective parties were made to the prospective jurors.  
All prospective jurors were sworn to answer questions touching upon their qualifications to serve as jurors in this case.  
General and specific examination was had of the prospective jurors in the box.  
Following peremptory challenges, the following twelve (12) jurors and one (1) alternate(s) were sworn to try this case:

Russell Christiansen  
Eric Morgan  
Gerald Jackson  
Tony Major  
Heather Harzke  
Joy White

Caston Kennard  
Richard McNeely  
Diane Estep  
Christina Dutra  
Carlotta King  
Florence Albee

Alternate(s): Wallace Peterson

Upon direction of the Court, the Clerk read the Indictment which was filed in this case and stated the Defendant's plea thereto.  
The jurors were admonished prior to each recess throughout the trial and respective counsel stipulated to their presence each time the Court convened.  
Outside the presence of the jury, respective counsel stipulated to the admission of State's exhibits 1 through 10 and 12 through 43.  
**COURT ORDERED: State's exhibits 1-10 and 12-43 admitted.**  
The jury returned to the courtroom  
Respective counsel presented opening statements.  
Counsel for Defendant moved to invoke the rule of exclusion; **SO ORDERED.**  
**David Della** was called by counsel for State, sworn, testified and cross-examined.  
**Karinah Prevost** was called by counsel for State, sworn and testified.  
**John David Ellis, Jr.** was called by counsel for State, sworn, testified and cross-examined.  
**Brett Bowman** was called by counsel for State, sworn, testified and cross-examined.



DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

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11/12/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CON'T

The following exhibit was ordered admitted during the testimony of witness Bowman:

**State's exhibit 11**

COURT ORDERED: The trial is continued until Thursday, November 13, 2003 at 10:30 a.m. The jurors were excused until said time.

Outside the presence of the jury, respective counsel reserved their right to recall witness Bowman.

Counsel for Defendant informed the Court that the Defendant would like the opportunity to further cross-examine the witnesses; objection and response by counsel for State.

COURT ORDERED: All cross-examination shall be performed by defense counsel. Counsel for State informed the Court that defense counsel had gone into the character evidence of witness Bowman, therefore the State should be allowed to present evidence to the jury of where witness Bowman and the Defendant met; objection and response by counsel for Defendant.

COURT ORDERED: The State is hereby prohibited to present evidence of where witness Bowman and the Defendant had met.

COURT ORDERED: The trial is continued until Thursday, November 13, 2003 at 10:30 a.m.

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11/13/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CON'T

Deputy D.A. Tammy Riggs represented the State.

Defendant was present with counsel, Bradley Van Ry.

**Scott Armitage** was called by counsel for State, sworn, testified and cross-examined.

The following exhibits were ordered marked and admitted during the testimony of witness Armitage:

**State's exhibits 44-46**

**Larry Lodge** was called by counsel for State, sworn, testified and cross-examined.

**Michael Brown** was called by counsel for State, sworn, testified and cross-examined.

**Greg Danielson** was called by counsel for State, sworn, testified and cross-examined.

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

11/13/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CONT

**Willard Mowery** was called by counsel for State, sworn, testified and cross-examined.

**Reed Thomas** was called by counsel for State, sworn, testified and cross-examined.

**State rests.**

Outside the presence of the jury, the Court canvassed the Defendant as to his right to testify on his own behalf.

Counsel for Defendant moved to dismiss the case and presented argument thereto; objection and response by counsel for State.

COURT ORDERED: Motion to dismiss denied.

Further discussion between Court and respective counsel.

The jury returned to the courtroom.

COURT ORDERED: The trial is continued until Friday, November 14, 2003 at 10:00 a.m.

11/14/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CONT

Deputy D.A. Tammy Riggs represented the State.

*Defendant was present with counsel, Bradley Van Ry.*

**Defense rested.**

The Court and respective counsel met in chambers for the purpose of settling jury instructions as noted in the stenographic record.

Instructions #1 through #37 and twenty (20) verdict forms were offered.

The jury returned to the courtroom.

Court read Jury Instructions #1 through #37 to the jury.

Closing arguments were presented by respective counsel.

Court proposed the alternate juror be excused, subject to recall; no objection by respective counsel.

At 2:10 p.m. the Bailiff was sworn by the Clerk to take charge of the jury during their deliberations.

Court stood in recess, subject to call of the jury.

At 3:50 p.m. the jury returned to the courtroom and the Clerk read the following verdicts:

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

11/14/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CONT

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT I: CONSPIRACY TO COMMIT CRIMES  
AGAINST PROPERTY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT II: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT III: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

11/14/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CON'T

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT IV: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT V: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT VI: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

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11/14/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CON'T

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT VII: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT VIII: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT IX: BURGLARY

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

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11/14/03  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
D. Gustin  
(Reporter)

JURY TRIAL, CON'T

VERDICT

We, the jury in the above-entitled matter, find the defendant, FERRILL JOSEPH  
VOLPICELLI, GUILTY of COUNT X: UNLAWFUL POSSESSION, MAKING,  
FORGERY OR COUNTERFEITING OF INVENTORY PRICING LABELS.

DATED this 14 day of November, 2003.

/s/ Joy White  
FOREPERSON

Upon request of counsel for Defendant, Court ordered the jury polled and to the  
question "Are these the Verdicts to which you agree?", each juror for himself/herself  
and not one for the other, replied "yes".  
The jurors were thanked and excused.  
Formal sentencing was set for December 23, 2003 at 8:30 a.m.  
Defendant remanded to the custody of the Sheriff.

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DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/01/04

HON. STEVEN P.

ELLIOTT

DEPT. NO. 10

G. Bartlett

(Clerk)

L. Urmston

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Tammy Riggs represented the State.

Defendant present with counsel, Bradley Van Ry.

Probation Officer, Erin Lukl, also present.

Counsel for Defendant informed the Court that he will reserve his argument till after the State's argument.

Counsel for State marked exhibits 1 through 3.

**Scott Hopkins** was called by counsel for State, sworn and testified.

During the testimony of witness Hopkins, the following exhibit was ordered marked and admitted by the Court:

**State's exhibit 4**

**Reid Thomas** was called by counsel for State, sworn and testified.

During the testimony of witness Reid, the following exhibit was ordered marked and admitted by the Court:

**State's exhibit 5**

Counsel for State discussed the Defendant's criminal history, the negative economic impact on the community and presented argument in support of the Court finding the Defendant an habitual criminal.

Court made finding that State's exhibits 1 through 3 were constitutionally valid proof of prior felony convictions; COURT ORDERED: State's exhibits 1 through 3 are hereby admitted. Counsel for Defendant discussed the Defendant's mental illness and the length of time the Defendant has spent in custody and objected to State's recommendation to find the Defendant an Habitual Criminal. Counsel for Defendant urged the Court to impose a one (1) to ten (10) year sentence on each burglary count and have counts II through V run concurrently with counts VI through IX.

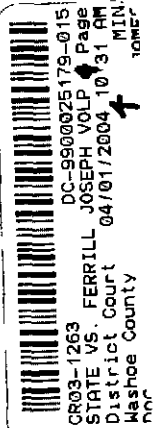
During the argument, counsel for Defendant marked and moved for the admission of exhibits 6 and 7; no objection by counsel for State. COURT ORDERED: Defendant's exhibits 6 and 7 are hereby admitted.

Officer Lukl stands by the recommendation of the Division.

Defendant made a statement to the Court.

Counsel for State presented further argument in support of the State's recommendation.

COURT ORDERED: Judgment entered. The Court having





DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/01/04  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
L. Urmston  
(Reporter)

ENTRY OF JUDGEMENT AND IMPOSITION OF SENTENCE  
CONTINUED

adjudged the Defendant to be a Habitual Criminal as provided for under NRS 207.010, upon a felony conviction, followed by proof of the three (3) prior felonies, the Court hereby sentences the Defendant to Washoe County Jail for the term of twelve (12) months, to run concurrently with Counts II through X, as to Count I. As to Count II, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served. As to Count III, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count II. As to Count IV, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count III. As to Count V, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count IV. As to Count VI, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count V. As to Count VII, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count VI. As to Count VIII, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run concurrently with Count VII. As to Count IX, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run consecutively to Count VIII. As to Count X, the Defendant is sentence in the Nevada State Prison for the term of Life with parole eligibility beginning after ten (10) years has been served, to run consecutively to Count IX. The above sentence shall be served consecutively to any other sentence the Defendant is obligated to serve.

CASE NO. CR03-1263

STATE OF NEVADA VS. FERRILL JOSEPH VOLPICELLI

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

---

04/01/04  
HON. STEVEN P.  
ELLIOTT  
DEPT. NO. 10  
G. Bartlett  
(Clerk)  
L. Urmston  
(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE  
CONTINUED

The Defendant is further ordered to pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing fee, restitution in the amount of Ten Thousand Three Hundred Thirty-Nine Dollars and Sixteen Cents (\$10,339.16) and reimburse the County of Washoe the sum of Five Hundred Dollars (\$500.00) for legal representation by the Washoe County Public Defender's Office. The Defendant is given credit for zero (0) days time served.  
Defendant remanded to the custody of the Sheriff.

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STATE VS. FERRILL JOSEPH VOLPICELLI

SENTENCING DATE 4/1/04 DEPT. 10 REPORTER: L. URMSTON  
CLERK: G. BARTLETT

\$25.00 AAF  
\$150.00 DNA  
\$10,339.16 REST  
\$500.00 AF

Count I: WCJ 12 MOS., TO RUN CONCUR. WITH COUNTS II THROUGH X  
Count II: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED

Count III: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT II

Count IV: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT III

Count V: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT IV

Count VI: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT V

Count VII: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT VI

Count VIII: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT VII

Count IX: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONCUR. W/ COUNT VIII

Count X: NSP LIFE W/ PAROLE ELIGIBILITY BEGINNING AFTER 10 YRS HAS  
BEEN SERVED, TO RUN CONSEC. TO COUNTS ~~II~~ **II** THROUGH IX

SAID SENTENCE IS TO BE RUN CONSEC. TO ANY OTHER SENTENCE THE  
DEFENDANT IS OBLIGATED TO SERVE.

DEFENDANT IS GIVEN ZERO (0) DAYS TIME SERVED CREDIT.

CASE NO. CR03P1263

POST: FERRILL J. VOLPICELLI

*e-filed*

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/20/07

PETITION FOR POST CONVICTION/EVIDENTIARY HEARING

HONORABLE

Deputy District Attorney Terrence McCarthy represented the State.

STEVEN P.

Petitioner was present with counsel, Kay Armstrong, Esq.

ELLIOTT

Counsel Armstrong moved to invoke the rule of exclusion; no

DEPT. NO. 10

objection; SO ORDERED.

M. Merkouris

Counsel Armstrong called Bradley Van Ry who was sworn and

(Clerk)

examined; cross examined; re-direct examined and excused.

J. Schonlau

State called Deputy District Attorney Tammy Riggs who was sworn

(Reporter)

and examined; cross examined; re-direct examined; excused.

2:45 p.m. – Court stood in recess.

3:00 p.m. – Court reconvened.

Counsel Armstrong requested time to obtain an affidavit to

supplement Exhibit A; State objected; COURT found that the

Petitioner will be allowed time to attempt to supplement Exhibit A.

COURT further ordered that it will go forward today on items #11, 12

and 14.

Counsel Armstrong argued in support of the petition.

State argued in opposition of the petition.

Counsel Armstrong had no further argument.

COURT presented it's findings of fact and conclusions of law and

ruled in favor of the State. Items #11, 12 and 14 are hereby denied.

COURT further reserved it's ruling as to item #7 upon further review  
of the evidence.

3:15 p.m. – Court stood in recess.

3:20 p.m. – Court reconvened.

**State's exhibit 1 marked and offered; no objection; ordered**

**ADMITTED into evidence.**

3:24 p.m. – Court concluded and stood in recess.

CR03P1263  
DC-9900025217-045  
POST: FERRILL J VOLPICELLI 1 Page  
District Court 09/20/2007 01:09 PM  
Washoe County

CASE NO. CR03P1263

POST: FERRILL J. VOLPICELLI

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

09/20/07

PETITION FOR POST CONVICTION/EVIDENTIARY HEARINGHONORABLE  
STEVEN P.Deputy District Attorney Terrence McCarthy represented the State.  
Petitioner was present with counsel, Kay Armstrong, Esq.

ELLIOTT

Counsel Armstrong moved to invoke the rule of exclusion; no  
objection; SO ORDERED.DEPT. NO. 10  
M. MerkourisCounsel Armstrong called Bradley Van Ry who was sworn and  
examined; cross examined; re-direct examined and excused.

(Clerk)

State called Deputy District Attorney Tammy Riggs who was sworn  
and examined; cross examined; re-direct examined; excused.J. Schonlau  
(Reporter)

2:45 p.m. – Court stood in recess.

3:00 p.m. – Court reconvened.

Counsel Armstrong requested time to obtain an affidavit to  
supplement Exhibit A; State objected; COURT found that the  
Petitioner will be allowed time to attempt to supplement Exhibit A.  
COURT further ordered that it will go forward today on items #11, 12  
and 14.

Counsel Armstrong argued in support of the petition.

State argued in opposition of the petition.

Counsel Armstrong had no further argument.

COURT presented it's findings of fact and conclusions of law and  
ruled in favor of the State. Items #11, 12 and 14 are hereby denied.COURT further reserved it's ruling as to item #7 upon further review  
of the evidence.

3:15 p.m. – Court stood in recess.

3:20 p.m. – Court reconvened.

**State's exhibit 1 marked and offered; no objection; ordered  
ADMITTED into evidence.**

3:24 p.m. – Court concluded and stood in recess.

**FILED**

Electronically

03-05-2008:10:19:53 AM

Howard W. Conyers

Clerk of the Court

Transaction # 152335

CASE NO. CRP3P1263

POST: FERRILL J. VOLPICELLI

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/14/08

HEARING RE: PETITION FOR POST CONVICTION

HONORABLE

CONTINUATION OF WRIT OF HABEAS CORPUS HEARING

STEVEN P.

Deputy District Attorney Terry McCarthy represented Respondent,

ELLIOTT

State of Nevada. Kay Armstrong, Esq. represented Petitioner, Ferrill

DEPT. NO. 10

Joseph Volpicelli who was not present.

C. Wynn

COURT noted the issues that were denied during the last hearing;

(Clerk)

further indicated the last remaining issue as to ground (7) seven

J. Schonlau

regarding restitution.

(Reporter)

Counsel Armstrong addressed the Court and reviewed exhibit 5; further made statements regarding the list of property totaling over \$10,000.00 and the affidavit filed with the City Attorney; and further presenting statement in support of the petition.

Counsel McCarthy addressed the Court reviewing the two prongs and further presenting statement in opposition to the petition.

COURT presented its findings of fact and conclusions of law.

**COURT ORDERED:** Request for relief if hereby DENIED.

Code 1350

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

**FERRILL J. VOLPICELLI,**

**Case No. CR03-1263**

**Petitioner,**

**Dept. No. 10**

**vs.**

**THE STATE OF NEVADA,**

**Respondent.**

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 15th day of January, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 15th day of January, 2021.

Jacqueline Bryant  
Clerk of the Court  
By /s/YViloria  
YViloria  
Deputy Clerk