

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

No. 81472

Dist. Court No. CR96-1581

Electronically Filed  
Feb 23 2021 09:21 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appeal from a Judgment of Conviction  
Second Judicial District Court, Washoe County  
Honorable Kathleen Drakulich, District Court Judge

APPELLANT'S APPENDIX

Tracie K. Lindeman, Esq.  
Nevada Bar No. 5049  
P.O. Box 3733  
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(775) 297-4877  
tlindeman@appellatesolution.com  
Attorney for Appellant

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DA #138461

WCSO 129294-96

'96 JUL 16 P3:11

1 Case No. CR 96-1581

2 Dept. No. 3

JUDICIAL CLERK  
W. Stewart  
DEPT.

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

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

v.

INFORMATION

STEVEN FLOYD VOSS,

Defendant.

RICHARD A. GAMMICK, District Attorney within and for  
the County of Washoe, State of Nevada, in the name and by the  
authority of the State of Nevada, informs the above entitled  
Court that STEVEN FLOYD VOSS, the defendant above named, has  
committed the crimes of:

COUNT I. BURGLARY, a violation of NRS 205.060, a  
felony, in the manner following:

That the said defendant on or between the 12th day of  
June A.D. 1996, and the 14th day of June A.D. 1996, or  
thereabout, and before the filing of this Information, at and  
within the County of Washoe, State of Nevada, did willfully and  
unlawfully enter a certain apartment located at 5501 West Fourth

CR96-1581  
STATE VS. STEVEN FLOYD VOSS  
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Washoe County  
DC-990002626-001  
5 Pages  
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JAMES

JA 001



1 Street, apartment #1, Reno, Washoe County, Nevada, with the  
2 intent then and there to steal check #4842 in the amount of  
3 \$5,026.00.

4 COUNT II. UTTERING A FORGED INSTRUMENT, a violation of  
5 NRS 205.090 and NRS 205.110, a felony, in the manner following:

6 That the said defendant on or between the 12th day of  
7 June A.D. 1996, and the 14th day of June A.D. 1996, or  
8 thereabout, and before the filing of this Information, at and  
9 within the County of Washoe, State of Nevada, did willfully and  
10 unlawfully, and with intent to defraud, utter and pass, as true  
11 and genuine, a certain false and forged check, dated May 8, 1996,  
12 in the amount of \$5,026.00, made payable to BEVERLY BAXTER, and  
13 written on an account owned by BURGESS NORTH AMERICAN MOVING AND  
14 STORAGE, at 593 East Prater Way, Sparks, Washoe County, Nevada.

15 COUNT III. UTTERING A FORGED INSTRUMENT, a violation  
16 of NRS 205.090 and NRS 205.110, a felony, in the manner  
17 following:

18 That the said defendant on or between the 12th day of June  
19 A.D. 1996, and the 14th day of June A.D. 1996, or thereabout, and  
20 before the filing of this Information, at and within the County of  
21 Washoe, State of Nevada, did willfully and unlawfully, and with intent  
22 to defraud, utter and attempt to pass as true and genuine, a certain  
23 false and forged check number 563 drawn upon CALIFORNIA FEDERAL BANK,  
24 Sparks office, dated June 13, 1996, and made payable to STEVEN VOSS at  
25 593 East Prater Way, Sparks, Washoe County, Nevada, knowing the same to  
26 be false and forged.

1           COUNT IV. FORGERY, a violation of NRS 205.090, a felony, in  
2 the manner following:

3           That the said defendant on or between the 12th day of June  
4 A.D. 1996, and the 14th day of June A.D. 1996, or thereabout, and  
5 before the filing of this Information, at and within the County of  
6 Washoe, State of Nevada, did willfully, unlawfully, and falsely, and  
7 with intent to defraud, endorse and forge a name other than his own, to  
8 wit: that of B. A. BAXTER, upon a check drawn upon an account owned by  
9 BURGESS NORTH AMERICAN MOVING AND STORAGE, dated May 8, 1996, and made  
10 payable to FOR DEPOSIT ONLY B. A. BAXTER at 593 East Prater Way,  
11 Sparks, Washoe County, Nevada.

12           COUNT V. FORGERY, a violation of NRS 205.090, a felony, in  
13 the manner following:

14           That the said defendant on or about the 12th day of June A.D.  
15 1996, and the 14th day of June A.D. 1996, or thereabout, and before the  
16 filing of this Information, at and within the County of Washoe, State  
17 of Nevada, did willfully, unlawfully, and falsely, and with intent to  
18 defraud, endorse and forge a name on a check without the lawful owner's  
19 consent, namely: STEVEN VOSS, upon a check number 563 drawn upon  
20 CALIFORNIA FEDERAL BANK, Sparks, dated June 13, 1996, and made payable  
21 to STEVEN VOSS at 593 East Prater Way, Washoe County, Nevada.

22           COUNT VI. ATTEMPTED THEFT, a violation of NRS 193.330, being  
23 an attempt to violate NRS 205.0832, a felony, in the manner following:

24           That the said defendant on or about the 12th day of June A.D.  
25 1996, and the 14th day of June A.D. 1996, or thereabout, and before the  
26 filing of this Information, at and within the County of Washoe, State

1 of Nevada, did willfully and unlawfully attempt to control the property  
2 of BEVERLY A. BAXTER with the intent to permanently deprive her of that  
3 property in that said defendant attempted to cash a check written on  
4 the personal account of the victim in an amount of \$5,000.00 and made  
5 payable to himself when he had no legal authority to do so.  
6

7 All of which is contrary to the form of the Statute in such  
8 case made and provided, and against the peace and dignity of the State  
9 of Nevada.

10 RICHARD A. GAMMICK  
11 District Attorney  
12 Washoe County, Nevada

13 By: 

14 EGAN WALKER  
15 Deputy District Attorney  
16  
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1 The following are the names and addresses of such witnesses  
2 as are known to me at the time of the filing of the within Information:  
3

4 WASHOE COUNTY SHERIFF'S OFFICE

5 DEPUTY LARRY CANFIELD  
6 DEPUTY JOHN YARYAN  
7 DEPUTY ED DIXON  
8 SERGEANT DALE PAPPAS

9 SANDRA CRUMB, 5501 West Fourth, Reno, Nevada

10 ANDREA BUTTERS, 2657 Chapparral, 3490 South Virginia, Reno, Nevada

11 CALIFORNIA FEDERAL BANK, 593 East Prater Way, Sparks, Nevada

12 DUC HAMILTON  
13 TONYA CAMPANILLE  
14 YVONNE KLINE

15 CLAUDETTE ANDREWS 1640 Carol Drive, Sparks, Nevada

16 JOYCE REA, 2300 Harvard Way, #107, Reno, Nevada

17 LINDA WEEKS, 169 Leadfield, Reno, Nevada

18 ED PARKS, 515 South Virginia #421, Reno, Nevada

19 SOPHIA PANTOJA, 950 Nutmeg Place, #I-21, Reno, Nevada

20 DAVE BOYD

21 RICHARD A. GAMMICK  
22 District Attorney  
23 Washoe County, Nevada

24 By   
25 EGAN WALKER  
26 Deputy District Attorney

07164294

No. CR 96-1581

Dept. No. 10

**FILED**

11-27-96  
JUDI BAILEY, Clerk

By J. E. Hensdale  
Deputy Clerk

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

STATE OF NEVADA,

**Reporter: R. Walker**

Plaintiff,

vs.

**J U D G M E N T**

STEVEN FLOYD VOSS

Defendant.

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

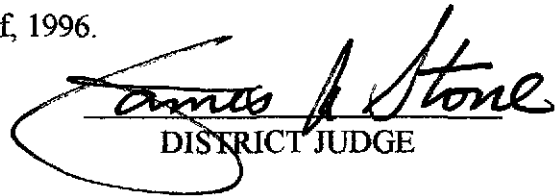
That Steven Floyd Voss is guilty of the crimes as charged in the Information that he be punished by imprisonment in the Nevada State Prison for a maximum term of one hundred twenty (120) months with a minimum term of forty-eight (48) months on Count I Burglary; Count II Uttering A Forged Instrument to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

JA 006

CR96-1581  
STATE VS STEVEN FLOYD VOSS  
District Court  
Washoe County  
DC-9900026654-010  
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term of sixteen (16) months consecutive to Count's I, II, III and IV; Count VI Attempted Theft to a term maximum of forty-eight (48) months with a minimum term of sixteen (16) months, consecutive to all Counts, with credit for one hundred thirty-seven (137) days time served. It is further ordered that the Defendant pay Seven Hundred Fifty Dollars (\$750.00) attorney fees and the statutory administrative assessment fee of Twenty-Five Dollars (\$25.00).

Dated 27th this November day of, 1996.

  
DISTRICT JUDGE

ORIGINAL

FILED

2001 AUG -9 AM 10:09

AMY HARVEY, CLERK

BY DEPUTY

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

\* \* \*

STEVEN FLOYD VOSS,

Petitioner,

v.

Case No. CR96P1581

THE STATE OF NEVADA,

Dept. No. 10

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND JUDGMENT

This matter came before the court on Voss's Petition for Writ of Habeas Corpus (Post-Conviction). An evidentiary hearing on the petition has been held. The court, now being fully advised of the premises, denies the relief requested in part and grants the relief requested in part.

FINDINGS OF FACT

1. On or about June 28, 1996, Voss was arrested and charged with one count of burglary, two counts of forgery and two counts of uttering a forged instrument.

2. Following Voss's arrest, the Washoe County Public Defender's

1 Office was appointed to represent him.

2 a. Voss's defense was assigned to Deputy Public  
3 Defender Cotter Conway, who represented Voss at all  
4 relevant times.

5 b. Owing to his training and experience, Conway was  
6 well qualified to represent Voss in this case.

7 3. After pleading not guilty to all charges, Voss's case was set  
8 for trial in October of 1996.

9 4. Prior to trial, Conway conducted a reasonably complete  
10 investigation of Voss's case.

11 a. Conway discussed the case with Voss in sufficient  
12 depth and detail to formulate a defense consistent with  
13 Voss's version of the events. Voss's testimony to the  
14 contrary is not credible.

15 b. Conway received all requested and authorized  
16 discovery from the prosecution, including Voss's  
17 statements to the police, and discussed this matter  
18 with Voss. Voss's testimony to the contrary is not  
19 credible.

20 c. One item of information the defense did not receive  
21 from the State was a secret witness report submitted by  
22 Edward Villardi.

23 i. Villardi's report suggested that he had  
24 seen the victim, Beverly Ann Baxter, with  
25 another man, nearly 12 hours after Voss was  
26 caught allegedly uttering forged instruments.



1 (It is undisputed that Ms. Baxter's body was  
2 found many months later. Voss was charged  
3 and convicted of her murder. Villardi  
4 testified for the defense in the murder  
5 trial. Given the guilty verdict in the murder  
6 trial, it seems very clear that the jury did  
7 not believe Villardi in any particular).

8 ii. No credible evidence was presented in  
9 habeas proceeding proving that the prosecutor  
10 was in possession of or withheld the secret  
11 witness report, but it is clear that the  
12 Washoe County Sheriff's Office did possess  
13 it.

14 iii. Neither Conway nor any member of the  
15 Washoe County Public Defender's Office  
16 received this secret witness report until  
17 Voss's murder trial was underway  
18 approximately 18 months later.

19 iv. Villardi's secret witness report,  
20 insofar as the guilt phase of Voss's case is  
21 concerned, was neither material or  
22 exculpatory.

23 v. Despite Conway's testimony with respect  
24 to the perceived importance of Villardi's  
25 secret witness report in the burglary,  
26 forgery and uttering trial, the court is

1           confident that no reasonably competent trial  
2           attorney would have had, at least, serious  
3           reservations about premising Voss's defense  
4           in this case on evidence that would clearly  
5           open the door to a consideration of evidence  
6           implicating his or her client in the Baxter  
7           murder.

8   5. Prior to trial, Conway did not file and/or litigate a motion  
9   to suppress Voss's statements to the investigating detective, but  
10 this omission was reasonable under prevailing professional norms.

11       a. The record of the trial reveals that defense  
12       counsel stipulated to admission of redacted versions of  
13       Voss's pretrial statements. At the habeas proceeding,  
14       Conway testified credibly that he perceived no  
15       legitimate legal basis upon which to have the  
16       statements suppressed. Neither the evidence presented  
17       in the habeas proceeding or the applicable legal  
18       standard draw Conway's conclusion into question.

19       b. At no relevant time was Voss subjected to custodial  
20       interrogation without a Miranda warning, or where  
21       applicable, did not knowingly, voluntarily or  
22       intelligently waive his constitutional rights. Voss's  
23       testimony to the contrary is not credible.

24       c. None of Voss's statements were obtained by duress  
25       or coercion, nor can they be considered, as a matter of  
26       law, involuntary. Voss's testimony to the contrary is

1 not credible.

2 6. At various times, both before and during trial, Voss was  
3 dressed in jail garb and/or escorted while in plain clothes, by  
4 uniformed court personnel employed by the Washoe County Sheriff's  
5 Department.

6 a. Voss testified credibly that he arrived at the  
7 courthouse on the morning of his trial in a jail van  
8 along with several other prisoners, and that he was, at  
9 that time, dressed in jail garb issued to him at the  
10 jail.

11 i. His claim that he was seen by members of  
12 his jury venire is not credible.

13 ii. Voss's testimony that he mentioned to  
14 Conway that he had been seen by potential  
15 juror members or actual seated jurors in jail  
16 garb is not credible.

17 b. Voss testified credibly that he was routinely  
18 escorted between the courthouse to the holding cell  
19 and/or the elevator by a uniformed Sheriff's Deputy.

20 i. Voss's claim that he was seen by one of  
21 the seated jurors while being escorted as the  
22 juror was using a pay phone and/or that the  
23 juror or potential juror had heard an  
24 exchange between he and the deputy is not  
25 credible.

26 ii. In the habeas proceeding, Voss called

1 Deputy Gary Clifford, but Clifford could not  
2 remember any such incident(s) occurring  
3 during his watch, and it is undisputed that  
4 Clifford never reported the alleged incident.

5 iii. Voss did not report this incident to  
6 counsel.

7 c. Neither of the jurors involved in the alleged  
8 instances testified in the habeas proceeding.

9 7. Voss's claim that his sentence was based, at least in part,  
10 on Judge Stone's belief that Voss caused the murder or  
11 disappearance of Beverly Baxter, has merit. It is supported by  
12 the record. Even though Voss has not been charged for the murder  
13 of Ms. Baxter, Judge Stone made reference in his rendition of  
14 sentence, to his belief that she would not be found alive. He  
15 then imposed the maximum sentence on Voss, a sentence clearly  
16 outside the heartland of sentences for a person with Voss's  
17 criminal record being sentenced for forgery offenses.

#### 18 CONCLUSIONS OF LAW

19 1. Voss was not deprived of the effective assistance of counsel.

20 2. The State did not withhold exculpatory evidence within the  
21 contemplation of either Brady or Kyles and their progeny.

22 3. Voss's right to due process as construed in Grooms v. State,  
23 96 Nev. 142, 605 P.2d 1145 (1980), and similar cases condemning  
24 convictions in which the accused was observed by potential jurors  
25 or seated jurors in jail garb was not violated.

26 4. Because Judge Stone based Voss's onerous sentence, at least

1 in part, on the suspect and impalpable ground that Voss had  
2 murdered Ms. Baxter, Voss is entitled to a new sentencing  
3 hearing.

4 JUDGMENT

5 It is hereby the judgment and order of this court that  
6 Voss's Petition for Writ of Habeas Corpus (Post-Conviction) is  
7 granted, but only insofar as allowing for a new sentencing  
8 proceeding. In all other respects, the Petition is denied.

9 DATED this 6 day of August, 2001.

10   
11 DISTRICT JUDGE  
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CERTIFICATE OF MAILING

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

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

DATED: August 9, 2001.

Linda Jackling

CERTIFICATE OF MAILING

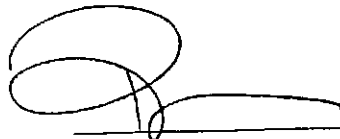
THE UNDERSIGNED HEREBY CERTIFIES THAT ON AUGUST 14, 2001, SHE  
DEPOSITED FOR MAILING A COPY OF THE ATTACHED ORDER TO THE FOLLOWING:

WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE  
APPELLATE DIVISION  
(INTEROFFICE MAIL)

ATTORNEY GENERAL'S OFFICE  
100 N. CARSON STREET  
CARSON CITY, NV 89701-4717

SCOTT W. EDWARDS, ESQ  
1030 HOLCOMB AVE  
RENO, NV 89502

STEVEN FLOYD VOSS #52094  
P O BOX 359  
LOVELOCK, NV 89419

A handwritten signature in black ink, appearing to be 'Pat Meacham', written over a horizontal line.

PAT MEACHAM  
CRIMINAL CLERK

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN FLOYD VOSS,  
Petitioner,

vs.

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

Respondent,

and

THE STATE OF NEVADA,  
Real Party in Interest.

No. 74227

**FILED**

AUG 15 2018

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

*ORDER GRANTING PETITION*

This is a petition for extraordinary relief seeking an order directing the district court to vacate Steven Floyd Voss' November 27, 1996, judgment of conviction entered in district court case number CR96-1581 and enter an amended judgment of conviction in compliance with a district court order entered on August 9, 2001, that granted Voss' postconviction petition in part and ordered a new sentencing hearing. We ordered the real party in interest to file an answer on behalf of respondent.

The real party informs this court that although the district court granted Voss' petition in part and ordered a new sentencing hearing, Voss has not been resentenced. The real party, however, opposes the granting of extraordinary relief because Voss' petition "makes no sense" and he is seeking a non-existent remedy, and the district court improperly ordered a new sentencing hearing. The real party further asserts laches as a defense, asserting that on the face of the petition Voss "does not want a



new sentencing hearing due to the passage of time” and Voss has acquiesced in the conditions by waiting 17 years without ever showing any interest in getting a new sentencing hearing.

Voss filed a reply addressing the real party’s arguments. He also filed two other documents. Among other things, Voss informs this court that on February 26, 2018, he served to completion and discharged the sentences imposed in the November 27, 1996, judgment of conviction entered in district court case number CR96-1581. Voss asserts that because he never received a new sentencing hearing, the only equitable relief available is to vacate the judgment of conviction entered in CR96-1581 and enter a judgment of acquittal.


The record clearly demonstrates the district court did not conduct a resentencing as required by the August 9, 2001, order granting Voss’ petition in part or enter an amended judgment of conviction. As a result, there is currently no valid judgment of conviction entered in CR96-1581.<sup>1</sup> Further, it appears Voss does not have a plain, speedy, and adequate remedy available to him. Accordingly, we conclude mandamus relief is warranted. See NRS 34.160; NRS 34.170. We disagree, however, that entry of a judgment of acquittal is appropriate because, in granting Voss’ petition in part, the district court did not find the conviction itself was invalid; rather, the district court only determined there were errors at sentencing. Instead, we conclude resentencing, as originally ordered in the August 9, 2001, order, and entry of an amended judgment of conviction is the relief


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<sup>1</sup>We note that although there is no valid judgment in CR96-1581, Voss has not been subject to illegal restraint because since 1998 he has also been held and been serving a concurrent prison term of life without the possibility of parole pursuant to a judgment of conviction entered in district court case number CR97-2077.

warranted. We reject the real party's assertion that laches should preclude granting relief because it is the State's responsibility, not the defendant's, to ensure a defendant is legally convicted and sentenced. *See State v. Loveless*, 62 Nev. 17, 24, 136 P.2d 236, 239 (1943). Further, we conclude that any challenge to the district court's decision to grant a new sentencing hearing was waived by the State's failure to challenge this decision on cross-appeal in Docket No. 38373. Therefore, we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to resentence Voss and enter an amended judgment of conviction in CR96-1581.<sup>2</sup>

  
Silver, C.J.

  
Tao, J.

  
Gibbons, J.

cc: Chief Judge, Second Judicial District Court  
Steven Floyd Voss  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk

---

<sup>2</sup>Voss shall be credited with all time he has served pursuant to the invalid judgment of conviction entered in CR96-1581.

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STATE VS. STEVEN FLOYD VOSS 15 Pages  
District Court 11/19/2019 09:04 AM  
Washoe County 2120

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2019 NOV 19 AM 9:04

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

JACQUELINE BRYANT  
CLERK OF THE COURT  
BY: [Signature]

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

THE STATE OF NEVADA,  
Plaintiff,

Case No. CR96-1581  
Dept. No. 1

VS.

STEVEN FLOYD VOSS,  
Defendant.

MOTION FOR NEW TRIAL

COMES NOW Defendant, STEVEN FLOYD VOSS,  
by and through his proper person, and  
hereby submits the instant Motion.

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

INDEX OF ATTACHED EXHIBITS

1

2

3

EXHIBIT # 1: TRANSCRIPT OF SWORN SEARCH

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WARRANT AFFIDAVIT, Justice

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Court For Reno Township, June

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17, 1996.

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JA 021

1 MEMORANDUM OF POINTS AND AUTHORITIES

2  
3 I. Nature of Motion:

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5 Through the instant Motion the  
6 Defendant seeks an Order of this Court  
7 setting aside the jury's Guilty Verdicts  
8 and granting him a new trial. Based  
9 upon a fraud committed upon the Court  
10 by the State.  
11

12 II. Statement of Relevant Facts:

13  
14 On June 17, 1996 the State had presented  
15 an Application For Search Warrant in the  
16 Justice Court For Reno Township, State  
17 of Nevada. Before, Justice of The Peace,  
18 Edward Dannon, (herein after, the "Justice  
19 Court"). After considering the state's  
20 Sworn Search Warrant Affidavit the  
21 Justice Court had authorized two  
22 Search Warrants for two rental storage  
23 units controlled by the Defendant, and  
24 a Seizure Order for blood and hair  
25 samples from the Defendant. (See,  
26 attached Exhibit # 1). No additional  
27 Search Warrants were authorized relative  
28

1 to the State's June 17, 1996 Search Warrant  
2 Application. Nonetheless, on the evening  
3 of June 17, 1996, the State allegedly  
4 pursuant to Search Warrants authorized  
5 by the Justice Court during the State's  
6 June 17, 1996 Search Warrant Application,  
7 had undertaken three additional  
8 unconsented searches of: (a) the  
9 Defendant's residence within Room #135  
10 of the Western Village Inn., located at  
11 815 Nichols Blvd., Sparks, Nevada; (b) of  
12 the Defendant's 1980 GMC Flatbed Truck,  
13 located at 815 Nichols Blvd., Sparks, Nevada;  
14 and (c) of Mary Louise Duplin's 1986 Dodge  
15 Daytona Automobile, located at 815 Nichols  
16 Blvd., Sparks, Nevada. In the course of  
17 such unlawful searches state agents  
18 had seized numerous items from the  
19 Defendant's residence, they had seized  
20 both of the aforementioned vehicles and  
21 numerous items contained therein.  
22 Additionally, state agents had seized  
23 without warrant from the Business  
24 office of the Western Village Inn., Room &  
25 Telephone Records Concerning said Room #135,  
26 on June 17, 1996.

1 As part of Pre-Trial Discovery provided  
2 by the State pursuant to a Discovery Order  
3 entered by the Trial Court, the State  
4 had provided to Defense Counsel: (1) a  
5 Transcript of Sworn Search Warrant  
6 Affidavit, conducted on June 17, 1996;  
7 (2) a Seizure Order for blood and  
8 hair samples from the Defendant (which  
9 was executed on June 17, 1996); (3.) a  
10 Search Warrant for Sparks Self Storage,  
11 Unit # F 22 D, located at 450 Boxington  
12 Way, Sparks, Nevada (which was executed  
13 on June 17, 1996); (4) a Search Warrant  
14 for McCarran Self Storage, Unit # SF 22 J,  
15 located at 1295 Selmi Drive, Reno, Nevada  
16 (which was executed on June 17, 1996); and  
17 (5) Warrant Returns for the aforementioned  
18 Search Warrants. The aforementioned  
19 Seizure Order and Search Warrants were  
20 those authorized by the Justice Court  
21 during the State's June 17, 1996 Search Warrant  
22 Application.

23 In addition to the aforementioned  
24 Discovery Materials the State had provided  
25 three additional Search Warrants and  
26 attached Warrant Returns. Such Search  
27 warrants which had not been duly

1 authorized by the Justice Court. Such  
2 additional Search Warrants include:

3 (a) a Search Warrant for Room # 135  
4 of the Western Village, Inn., 815 Nichols  
5 Blvd., Sparks, Nevada; (b) a Search  
6 Warrant for the Defendant's 1980 GMC  
7 Flatbed Truck, located at 815 Nichols  
8 Blvd., Sparks, Nevada; and (c) a Search  
9 Warrant for Mary Louise Duplins, 1986  
10 Dodge Daytona Automobile, located at  
11 815 Nichols Blvd., Sparks, Nevada. (Each  
12 of these three additional Search Warrants  
13 were executed on June 17, 1996).

14 The Defendant observes that neither  
15 the aforementioned Seizure Order, the five  
16 aforementioned Search Warrants or their  
17 accompanying Warrant Returns were  
18 ever filed in the Justice Court.

### 19 20 III. Arguments:

#### 21 22 A. Standards governing a Motion For 23 New Trial under NRS 176.515.

24  
25 Pursuant to NRS 176.515(1), the  
26 Court may grant a new trial to a  
27 defendant if required as a matter of law.



1 There exists no procedural time limit  
2 for the filing of a Motion For A New Trial  
3 which is premised on ground of a  
4 fraud upon the Court, and the Court  
5 may grant relief where required as a  
6 matter of law. Because, the Court's  
7 jurisdiction to remedy fraud upon  
8 the court is inherent under Article 686  
9 of the Nevada State Constitution. See,  
10 Murphy v. Murphy, 103 Nev. 185, 734 P. 2d 738  
11 (1987). See also, NRC P, Rule 60 (b).  
12 A defendant whose guilt is predicated  
13 upon a verdict may raise a postconviction  
14 challenge to the validity of a verdict  
15 by means of a motion for new trial, and  
16 he has the right to appeal from an  
17 order refusing such relief. See,  
18 Hargrove v. State, 100 Nev. 498, 686 P. 2d 222  
19 (1984). See also, NRS 177.015.

20  
21 B. The instant Motion For A New  
22 Trial should be granted as a matter  
23 of law, based upon ground of fraud  
24 upon the court, and the jury's Guilty  
25 Verdicts must be set aside and a  
26 new trial must be granted.

1 (1) The instant Motion For New Trial  
2 is a procedurally correct vehicle under  
3 NRS 176.515 to challenge the validity  
4 of the jury's Guilty Verdicts, (see,  
5 Hangrove v. State, 686 P. 2d 222 (1984)),  
6 and this Court has inherent jurisdiction  
7 pursuant to Article 6 § 6 of the Nevada  
8 State Constitution to remedy a fraud  
9 perpetrated upon the court. See,  
10 Murphy v. Murphy, 734 P. 2d 738 (1987).  
11

12  
13 (2) The state has perpetrated  
14 wanton fraud upon this Court which  
15 has had a substantial and injurious  
16 effect and influence in determining  
17 the jury's Guilty Verdicts.  
18

19 where, the state had conducted  
20 an unauthorized and unlawful search  
21 of the Defendant's residence, located  
22 within Room #135 of the Western Village,  
23 Inn., 815 Nichols Blvd., Sparks, Nevada,  
24 and had seized numerous items from  
25 within such residence; and had seized  
26 from the Business Office of said Western  
27 Village, Inn. the Room and Telephone  
28

1 Records relative to said Room #135,  
2 during the period of time that said  
3 room was occupied by the Defendant  
4 as his place of residence, without  
5 first obtaining a duly authorized  
6 Search Warrant or Seizure Order from  
7 a Magistrate. Further, the State  
8 had admitted at trial such items  
9 illegally seized in violation of the  
10 Fourth Amendment as evidentiary  
11 exhibits, Representing same to have  
12 been lawfully obtained under duly  
13 authorized Search Warrants. Thereby,  
14 perpetrating a fraud upon the Court  
15 and rendering the Trial Proceedings  
16 fundamentally unfair in violation of  
17 the Fourteenth Amendment to the United  
18 States Constitution, and Article 188 of  
19 the Constitution of the State of Nevada.

20 The Transcript of Sworn Search Warrant  
21 Affidavit (attached Exhibit #1) clearly  
22 demonstrates the substantive invalidity  
23 of the search of said Room #135 of the  
24 Western Village, Inn., conducted on  
25 June 17, 1996. Whereas, said Transcript  
26 fails to demonstrate that the Justice  
27 Court had: (a) authorized a Search-

1 warrant for the search of the Defendant's<sup>1</sup>  
2 residence (said Room #135). See,  
3 attached Exhibit #1, at Page 17, Line 8-10,  
4 In fact, said Transcript merely tends  
5 to demonstrate an intention of the  
6 Justice Court to authorize a Seizure-  
7 order for blood and hair samples from  
8 the Defendant's person, and two separate  
9 Search Warrants for two commercial  
10 storage units presumably controlled  
11 by the Defendant. Where the Justice  
12 Court had specifically ruled as follows:

13 " ... Based upon the Detective Canfield's  
14 explanation I'll go ahead and authorize  
15 the various warrants for the search  
16 of the uh, of the storage sheds I  
17 guess, also the seizure of the  
18 items from uh, Mr. Voss's person. "

19 Clearly, the record of the State's June 17,  
20 1996 Search Warrant Application conducted  
21 in the Justice Court stands silent as  
22 to any intention, whatsoever, on the  
23 part of the Court to authorize any  
24 Search Warrants other than those for  
25 the search of the two storage units  
26 presumably controlled by the Defendant,  
27 and the aforementioned Seizure Order

1 for blood and hair samples from the  
2 Defendant; and (b) actually made a  
3 finding of fact, on the record, of  
4 reasonable cause to support the Court's  
5 issuance of a Seizure Order or  
6 any Search Warrant whatsoever, or  
7 that he had certified any such finding  
8 of reasonable cause by executing the  
9 signature of Justice of The Peace,  
10 Edward Dannon upon the Certificate of  
11 Judge, affixed to said Transcript.  
12 See, attached Exhibit #1, at Page 18,  
13 Line 19-26.

14 Logically, since the State's Prosecutor,  
15 Deputy District Attorney, Eagan Walker,  
16 had himself presented the June 17, 1996  
17 Search Warrant Application to the  
18 Justice Court, he necessarily had  
19 express knowledge of the Justice Court's  
20 ruling and exactly what seizure order  
21 and Search Warrant's that the Court had  
22 actually affirmatively authorized on  
23 the record on June 17, 1996; and that  
24 the Justice Court had not in any  
25 form, fashion or way, duly authorized  
26 Search Warrants for said Room #135  
27 of the Western Village, Inn, for the  
28

1 Defendant's 1980 GMC Flatbed Truck,  
2 or for Mary Louise Duplin's 1986 Dodge  
3 Daytona Automobile. Therefore,  
4 the State's Prosecutor necessarily  
5 also had express knowledge that the  
6 June 17, 1996 searches of said  
7 residence and vehicles and the  
8 seizure of same and items therefrom  
9 were inherently unlawful and  
10 unconstitutional. In violation of: (1)  
11 NRS 179.045; (2) the Fourth Amendments  
12 protections against unreasonable searches  
13 and seizures and the Warrant requirement  
14 effected thereby; and (3) State and Federal  
15 Constitutional guarantees of Due Process  
16 and Equal Protection of Law, under the  
17 Fourteenth Amendment and Article 188.

18 Nonetheless, the State's Prosecutor had  
19 admitted at trial evidence seized  
20 by Police, unlawfully, from said Room #135  
21 of the Western Village Inn., on June 17,  
22 1996. Such evidentiary exhibits which  
23 had included: (a) Personal Check # 563,  
24 drawn on the checking account of the  
25 alleged victim; (b) TRW Credit Printout;  
26 (c) Defendant's Pocket Pal Address Book; and  
27 Room and Telephone Records relative to

1 said Room # 135 of the Western Village,  
2 Inn. (recovered from the Western Village,  
3 Inn., Business Office).

4 The state's admission of such  
5 illegally obtained evidentiary exhibits  
6 at trial, when the state was aware  
7 of the illegal character of the evidence  
8 clearly constitutes a fraud upon this  
9 court, where the state had represented  
10 such evidence to have been lawfully  
11 obtained pursuant to duly authorized  
12 Search Warrants. Thus, violating the  
13 Defendant's independent state and federal  
14 constitutional protections, and inflicting  
15 substantial undue injurious effects  
16 and influences upon the jury's determination  
17 of verdicts. Rendering the Trial Proceedings  
18 fundamentally unfair in violation of the  
19 Fourteenth Amendment to the United States  
20 Constitution, and Article 1 § 8 of the  
21 Constitution of the State of Nevada,

22 Therefore, the Jury's Guilty Verdicts  
23 cannot reasonably be countenanced as  
24 reliable or as having produced a just  
25 result.

26 Clearly, in the instant case Due  
27 Process requires that the jury's

1 Guilty Verdicts be set aside and  
2 that the Defendant receive a new  
3 trial as a matter of law, based  
4 upon the State's demonstrable  
5 perpetration of fraud upon this Court.  
6

7 IV. Conclusion:  
8

9 The instant Motion For New Trial  
10 must be granted as a matter of due  
11 process of law, and the jury's Guilty  
12 Verdicts must be set aside and a  
13 new trial must be granted the Defendant.  
14

15 V. Verification:  
16

17 Under penalty of perjury, I STEVEN  
18 FLOYD VOSS, do hereby verify that I have  
19 read the content of the foregoing Motion,  
20 and that same is true and correct of  
21 my own personal information, knowledge  
22 and belief.

23 The foregoing Motion does not contain  
24 the social security number of any  
25 person.  
26  
27  
28



1 Respectfully submitted on this 13th day  
2 of November 2019.

3 By: Steven  
4 STEVEN FLOYD VOSS,  
5 Defendant, in pro. per.  
6  
7

8 CERTIFICATE OF SERVICE VIA U.S. MAIL  
9

10 I, STEVEN FLOYD VOSS, do hereby certify  
11 that on this 13th day of November 2019,  
12 that I mailed a true and correct copy  
13 of the foregoing Motion, addressed to:  
14 AMOS STEGE, ESQ (DDA)  
15 % Washoe County District Attorney  
16 Post office Box # 11130  
17 Reno, Nevada 89520-0027  
18

19 By: Steven  
20 STEVEN FLOYD VOSS

21 ///

22 ///

23 ///

0696-1581 DC-09900009181-308  
STATE VS. STEVEN FLOYD VOSS 21 Pages  
District Court 11/19/2019 09:04 AM  
Washoe County 2120  
VINEYARD

EXHIBIT #1

EXHIBIT #1



1 IN THE JUSTICE COURT OF RENO TOWNSHIP  
2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA.  
3

4 \* \* \*

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



7 TRANSCRIPT OF SWORN SEARCH WARRANT AFFIDAVIT

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

11 -----

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

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

26 CANFIELD: I do.

DANNAN: Go ahead.

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

CANFIELD: Washoe County Sheriff's Office.

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

CANFIELD: For eighteen years.

WALKER: What is your current assignment?



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

2 WALKER: How long have you been a detective?

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

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

6 CANFIELD: Uh, estimated over six hundred.

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

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

10 WALKER: Combined.

11 CANFIELD: Probably three hundred.

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

15 CANFIELD: Yes.

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

17 CANFIELD: Yes, that's correct.

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

21 CANFIELD: That's correct.

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

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



1 WALKER: Had there been prior contact with the uh, so called  
2 missing person Ms. Baxter at any time on Friday or  
3 Thursday to your knowledge?  
4 CANFIELD: No.  
5 WALKER: When was the last time that uh, Ms. Baxter was seen  
6 alive by any person to your knowledge based on your  
7 investigation to date?  
8 CANFIELD: Ms. Crumb states that she saw her alive leaving her  
9 apartment Thursday morning at 9:10 a.m.  
10 WALKER: Where is Ms. Baxter employed?  
11 CANFIELD: Ms. Baxter is employed at Micro Flex Technology at  
12 127 uh, Woodland Drive, Tahoe Industrial.  
13 WALKER: What are her general hours of work and days of work?  
14 CANFIELD: Her general days of work are Monday through Friday,  
15 8:00 to 5:00.  
16 WALKER: Do I understand correctly that on Thursday, Ms.  
17 Baxter called in sick to work indicating that she  
18 would be in to work either later Thursday or if not  
19 later Thursday no later than Friday uh, I believe  
20 that would be June 14, 1996?  
21 CANFIELD: That's correct.  
22 WALKER: Alright, did Ms. Baxter report for work on June 14,  
23 1996?  
24 CANFIELD: No she did not.  
25 WALKER: Do I understand correctly that her supervisor uh,  
26 went to her residence at approximately 8:00 a.m.  
that morning to see if she was uh, present?  
CANFIELD: On Friday morning, yes.  
WALKER: What is his name?  
CANFIELD: His name is Mr. Parks.  
WALKER: Alright and what time did he go to her residence?  
CANFIELD: At 8:00 a.m.  
26 ///



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

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

5 WALKER: How did they confirm that?

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

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

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

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

15 CANFIELD: That's correct.

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

19 CANFIELD: That's correct?

20 WALKER: What is your understanding of their relationship?

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

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

25 CANFIELD: Yes.

26 WALKER: Where does Mr. Voss currently reside?



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

2 WALKER: Does anyone live there with him?

3 CANFIELD: Yes, his mother Mary Duplin.

4 WALKER: How do you spell that?

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

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

8 CANFIELD: Yes I have.

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

11 CANFIELD: Yes I have.

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

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

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

19 CANFIELD: Yes.

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

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

26 ///





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

3 CANFIELD: Yes he stated they had sexual intercourse.

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

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

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

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

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

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

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

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

24 ///

25 ///

26 ///



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



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



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

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

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

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

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

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

15 CANFIELD: No she is not.

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

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

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

25 CANFIELD: That's correct.

26 ///



1 WALKER: Detail if you would the information you have  
2 regarding those independent witnesses?  
3 CANFIELD: One witness is a construction worker. As I said  
4 before construction is going on there. He observed  
5 this vehicle he states, he's pretty sure it was  
6 Thursday morning but it might also have been Friday  
7 morning. He worked from 6:00 a.m. to 2:00 p.m. and  
8 he states it was in the late morning that he  
9 observed the vehicle he observed and thinking it was  
10 a tow truck and wondering what was going to be towed  
11 from that area. He described the uh, bright chrome  
12 flatbed areas of the truck that had a kind of  
13 diamond type of design in the metal. And the other  
14 uh, person is a B of A employee who uh, went to  
15 that, it's not actually a branch of the storage  
16 facility now for files. She went there on Thursday  
17 and also on Friday. She observed this vehicle  
18 parked in that same vicinity and also gave the same  
19 description of the vehicle.  
20 WALKER: When the friends of Ms. Baxter traveled to her  
21 residence on Friday, June 14, 1996, did they find  
22 her purse, wallet, checkbook or keys at her  
23 residence?  
24 CANFIELD: No they did not.  
25 WALKER: Were any of those items discovered inside the  
26 vehicle uh presumably abandoned in the Albertson's  
parking lot?  
CANFIELD: No they were not.  
WALKER: Do I understand correctly that conversation and  
contact was made with Mr. Voss at the California  
Federal Bank on Friday, June 14th coincidentally  
with the contact by the apartment manager of the  
victim?  
CANFIELD: That's correct.  
WALKER: Who made contact with Mr. Voss?  
CANFIELD: Uh, Sergeant Dale Pasif and Detective Stacey Hill.  
WALKER: What did Mr. Voss say at that time if anything about  
is activities in terms of trying to cash this check?  
25  
26 ///



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

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

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

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

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

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

24 CANFIELD: Yes he did.

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

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

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

24 CANFIELD: Yes she did.

25 WALKER: What kind of vehicle was she driving?

26 ///

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

3 WALKER: Do you know where they went?

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

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

8 CANFIELD: Yes I did.

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

11 CANFIELD: Yes.

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

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

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

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

1 WALKER: In that regard did you receive cooperation from co-  
2 workers of Ms. Baxter that in fact during last week  
3 Mr. Voss requested Ms. Baxter's keys at work in  
4 order to check her car during working hours?  
5  
6 CANFIELD: That's correct.  
7  
8 WALKER: Did you again make contact with Mr. Voss on Saturday  
9 on June 15, 1996?  
10  
11 CANFIELD: Yes he uh, when we were talking to him at his  
12 residence the night before we asked him if he would  
13 be willing to give a taped statement. He stated  
14 that he would but he did not want to do one at that  
15 time. Uh, we asked him what would be a good time  
16 for him and he specified twelve noon, Saturday.  
17  
18 WALKER: Did you in fact meet with him at that time?  
19  
20 CANFIELD: Uh, yes I did.  
21  
22 WALKER: Did you in fact tape record a statement at that  
23 time?  
24  
25 CANFIELD: Yes I did.  
26  
27 WALKER: At that time did you and/or Detective Yaryan ask Mr.  
28 Voss if he would be willing to submit to a polygraph  
29 examination?  
30  
31 CANFIELD: Yes.  
32  
33 WALKER: What was his response?  
34  
35 CANFIELD: His response was uh, he became very physically and  
36 emotionally upset. His face turned red, he became  
37 what I describe as tight jawed where he was  
38 clenching his teeth and began to raise his voice  
39 about he'd observed shows such as "60 Minutes" uh,  
40 describing polygraphs examinations as farces and  
41 that they were no good and he had police officers as  
42 friends that had told him not to take one. He's had  
43 taken them in the past for jobs and did not get the  
44 jobs and felt that they were just totally useless.  
45 Although as he described this to us his voice was  
46 very raised, he was irate at the time.  
47  
48 ///  
49  
50 ///  
51  
52 ///



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

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

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

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

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

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

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

26 CANFIELD: Yes that's correct.

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

32 CANFIELD: Yes that's correct.

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

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

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



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



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

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

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

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

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

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

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

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

CANFIELD: That's correct.

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

CANFIELD: Yes.

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

1 CANFIELD: I believe that he will be found at the Western  
2 Village Hotel room 135.  
3 WALKER: Are you at least uh, at any rate, notwithstanding  
4 that belief requesting that you be able to seize his  
5 person at any time day or night in order to collect  
6 those specimens, uh, making every good faith effort  
7 to do so within the hours of 7:00 a.m. and 7:00  
8 p.m.?  
9 CANFIELD: That's correct.  
10 WALKER: Thank you your Honor, do you have any questions?  
11 DANNAN: No. Based upon the Detective Canfield's  
12 explanation I'll go ahead and authorize the various  
13 warrants for the search of the uh, of the storage  
14 sheds I guess, also the seizure of the items from  
15 uh, Mr. Voss's person.  
16 WALKER: Thank you your Honor. Transcriber the time is now  
17 4:15.

(end tape)

26 0625-4A

[illegible]

That the foregoing transcript, consisting of pages 1 through 17, inclusive, contains a full, true and complete transcription of the tape recording in this matter to the best of my ability.

(Paul Wagner)

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That application for a Search Warrant was made by oral affidavit;

That when the examination of the witness and the oral presentation of evidence and information was completed, it appearing that there was reasonable cause and sufficient grounds to believe that evidence of crime may be found, a Search Warrant was orally authorized pursuant to NRS 179.045.

JUSTICE OF THE PEACE

1 STEVEN FLOYD VOSS #5209V  
2 Northern Nevada Correctional Center  
3 Post office Box # 7000  
4 Carson City, Nevada 89702-7000  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 THE STATE OF NEVADA,  
10 Plaintiff,  
11 VS.  
12 STEVEN FLOYD VOSS,  
13 Defendant.  
14

Case No. CR96-1581  
Dept. No. 1.

15  
16 MOTION TO RESCIND ORDER STAYING PROCEEDINGS  
17

18 COMES NOW Defendant, STEVEN FLOYD VOSS, by and  
19 through his proper person and hereby submits the  
20 instant Motion.

21 The instant Motion is made and is predicated  
22 upon the attached memorandum of points and  
23 authorities, and all papers and pleadings  
24 on file in the above entitled case.  
25  
26  
27  
28

1                    MEMORANDUM OF POINTS AND AUTHORITIES

2  
3            I. Nature of Motion:

4            Through the instant Motion the Defendant  
5 seeks an Order of this Court which rescinds  
6 its prior Order entered on December 13, 2019.  
7 Wherein, the Court had, sua sponte, stayed  
8 all proceedings in the instant case while the  
9 Defendant's appeals in Case No. 79998 and  
10 Case No. 80062 are pending review.  
11

12           II. Statement of Relevant Facts:

13           On March 23, 2020 the Nevada Supreme  
14 Court had entered its Remittitur in Case  
15 No. 79998, and subsequently said court had  
16 on April 27, 2020 entered its Remittitur in  
17 Case No. 80062. Therefore, with the appellate  
18 proceedings having been concluded in the  
19 aforementioned cases, and no further  
20 appellate proceedings now pending in the  
21 instant case, this Court's jurisdiction has  
22 been revested and the matters before the  
23 Court can now be resolved.  
24

25           III. Argument:

26           This Court should rescind its Order  
27 Staying All Proceedings and resolve the matters  
28 presently before the Court.

1 Given the issuances of Remittiturs  
2 by the Nevada Supreme Court in Case No. 79998  
3 and Case No. 80062, effectively revesting  
4 jurisdiction relative to the instant case,  
5 this Court should now rescind its Order  
6 Staying All Proceedings Sua Sponte, filed on  
7 December 13, 2019, and resolve the matters  
8 presently before the Court.

9 In this regard the Defendant first  
10 directs the Court's attention to his Motion For  
11 New Trial filed on November 19, 2019. The  
12 Defendant observes that the State has  
13 neglected to file a Response to said Motion.  
14 The Defendant submits that his Motion For New  
15 Trial should be resolved in advance of all  
16 other proceedings contemplated by the Court  
17 relative to the instant case. Whereas, the  
18 outcome of the instant Motion For New Trial  
19 could and will likely have a substantial  
20 impact upon such other proceedings presently  
21 contemplated by the Court, and may render  
22 same unnecessary. Therefore, the Defendant  
23 requests that the Court order the State to  
24 file a Response to his Motion For New Trial  
25 within a reasonable time, and that he  
26 be provided an opportunity to Reply to any  
27 opposition by the State.



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CERTIFICATE OF SERVICE VIA U.S. MAIL

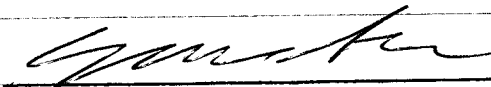
I, STEVEN FLOYD VOSS, do hereby certify that  
on this 30th day of April 2020, that I  
mailed a true and correct copy of the  
foregoing Motion, addressed to:

AMOS STEGE, ESQ. (DDA)

% Washoe County District Attorney

Post Office Box # 11136

Reno, Nevada 89520-0027

By: 

STEVEN FLOYD VOSS.

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

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

THE STATE OF NEVADA,  
Plaintiff,

Case No. CR96-1581

Dept. No. 1

VS.

STEVEN FLOYD VOSS,  
Defendant.

DEFENDANT'S PRESENTING MOTIONS IN LIMINE

COMES NOW Defendant, STEVEN FLOYD VOSS, by and  
through his proper person, and hereby submits the  
instant Motions In Limine.

The instant Motions In Limine, are made  
and predicated upon the attached memorandum  
of points and authorities and all papers and  
pleadings on file in the above entitled case.

# MEMORANDUM OF POINTS AND AUTHORITIES

## I. Nature of Motion:

Through the instant (Pre-sentencing) Motions In Limine the Defendant seeks to limit the conduct and scope of the Resentencing proceedings ordered by this Court in response to the August 15, 2018 Writ of Mandamus issued by the Court of Appeals of the State of Nevada.

## II. Arguments:

### A. MOTION TO SET ASIDE COUNT II AND III GUILTY VERDICTS

The Jury's Count II and Count III Guilty Verdicts must be set aside. Where the State's Count II and Count III charges specified within the State's Criminal Complaint and subsequent Criminal Information, fail to state a criminal offense.

Within Count II and Count III of the State's Criminal Complaint filed in the Justice Court for Reno Township on June 27, 1996, and the State's subsequent Criminal Information the State alleges the crimes of "UTTERING A FORGED INSTRUMENT, a violation of NRS 205.090 and NRS 205.110, a felony." However, neither statute NRS 205.090 nor NRS 205.110 function to create a criminal offense separate and distinct

1 of the crime of Forgery prohibited under  
2 NRS 205.090. Whereas, pursuant to NRS 205.090,  
3 a person who utters, publishes, passes or attempts  
4 to pass as true and genuine, false, altered,  
5 forged or counterfeited matters, knowing same to  
6 be false, altered, forged or counterfeited with the  
7 intent to defraud, is guilty of Forgery and shall  
8 be punished for a category A felony as provided  
9 in NRS 193.130; and pursuant to NRS 205.110, every  
10 person who knowing an instrument to be forged  
11 or altered, and with the intent to defraud,  
12 shall utter, offer, dispose of or put off as  
13 true, or have in his or her possession with the  
14 intent to so utter, offer, dispose of or put  
15 off any forged writing, instrument or other thing,  
16 the falsic making, forging or altering of which is  
17 punishable as forgery, shall be guilty of forgery  
18 the same as if the person had forged the same.  
19 Further, no other Nevada Revised Statute creates  
20 a criminal offense of "Uttering A Forged Instrument".  
21 See, Title 15, Crimes and Punishments, and  
22 Chapter 205, Crimes Against Property.

23 Because, the State's Count II and Count III  
24 charges fail to specify a criminal, felony or  
25 gross misdemeanor offense, the District Court had  
26 never acquired either subject-matter or  
27 personal jurisdiction over the Count II and  
28 Count III "Uttering A Forged Instrument" charges.

1 Therefore, this Court having never acquired proper  
2 subject-matter and personal jurisdiction relative  
3 to the Count II and Count III charges, this Court  
4 lacks jurisdiction to proceed relative to the  
5 Count II and Count III charges. Whereas, in a  
6 long and venerable line of cases, the United States  
7 Supreme Court has consistently held that, without  
8 proper jurisdiction, a court cannot proceed at all,  
9 but can only note the jurisdictional defect and  
10 dismiss the action. See, e.g., Capron v. Van Noorden,  
11 2 Cranch 126; Arizonans for Official English v. Arizona,  
12 520 U.S. \_\_\_\_; National Railroad Passenger Corp. v. National  
13 Assn. of Railroad Passengers, 414 U.S. 453, 465; Norton v.  
14 Mathews, 427 U.S. 524, 531; Secretary of Navy v. Arreola,  
15 418 U.S. 676, 678; United States v. Augenblick, 393 U.S. 348;  
16 Philbrook v. Glodgett, 421 U.S. 707, 721; and Chandler v.  
17 Judicial Counsel of Tenth Circuit, 398 U.S. 71, 86-88.

18 Nonetheless, the jury via their Count II and  
19 Count III Verdicts have found the Defendant  
20 guilty of non-existent crimes of "uttering A Forged  
21 Instrument," where, absolutely no Nevada Revised  
22 statute creates such an offense for the alleged  
23 conduct. Thus, requiring that the jury's Count II and  
24 Count III Guilty Verdicts be set aside.

25 B. MOTION TO SET ASIDE COUNT II GUILTY VERDICT  
26 The Jury's Count II Guilty Verdict must  
27 be set aside. Where the state's Count II charge  
28 specified within the state's Criminal Complaint and

1 subsequent Criminal Information, fails to state a  
2 criminal offense.

3 within Count V of the state's Criminal  
4 Complaint filed in the Justice Court for Reno  
5 Township on June 27, 1996 and within the state's  
6 subsequent Criminal Information filed in the  
7 Washoe County District Court on July 16, 1996, the  
8 State alleged the crime of "FORGERY, a violation of  
9 NRS 205.090, a felony." Although NRS 205.090  
10 functions to criminalize the act of forgery, the  
11 state's specification of the facts constituting the  
12 alleged crime are insufficient to state an offense  
13 of Forgery in violation of NRS 205.090, whereas, the  
14 State alleges that the Defendant had committed the  
15 crime of forgery by writing his own name on  
16 Check # 563. Such allegation is patently implausible.  
17 The Court must first consider that there exists a  
18 material variance between the Count V charge as  
19 specified within the state's Criminal Complaint, and  
20 the Count V charge as specified within the state's  
21 subsequent Criminal Information, where, in pertinent  
22 part the state's Criminal Complaint had alleged that the  
23 Defendant "did willfully, unlawfully, and falsely,  
24 and with intent to defraud, endorse and forge a  
25 name other than his own, to wit: that of STEVEN  
26 VOSS, upon check number 563"; and obversely, in  
27 pertinent part the state's Criminal Information had  
28 alleged that the Defendant "did willfully, unlawfully,

1 and falsely, and with intent to defraud, endorse  
2 and forge a name on a check without the  
3 lawful owner's consent, namely: STEVEN VOSS, upon  
4 a check number 563. In comparison, both the  
5 state's Criminal Complaint and Criminal Information  
6 allege that the Defendant had committed an act  
7 of forgery by indorcing and forging his own  
8 name upon check number 563. However, the  
9 state's Criminal Complaint did not assert an  
10 allegation that the Defendant had endorsed and  
11 forged his own name "without the lawful owners  
12 consent." This fact is of material consequence,  
13 because the Justice Court's finding of probable  
14 cause was made strictly in regard to the state's  
15 allegations "as set forth in the criminal complaint,  
16 and whereby the Defendant was" held to answer."  
17 The state subsequent to such finding of probable  
18 cause had altered the specification of the  
19 charge before filing their Criminal Information  
20 in the District Court, to include the allegation  
21 of "without the lawful owners consent." The state  
22 apparently recognizing the defective charge  
23 specified within their Criminal Complaint and  
24 its failure to state an offense of Forgery for  
25 which the Defendant could be lawfully convicted.  
26 Clearly, the prospect that the Defendant could forge  
27 his own name on check #563 to constitute a  
28 violation of NRS 205.090 was impracticable. Where,



1 it was a material element of the Count V Forgery  
2 charge which the state was required to prove  
3 beyond a reasonable doubt at trial, that the  
4 Defendant had " with intent to defraud, endorse[d]  
5 and forge[d] a name other than his own, to wit:  
6 that of STEVEN VOSS, upon a check number 563."  
7 Of course, proving such an allegation would have  
8 been an utter impossibility. Because, the state's  
9 specification of the alleged act of Forgery  
10 was clearly in conflict with itself. Where, a  
11 person cannot possibly endorse and forge a name  
12 other than his own by endorsing his own name.

13 The record clearly reflects that the state at no  
14 time, had attempted to amend their Criminal  
15 Complaint to specify an allegation that the Defendant  
16 had " endorse[d] and forge[d] a name on a check  
17 without the lawful owner's consent, namely: STEVEN  
18 VOSS, upon a check number 563 ", and that there  
19 had therefore been no finding of probable cause  
20 ever made in regard to the Count V charge  
21 specified within the state's Criminal Information.  
22 Instead, the Prosecutor had taken it upon himself  
23 to circumvent Due Process and Equal Protection of  
24 Law provided under Article 1§8 and Article V § 21  
25 of the Constitution of the State of Nevada, and the  
26 Fourteenth Amendment to the United States  
27 Constitution. By causing the Defendant to be  
28 held to answer for an offense which was not

1 considered by the Justice Court in the context of  
2 the preliminary hearing; where no finding of  
3 probable cause was made; and where the District  
4 Court had not acquired proper subject-matter  
5 and personal jurisdiction relative to the altered  
6 Count V Forgery charge specified within the state's  
7 Criminal Information, where the Justice Court had  
8 never entered a Felony Commitment in regard to  
9 said altered Count V charge.

10 Therefore, the state's Count V charge fails  
11 to state a criminal offense under Nevada  
12 State Law upon which the Defendant can be  
13 called to answer and upon which punishment  
14 can be inflicted.

15 C. MOTION TO SET ASIDE COUNT VI GUILTY VERDICT

16 The Jury's Count VI Guilty Verdict must  
17 be set aside, where the state's Count VI charge  
18 specified within the state's Criminal Complaint  
19 and subsequent Criminal Information, fail to state  
20 a criminal offense.

21 Within Count VI of the state's Criminal  
22 Complaint filed in the Justice Court for Reno  
23 Township on June 27, 1996, and within the state's  
24 subsequent Criminal Information filed in the  
25 District Court on July 16, 1996 the state  
26 alleged the crime of "ATTEMPTED THEFT, a  
27 violation of NRS 193.330, being an attempt to  
28 violate NRS 205.0832, a felony." However, said

1 COUNT VI charge of ATTEMPTED THEFT is necessarily  
2 an included lesser offense of the : Count I, BURGLARY;  
3 Count II and III, UTTERING A FORGED INSTRUMENT; and  
4 Count IV and V, FORGERY, charges. Whereas, the  
5 State's Count VI ATTEMPTED THEFT charge alleges  
6 that the Defendant "... did willfully and unlawfully  
7 attempt to control the property of BEVERLY BAXTER  
8 with the intent to permanently deprive her of  
9 that property in that said defendant attempted to  
10 cash a check written on the personal account  
11 of the victim."

12 The Defendant submits that the allegation of  
13 "intent to permanently deprive", specified within Count VI,  
14 is synonymous with the allegation of "intent there and  
15 there to commit larceny", specified within Count I;  
16 and the allegation of "intent to defraud", specified  
17 within the Count II, Count III, Count IV and  
18 Count V charges. Therefore, each of the  
19 Count I through Count V charges effectively include  
20 a material allegation of the Defendant's intent  
21 to defraud the alleged victim of the control and  
22 benefit of monetary funds derived from a \$5026.<sup>00</sup>  
23 "Settlement Check". Likewise, the Count VI charge  
24 effectively includes a material allegation of the  
25 Defendant's intent to defraud the alleged victim of  
26 the very same monetary funds derived from said  
27 "Settlement Check". Thus, each and every one of  
28 the State's Count I through Count V charges

1 allege not only an intent to defraud, but also an  
2 attempt to either independently or collectively to  
3 defraud the alleged victim of the monetary funds derived  
4 from said "Settlement Check", the very same monetary  
5 funds which the state's Count VI, ATTEMPTED THEFT  
6 charge alleges that the Defendant had attempted to  
7 "permanently deprive" (or defraud) the alleged victim  
8 of. Clearly, the state's case theory presents a  
9 hypothetical storyline of alleged crimes intended  
10 by the Defendant to ultimately "permanently deprive"  
11 the alleged victim of her monetary funds derived  
12 from said \$5026.00 "Settlement Check". Therefore,  
13 the sum of the alleged Count I through Count V  
14 charges function to allege an ongoing criminal  
15 scheme by the Defendant, contemplated to defraud  
16 the alleged victim of the very same monetary funds  
17 which the state alleges in Count VI that the  
18 Defendant had attempted to "permanently deprive"  
19 (or defraud) the alleged victim of. Thus,  
20 rendering the Count VI charge to be an included  
21 lesser offense of the Count I through Count V  
22 charges.

23 D. MOTION TO SET ASIDE COUNT I GUILTY VERDICT.

24 The Jury's Count I Guilty Verdict must  
25 be set aside, where the state's Count I charge  
26 specified within the states Criminal Information  
27 fails to state a criminal offense upon which  
28 judgment can be imposed.

1        Within Count I, of the state's Criminal  
2 Complaint filed in the Justice Court for Reno  
3 Township on June 27, 1996, and within the state's  
4 subsequent Criminal Information filed in the  
5 Washoe County District Court on July 16, 1996, the  
6 state had alleged the crime of "BURGLARY, a  
7 violation of NRS 205.060, a felony."

8        Even though, NRS 205.060 functions to criminalize  
9 the act of Burglary, the state's specification of  
10 the facts constituting the alleged crime are  
11 insufficient to state an offense upon which a  
12 judgment can be imposed. Specifically, there  
13 exists a material variance between the Count I  
14 charge specified within the state's Criminal  
15 Complaint, and the Count I charge specified  
16 within the state's Criminal Information.

17        Whereas, in pertinent part, the state's  
18 Criminal Complaint had alleged that the Defendant  
19 had willfully and unlawfully entered the alleged  
20 victims apartment "with the intent then and  
21 there to commit larceny therein."; and obversely,  
22 in pertinent part the state's Criminal Information  
23 had alleged that the Defendant had willfully and  
24 unlawfully entered the alleged victims apartment  
25 "with the intent then and there to steal check  
26 # 4842 in the amount of \$5,026.<sup>00</sup>,"

27        In comparison, both the state's Criminal  
28 Complaint and Criminal Information allege that

1 the Defendant had committed an act of Burglary  
2 when he entered the alleged victims apartment.  
3 However, the state's Criminal Complaint merely  
4 alleged that the Defendant's entry into said apartment  
5 was for the purpose of committing an unspecified  
6 act of Larceny therein, and did not identify any  
7 item or items which the Defendant intended to  
8 steal. This fact is of material consequence,  
9 because the Justice Court's finding of probable  
10 cause was made strictly in regard to the state's  
11 allegations "as set forth in the criminal complaint",  
12 and whereby the Defendant was "held to answer."

13 The State subsequent to such finding of probable  
14 cause had altered the specification of the charge  
15 before filing their Criminal Information in the  
16 District Court, to include the new allegation of  
17 the Defendant's "intent then and there to steal  
18 check #4842 in the amount of \$5,026-<sup>00</sup>." The  
19 State apparently recognizing the defective  
20 specification of the Count I charge within their  
21 Criminal Complaint to state a specific intent  
22 necessary to establish the crime of Burglary.  
23 Where, the State at trial would be required to  
24 establish such a specific intent to commit larceny  
25 to prove the crime of Burglary had occurred.

26 The record, once again, clearly reflects  
27 that the state, at no time, had attempted to  
28 amend their Criminal Complaint to specify an

1 an intent on the part of the Defendant to steal  
2 said Check #4842 (the Settlement Check"), prior to  
3 his entry into the alleged victims apartment.  
4 Nonetheless, it is clear from the record that the  
5 Justice Court had never made a finding of  
6 probable cause that the Defendant had entered  
7 the alleged victims apartment with the specific  
8 "intent then and there to steal Check #4842 in  
9 the amount of \$5026.00". Instead, of amending  
10 the Criminal Complaint and attaining a finding  
11 of probable cause relative to an amended charge,  
12 the Prosecutor had taken it upon himself to  
13 circumvent Due Process and Equal Protection  
14 of Law, provided under Article 1 § 8 and Article 7 § 21  
15 of the Constitution of the State of Nevada, and  
16 the Fourteenth Amendment to the United States  
17 Constitution. By causing the Defendant to be  
18 held to answer for an offense which was  
19 not considered by the Justice Court in the  
20 context of the preliminary hearing; where no  
21 finding of probable cause was made relative to  
22 the amended Count I charge; and where the  
23 District Court had not acquired proper subject-  
24 matter and personal jurisdiction.

25 E. MOTION TO LIMIT CONSIDERATION TO PROVEN FACTS.

26 Due Process And Equal Protection of Law  
27 require that this Court must decline to consider  
28 all allegations of fact regarding the Defendant's -

1 criminal history, prior bad acts, wrongs,  
2 character or trait of character, which are  
3 not documented by prima facie evidence,  
4 alleged within the state's Pre-sentence Investigation  
5 Report or within the state's arguments at the  
6 time of sentencing.

7 The Defendant alleges that the state's  
8 Pre-sentence Investigation Report contains numerous  
9 factual misrepresentations and fabrications, going  
10 to the Defendant's prior criminal history, prior  
11 bad acts, wrongs, character or trait of his  
12 character. The state alleges several arrests,  
13 convictions, outstanding warrants, and character  
14 deficiencies, but has offered-up no documentation  
15 proving such alleged facts. The Defendant  
16 unequivocally denies all allegations of fact  
17 asserted by the state within its Pre sentence  
18 Investigation Report and those which may be  
19 asserted in argument at the time of sentencing,  
20 save those supported by authenticated documentary  
21 proof, matters of record in the instant case, and  
22 matters found by a Court of competent  
23 jurisdiction.

24 Therefore, the Defendant respectfully  
25 requests that the Court hold the state to a  
26 rigid burden of proof relative to the matters  
27 of the Defendant's criminal history, prior bad acts,  
28 wrongs, character or trait of his character; and



1 that the Court decline to consider such  
2 matters when determining sentence in this case,  
3 except where the state's assertions of fact  
4 are convincingly demonstrated by competent  
5 authenticated documentary proof. Such as  
6 Certified copies of Judgments of Conviction, Capias  
7 (arrest warrants), and other relevant authenticated  
8 documents. The state's practice of, he said she  
9 said, simply is not adequate to suffice as  
10 proof.

11  
12 III. Verification:

13  
14 Under penalty of perjury, I STEVEN FLOYD  
15 VOSS, do hereby verify that I have read the  
16 content of the foregoing Motion and that same  
17 is true and correct of my own personal  
18 information, knowledge and belief.

19 The foregoing document does not contain the  
20 social security number of any person.

21 DATED this 30th day of April 2020.

22 By: 

23 STEVEN FLOYD VOSS,  
24 Defendant in pro per.

25

26

27

28

CERTIFICATE OF SERVICE VIA U-S-MAIL

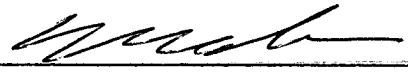
I, STEVEN FLOYD VOSS, do hereby certify that  
on this 30th day of April 2020, that I  
mailed a true and correct copy of the  
foregoing Motion, addressed to -

AMOS STEGE, ESQ (DDA)

% Washoe County District Attorney

Post office Box # 11130

Reno, Nevada 89520-0027

By: 

STEVEN FLOYD VOSS

1 STEVEN FLOYD VOSS #5209Y  
2 Northern Nevada Correctional Center  
3 Post Office Box #7000  
4 Carson City, Nevada 89702-7000  
5

6 THE STATE OF NEVADA,  
7 Plaintiff,  
8 vs.

Case No. CR96-1581  
Dept. No. 1

9 STEVEN FLOYD VOSS,  
10 Defendant.  
11

12  
13 AMENDED MOTION FOR NEW TRIAL BASED UPON FRAUD UPON THE COURT  
14

15 COMES now defendant, STEVEN FLOYD VOSS, by and  
16 through his proper person, and hereby submits the  
17 instant Motion.

18 The instant Motion is made and is predicated  
19 upon the attached memorandum of points and  
20 authorities, attached exhibits, and all papers and  
21 pleadings on file in the above entitled case.  
22  
23  
24  
25  
26  
27  
28

1 INDEX OF ATTACHED EXHIBITS

2

3 Exhibit #1: TRANSCRIPT OF SWORN SEARCH WARRANT  
4 AFFIDAVIT, Justice Court For Reno  
5 Township, June 17, 1996,  
6

7

8 Exhibit #2: SCENE REPORT, Washoe County  
9 Sheriff's Office, relative to  
10 Search of Western Village Inn,  
11 Room #135, on June 17, 1996

12

13 Exhibit #3: SCENE REPORT, Washoe County  
14 Sheriff's Office, relative to  
15 search and seizure of 1980  
16 GMC Flat-Bed-Pick-up-Truck,  
17 California licence Plate # 5B17583 ,  
18 on June 17, 1996

19

20 Exhibit #4: SCENE REPORT, Washoe County  
21 Sheriff's Office, relative to  
22 search and seizure of 1986  
23 Dodge Daytona automobile,  
24 Nevada licence Plate # 997 GKZ ,  
25 on June 17, 1996.

26

27

28

INDEX OF ATTACHED EXHIBITS CONTINUED

Exhibit #5: SCENE REPORT, Washoe County Sheriff's office, relative to search of Sparks Self Storage unit # F22D, on June 17, 1996.

Exhibit #6: SCENE REPORT, Washoe County Sheriff's office, relative to search of McCarran Self Storage unit # SF 20J, on June 17, 1996.

Exhibit #7: SCENE REPORT, Washoe County Sheriff's office relative to collection of blood and biological specimens from Steven Floyd Voss, on June 17, 1996.

Exhibit #8: ROOM AND TELEPHONE RECORDS, for Western Village Inn, Room # 135, collected from the business office on June 17, 1996.

Exhibit #9 18 U.S.C. § 2701 - § 2707

1 MEMORANDUM OF POINTS AND AUTHORITIES

2  
3 I. Nature of Motion:  
4

5 Through the instant Amended Motion For New  
6 Trial the Defendant hereby amends for the  
7 first time as a matter of course his prior  
8 Motion For New Trial filed November 19, 2019,  
9 seeking an Order of this Court setting aside  
10 the Jury's six (6) Guilty Verdicts based upon  
11 fraud committed upon the Court by the state,  
12 and which grants the Defendant a new trial.  
13

14 II. Statement of Relevant Facts:  
15

16 On June 17, 1996 the state had presented  
17 an Application For Search Warrant by sworn  
18 Affidavit, in the Justice Court for Reno  
19 Township, State of Nevada, before Justice of  
20 the peace, Edward Dannon (hereinafter, "Justice  
21 Court"). After considering the States presentation  
22 the Justice Court had authorized two (2) Search  
23 Warrants for storage units presumably controlled  
24 by the Defendant, and one (1) Seizure Order  
25 for biological specimens from the Defendant.  
26 The Justice Court did not authorize any  
27 further Search Warrants. Notably, the Court  
28

1 neglected to make a finding of reasonable or  
2 probable cause for the issuance of any Search-  
3 Warrant or Seizure Order whatsoever. The  
4 aforementioned facts are documented within the  
5 Transcript of sworn Search Warrant Affidavit (attached  
6 Exhibit #1). Further, the Defendant is informed that  
7 no Search Warrants, Seizure Order, or Warrant-  
8 Returns were ever filed in the Justice Court.

9 Nonetheless, on the evening of June 17, 1996  
10 State Agents allegedly pursuant to Search Warrants  
11 and Seizure Order had conducted unconsented  
12 searches and seizures. See attached Exhibit #2  
13 through Exhibit #7. Additionally, State Agents  
14 had seized from the Business Office of the Western  
15 Village, Inn., Sparks, Nevada, the Room and Telephone  
16 Records for Room # 135 of that establishment, without  
17 warrant, seizure order, or subpoena. In violation  
18 of the Fourth Amendment, and 18 U.S.C. § 2701 - § 2707.  
19 See, attached Exhibit #8 and Exhibit #9. Thereafter,  
20 the state had admitted at trial and published  
21 to the jury evidentiary exhibits consisting of  
22 of items seized by state Agents on June 17, 1996  
23 as documented by attached Exhibit #2 through  
24 Exhibit #9.

25 It is an undisputable fact that both the  
26 State's Prosecutor, Deputy District Attorney Egan  
27 Walker, and the state's lead investigator, Detective

1 Larry Canfield were present during the June 17,  
2 1996 Sworn Search Warrant Affidavit proceeding  
3 and when the Justice Court had announced its  
4 ruling, as follows:

5 "Based upon the Detective Canfield's explanation  
6 I'll go ahead and authorize the various  
7 warrants for the search of the uh, of the  
8 storage sheds I guess, also the seizure  
9 of the items from uh, Mr. Voss's person."

10 See, attached Exhibit #1, at page 17, line 8-10.

11 Therefore, both said Prosecutor and Detective,  
12 clearly each had express knowledge of the  
13 Justice Court's ruling, and of the undeniable  
14 fact that the Justice Court had not in any  
15 manner endeavored to authorize Search Warrants  
16 for: (1) the Defendant's residence (located  
17 within Western Village, Inn., Room #135); (2) the  
18 Defendant's 1980 GMC Flat-Bed Pick-up Truck; or  
19 (3) Mary Louise Duplins 1986 Dodge Daytona automobile.  
20 Thus, both said Prosecutor and Detective were  
21 each necessarily aware of the fact that the  
22 searches and seizures of said residence and  
23 vehicles, and items contained therein, were  
24 patently unlawful in violation of NRS 179.045;  
25 Article 1 § 8 of the Constitution of the State of  
26 Nevada; and the Fourteenth Amendment to the  
27 United States Constitution. However, despite



such express and constructive knowledge of the unlawful character of the evidence seized from said residence and vehicles, and from the Business Office of the Western Village Inn, the states Prosecutor had: (a) admitted such evidence at trial causing same to be published to the jury for their consideration in the determination of verdicts; and (b) suborned fraudulent testimony from states witnesses attesting to the alleged propriety of said searches, and seizures of the evidentiary exhibits admitted by the state at trial.

Thereby, the state had collectively perpetrated a wanton fraud upon this court, by sentiently setting in motion an unconscionable scheme calculated to interfere with the judicial systems ability to impartially adjudicate the instant case, by improperly influencing the trier of fact and unfairly hampering the Defendant's presentation of his defense.

### III. Arguments:

#### A. Standards governing the instant Motion For New Trial.

1 Pursuant to NRS 176.515 (1), the court  
2 may grant a new trial to a Defendant if  
3 a new trial is required as a matter of  
4 law. There exists no procedural time  
5 limitation period for the filing of a Motion  
6 For New Trial which is premised on ground  
7 of fraud upon the court. Whereas, the Court's  
8 jurisdiction and discretion to remedy a  
9 fraud perpetrated upon the court is inherent  
10 under Article 6 § 6 of the Constitution of the  
11 State of Nevada. See, Murphey v. Murphey, 103  
12 Nev. 185, 734 P. 2d 738 (1987), and NRCP Rule 60 (b).  
13 A defendant whose guilt is predicated upon a  
14 jury verdict may raise a post-conviction  
15 challenge to the validity of a verdict by means  
16 of a motion for new trial, and he has the  
17 right to appeal from an order refusing  
18 such relief. see, Hargrove v. State, 100 Nev.  
19 498, 686 P. 2d 222 (1984), and NRS 177.015.

20 Therefore, even if this court were to find  
21 that the instant Motion falls outside the scope  
22 of a Motion under 176.515, such a finding  
23 would not be fatal to this Court's consideration  
24 of the Defendant's instant claims, given this  
25 court's inherent power to remedy fraud upon  
26 the court. Thus, this court clearly maintains  
27 jurisdiction and discretion to consider the

1 instant claims for relief, and to grant  
2 appropriate relief. Furthermore, the  
3 procedural lable utilized is of little importance  
4 in light of thrs court's inherent authority.  
5 see, Osborn v. Fagliani, 82 Nev. 300, 417 P. 2d  
6 148 (1966), ( cited in: Warden v. Peters, 83 Nev. 289  
7 (1967); State v. Eighth Judicial District Court, 100  
8 Nev. 90 (1984); and Edwards v. State, 112 Nev. 704  
9 (1996)). wherein, the Nevada Supreme Court has  
10 consistently held that:

11 " ... the procedural lable is of little  
12 importance. Because the fact remains that  
13 courts which mistakenly render a  
14 judgment which works to the extreme  
15 detriment of the defendant, will not  
16 allow the erroneous judgment to stand  
17 uncorrected, where the court has inherent  
18 power to reconsider a judgment for good  
19 cause shown." Also see, State v. Lopez,  
20 96 Ariz. 169, 393 P. 2 263 (1964); and  
21 Negelburg v. United States, 377 U.S. 266  
22 (1964) ( also cited in Warden v. Peters, 83  
23 Nev. 298).

24  
25 B. The Defendant's claims of fraud upon the  
26 court are clearly meritorrious, as same are not  
27 repelled by the record, and are supported with-

1 substantial prima facie evidence appended  
2 to the instant Amended Motion For New Trial,  
3 and which is contained within the Trial and  
4 Appellate records.

5  
6 It is an undisputable fact supported  
7 by prima facie evidence that the Justice Court  
8 has never entered a finding of reasonable or  
9 probable cause upon which the issuance of any  
10 Search Warrant or Seizure Order could  
11 reasonably be founded under NRS 179.045 and  
12 the Fourth Amendment. Despite the apparent  
13 fact that the Justice Court had endeavored  
14 to authorize two (2) Search Warrants for the  
15 search of two (2) Commercial Storage Units  
16 presumably controlled by the Defendant; and  
17 one (1) Seizure Order for the seizure of  
18 biological specimens from the Defendant. However,  
19 the Justice Court clearly never endeavored to  
20 in any manner authorize Search Warrants for:  
21 (1) the Defendant's residence (located within  
22 Western Village, Inn., Room #135); (2) the  
23 Defendant's 1980 GMC Flat-Bed Pick-up Truck;  
24 or (3) Mary Louise Duplin's 1986 Dodge Daytona  
25 automobile; or (4) the seizure of any items in  
26 the wake of such searches. See, attached Exhibit #1,  
27 at page 17, line 8-10.

1 Nonetheless, prima facie evidence (attached  
2 Exhibit #2 through Exhibit #4), having clear indicia  
3 of reliability, undeniably demonstrate that  
4 unconsented searches of the Defendant's  
5 residence and vehicle, and the vehicle  
6 belonging to Mary Louise Duplin, were in fact  
7 undertaken by State Agents on June 17, 1996,  
8 allegedly pursuant to duly authorized search-  
9 warrants, and that numerous items of  
10 personal property were seized in the wake of  
11 said searches. There can be no reasonable  
12 dispute as to whether the Defendant and  
13 Mary Louise Duplin, alike, had a reasonable  
14 expectation of privacy relative to the  
15 places searched and the items seized.

16 Further, the Trial and Appellate records  
17 unequivocally demonstrate the State's admission  
18 of evidentiary exhibits at trial which had  
19 been seized in the wake of the searches of  
20 the Defendant's residence and vehicle. Whereas,  
21 Items admitted as State's exhibits at trial are  
22 specifically listed as seized items on the very  
23 face of attached Exhibit #2 and Exhibit #3;  
24 Despite the clear implications of the illegal  
25 character of such evidentiary exhibits.  
26 Where the State's Prosecutor, Egan Walker, was  
27 necessarily aware that the Justice Court had not

1 duly authorized Search Warrants for the  
2 Defendant's residence or vehicle. Likewise,  
3 said state's Prosecutor was necessarily aware  
4 of the undisputable fact that the Justice Court  
5 had not issued a Search Warrant, Seizure -  
6 Order, or Subpoena for Room and Telephone  
7 Records relative to Western Village Inn, Room  
8 #135, for the period of time that the Defendant  
9 resided at said location. Nonetheless, the  
10 Trial and Appellate Records unequivocally  
11 demonstrate the State's admission of said  
12 Room and Telephone Records at trial, without  
13 so much as an offer of proof that such  
14 records had been lawfully obtained within the  
15 meaning of NRS 179.045; the Federal Communications  
16 Act, codified as 18 U.S.C. § 2701 - § 2707; and the  
17 Fourth Amendment to the United States Constitution,  
18 which had thereby violated the Defendant's  
19 Fourteenth Amendment rights to Due Process and  
20 Equal Protection of Law, and to receive a Fair Trial.

21 Whereas, the true facts of this case clearly  
22 show that the state has perpetuated a wanton  
23 fraud upon this court, which has caused a  
24 substantial injurious effect and influence upon  
25 the jury's determination of their Guilt Verdicts.

26 The Nevada Supreme Court has identified that  
27 "Fraud upon the court consists of, inter alia, 'such  
28

1 conduct as prevents a real trial upon the issues  
2 involved." see, Murphy v. Murphy, 103 Nev. 185, 734  
3 P.2d 738 (1987) (citing Savage v. Salzman, 88 Nev. 193,  
4 195, 495 P.2d 367, 368 (1972)). Whereas, Savage had  
5 reaffirmed an earlier holding of that court  
6 which had defined "Extrinsic Fraud" as fraud  
7 by reason which "there was, in fact, no  
8 adversary trial or decision of the issue in  
9 the case; where there has never been a real  
10 contest in the trial or hearing of the case,"  
11 see, Villalon v. Bowen, 70 Nev. 456, 469, 273 P.  
12 2d 409 (1954) (citing United States v. Throckmorton,  
13 98 U.S. 61 (1878)).

14 In the instant case, the state's prosecutorial  
15 theory rested intirely upon constitutionally  
16 impermissible evidence. To wit, evidence  
17 obtained without duly authorized search-  
18 warrants; and Victim Hearsay Testimony  
19 regarding non-contemporaneous out-of-court  
20 alleged victim statements of an unavailable  
21 declarant. Thus, "there has never been a  
22 real contest in the trial or hearing of the  
23 [instant] case," where the state had  
24 wantonly perpetrated a fraud upon the court  
25 consisting of, inter alia, "such conduct [that]  
26 prevent[ed] a real trial upon the issues  
27 involved." Whereas, it is abundantly clear that

1 absent the state's admission of its illegally obtained  
2 evidentiary exhibits, the state could not  
3 have successfully prosecuted any count of  
4 the state's Criminal Information to any  
5 degree whatsoever. Therefore, the state's  
6 admission of illegally seized evidence at  
7 trial was, per se, prejudicial to the defense.  
8 Because said illegally seized and admitted  
9 evidence was the foundation of the state's  
10 prosecution of this close circumstantial  
11 case. Moreover, the state's admission of  
12 the illegally seized evidence had necessarily  
13 placed undue prejudicial effects and  
14 influences upon the jury's determinations  
15 of guilt. Because absent the state's  
16 admission of said illegally seized evidence,  
17 the jury could not have possibly reached its  
18 determinations of guilt relative to the charged  
19 criminal conduct. More critically, the fraud  
20 perpetrated on the court by the state had  
21 in and of itself functioned to create a  
22 structural defect in the trial mechanism  
23 which is not amenable to harmless error  
24 analysis under Chapman. Whereas, the state  
25 by their unconscionable conduct had set out  
26 to defile the court itself. By undertaking  
27 actions which were contemplated to disable



1 the judicial machinery so that it could not  
2 "perform in the usual manner its impartial  
3 task of adjudicating cases presented for  
4 adjudication." see, Moore's Federal Practice,  
5 para. 60.33 at 511 (1971):

6 "Fraud upon the court, should we believe,  
7 embrace only that species of fraud which  
8 does or attempts to, defile the court  
9 itself, or is a fraud perpetrated by  
10 officers of the court so that the  
11 judicial machinery cannot perform in the  
12 usual manner its impartial task of  
13 adjudicating cases that are presented for  
14 adjudication." (cited in Mendez v. Chase,  
15 2019 U.S. Dist. LEXIS 73809).

16 In the case of Aoude v. Mobil Oil Corp.,  
17 892 F. 2d 1118 (1st. Cir. 1989) the court held  
18 that:

19 "Fraud on the court occurs where it can be  
20 demonstrated clearly and convincingly,  
21 that a party has sentiently set in motion  
22 some unconscionable scheme calculated  
23 to interfere with the judicial systems  
24 ability to impartially adjudicate a matter  
25 by improperly influencing the trier or  
26 unfairly hampering the presentation of the  
27 opposing party's claim or defense."

(citing Alexander v. Robertson, 882 F. 2d 421, 424 (9th Cir. 1989). Also see, In re Levander, 180 F. 3d 1114, 1119 (9th Cir. 1999).

#### IV. Conclusion:

The Defendant is entitled to receive a new trial based upon ground of fraud upon the court, which had effectively disabled the judicial-trial machinery.

There exists no conceivable prejudice to the state under Laches or otherwise, as the defect in the trial proceedings is the product of the state's own unconscionable conduct, and because there is not at present juncture, and there never has been, a valid or presumptively final Judgment of Conviction entered relative to the instant case. upon which any presumption of prejudice to the state can reasonably attach.

#### V. Verification:

Under penalty of perjury, I STEVEN FLOYD VOSS, do hereby verify that I have read the content of the foregoing Motion, and

1 that same is true and correct of my own  
2 personal information, knowledge and belief.

3 The foregoing Motion does not contain  
4 the personal information or social security  
5 Number of any person.

6 DATED this 5th day of May 2020.

7 By: Steven Floyd Voss  
8 STEVEN FLOYD VOSS,  
9 Defendant, in pro. per.  
10

11 CERTIFICATE OF SERVICE BY U.S. MAIL  
12

13 I, STEVEN FLOYD VOSS, do hereby certify that  
14 on this 5th day of May 2020, that I  
15 mailed a true and correct copy of the  
16 foregoing Motion, addressed to:

17 AMOS STEGE, ESQ (DIA)  
18 % Washoe County District Attorney  
19 Post Office Box # 11130  
20 Reno, Nevada 89520-0027

21 By: Steven Floyd Voss  
22 STEVEN FLOYD VOSS.  
23  
24  
25  
26  
27  
28

EXHIBIT #1

EXHIBIT #1

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

3 \* \* \*

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



6  
7 TRANSCRIPT OF SWORN SEARCH WARRANT AFFIDAVIT

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

10 -----

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

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

19 CANFIELD: I do.

20 DANNAN: Go ahead.

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

23 CANFIELD: Washoe County Sheriff's Office.

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

25 CANFIELD: For eighteen years.

26 WALKER: What is your current assignment?



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

2 WALKER: How long have you been a detective?

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

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

6 CANFIELD: Uh, estimated over six hundred.

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

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

10 WALKER: Combined.

11 CANFIELD: Probably three hundred.

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

15 CANFIELD: Yes.

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

17 CANFIELD: Yes, that's correct.

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

21 CANFIELD: That's correct.

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

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



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

3 CANFIELD: No.

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

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

8 WALKER: Where is Ms. Baxter employed?

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

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

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

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

16 CANFIELD: That's correct.

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

18 CANFIELD: No she did not.

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

21 CANFIELD: On Friday morning, yes.

22 WALKER: What is his name?

23 CANFIELD: His name is Mr. Parks.

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

25 CANFIELD: At 8:00 a.m.

26 ///



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

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

5 WALKER: How did they confirm that?

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

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

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

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

15 CANFIELD: That's correct.

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

19 CANFIELD: That's correct?

20 WALKER: What is your understanding of their relationship?

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

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

25 CANFIELD: Yes.

26 WALKER: Where does Mr. Voss currently reside?



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

2 WALKER: Does anyone live there with him?

3 CANFIELD: Yes, his mother Mary Duplin.

4 WALKER: How do you spell that?

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

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

8 CANFIELD: Yes I have.

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

11 CANFIELD: Yes I have.

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

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

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

19 CANFIELD: Yes.

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

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

26 ///



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

3 CANFIELD: Yes he stated they had sexual intercourse.

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

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

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

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

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

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

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

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

24 ///

25 ///

26 ///

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



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



1 CANFIELD: Uh, at that time when I located the vehicle I  
2 noticed four cigarette butts within two to three  
3 feet of the vehicle. Two of them had, were Marlboro  
4 cigarettes with a tan top and two were Marlboro with  
5 a white top white filter uh, area.  
6  
7 WALKER: Why is that significant based on your investigation?  
8  
9 CANFIELD: During the interview with Stephen Voss I noticed  
10 that he smoked Marlboro box cigarettes with a tan  
11 top and that his mother, which she participated in  
12 the interview uh, smoked ones with the white top.  
13  
14 WALKER: Was there anything about the condition of the  
15 parking lot which would allow you based on your  
16 training and experience to at least suspect that  
17 those cigarettes were in some way associated with  
18 the car?  
19  
20 CANFIELD: The uh, parking lot and the adjoining area is  
21 undergoing construction. The parking lot has just  
22 been newly surfaced with asphalt and the new white  
23 lines painted. Uh, around this car were the four  
24 cigarette butts with no other trash of any type, no  
25 other cigarette butts within uh, at least a fifty  
26 foot radius that I observed.  
27  
28 WALKER; Is the victim a smoker to your knowledge?  
29  
30 CANFIELD: No she is not.  
31  
32 WALKER: Did you discover any uh, evidence inside the vehicle  
33 when you looked inside the vehicle to corroborate  
34 that in fact cigarettes had been smoked inside that  
35 vehicle?  
36  
37 CANFIELD: There was some ashes in the front uh, console  
38 portion of the vehicle in what looked to be a  
39 cellophane wrapper used to wrap cigarettes which was  
40 laying in the back seat along with a single used  
41 match.  
42  
43 WALKER: Do I understand correctly that two other independent  
44 witnesses have confirmed that they have seen a truck  
45 generally matching the description of Mr. Voss's in  
46 the same area where this car was discovered on  
47 either Thursday morning or Friday morning?  
48  
49 CANFIELD: That's correct.  
50  
51 ///



1 WALKER: Detail if you would the information you have  
2 regarding those independent witnesses?  
3 CANFIELD: One witness is a construction worker. As I said  
4 before construction is going on there. He observed  
5 this vehicle he states, he's pretty sure it was  
6 Thursday morning but it might also have been Friday  
7 morning. He worked from 6:00 a.m. to 2:00 p.m. and  
8 he states it was in the late morning that he  
9 observed the vehicle he observed and thinking it was  
10 a tow truck and wondering what was going to be towed  
11 from that area. He described the uh, bright chrome  
12 flatbed areas of the truck that had a kind of  
13 diamond type of design in the metal. And the other  
14 uh, person is a B of A employee who uh, went to  
15 that, it's not actually a branch of the storage  
16 facility now for files. She went there on Thursday  
17 and also on Friday. She observed this vehicle  
18 parked in that same vicinity and also gave the same  
19 description of the vehicle.  
20 WALKER: When the friends of Ms. Baxter traveled to her  
21 residence on Friday, June 14, 1996, did they find  
22 her purse, wallet, checkbook or keys at her  
23 residence?  
24 CANFIELD: No they did not.  
25 WALKER: Were any of those items discovered inside the  
26 vehicle uh presumably abandoned in the Albertson's  
parking lot?  
CANFIELD: No they were not.  
WALKER: Do I understand correctly that conversation and  
contact was made with Mr. Voss at the California  
Federal Bank on Friday, June 14th coincidentally  
with the contact by the apartment manager of the  
victim?  
CANFIELD: That's correct.  
WALKER: Who made contact with Mr. Voss?  
CANFIELD: Uh, Sergeant Dale Pasif and Detective Stacey Hill.  
WALKER: What did Mr. Voss say at that time if anything about  
is activities in terms of trying to cash this check?  
26 ///



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

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

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

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

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

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

24 CANFIELD: Yes he did.

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

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

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

CANFIELD: Yes she did.

WALKER: What kind of vehicle was she driving?

///



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

3 WALKER: Do you know where they went?

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

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

8 CANFIELD: Yes I did.

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

12 CANFIELD: Yes.

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

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

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

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



1 WALKER: In that regard did you receive cooperation from co-  
2 workers of Ms. Baxter that in fact during last week  
3 Mr. Voss requested Ms. Baxter's keys at work in  
4 order to check her car during working hours?  
5  
6 CANFIELD: That's correct.  
7  
8 WALKER: Did you again make contact with Mr. Voss on Saturday  
9 on June 15, 1996?  
10  
11 CANFIELD: Yes he uh, when we were talking to him at his  
12 residence the night before we asked him if he would  
13 be willing to give a taped statement. He stated  
14 that he would but he did not want to do one at that  
15 time. Uh, we asked him what would be a good time  
16 for him and he specified twelve noon, Saturday.  
17  
18 WALKER: Did you in fact meet with him at that time?  
19  
20 CANFIELD: Uh, yes I did.  
21  
22 WALKER: Did you in fact tape record a statement at that  
23 time?  
24  
25 CANFIELD: Yes I did.  
26  
27 WALKER: At that time did you and/or Detective Yaryan ask Mr.  
28 Voss if he would be willing to submit to a polygraph  
29 examination?  
30  
31 CANFIELD: Yes.  
32  
33 WALKER: What was his response?  
34  
35 CANFIELD: His response was uh, he became very physically and  
36 emotionally upset. His face turned red, he became  
37 what I describe as tight jawed where he was  
38 clenching his teeth and began to raise his voice  
39 about he'd observed shows such as "60 Minutes" uh,  
40 describing polygraphs examinations as farces and  
41 that they were no good and he had police officers as  
42 friends that had told him not to take one. He's had  
43 taken them in the past for jobs and did not get the  
44 jobs and felt that they were just totally useless.  
45 Although as he described this to us his voice was  
46 very raised, he was irate at the time.  
47  
48 ///  
49  
50 ///  
51  
52 ///

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

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

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

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

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

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

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

26 CANFIELD: Yes that's correct.

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

32 CANFIELD: Yes that's correct.

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

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

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



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



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

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

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

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

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

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

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

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

CANFIELD: That's correct.

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

CANFIELD: Yes.

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

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

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

9 CANFIELD: That's correct.

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

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

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

18 (end tape)

19  
20  
21  
22  
23  
24  
25  
26 0625-4A



EXHIBIT #2

EXHIBIT #2

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

06/20/96

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

SCENE REPORT

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

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

CASE SUMMARY

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

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

AREAS PROCESSED

LATENTS RECOVERED

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

(continued)

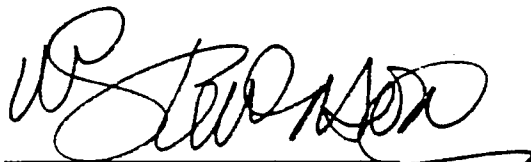
JA 113

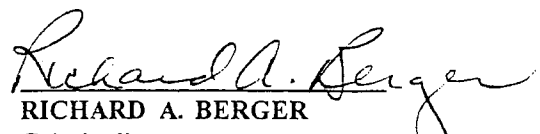


EVIDENCE RECOVERED

Collected At: Western Village, Room 135 By: William Stevenson  
Sparks, Nevada  
Date: 06/17/96 Time: 19:30 Hours

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

  
WILLIAM STEVENSON  
Investigator  
Forensic Investigation Section  
0186

  
RICHARD A. BERGER  
Criminalist  
Forensic Science Division

mm

EXHIBIT #3

EXHIBIT #3

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

06/28/96

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

**SCENE REPORT**

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

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

**CASE SUMMARY**

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

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

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

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

**EVIDENCE RECOVERED**

Collected At: Forensic Science Division  
Garage - Bay #3

By: William Stevenson

Date: 06-18-96

Time: 15:40 Hours

**CONTROL#**

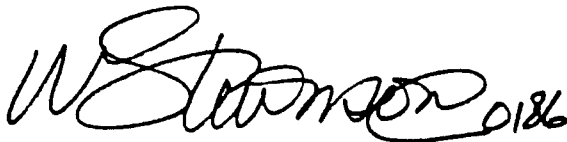
**DESCRIPTION**

WCSO/Q07492


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

(continued)  
**JA 116**


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



WILLIAM STEVENSON  
Investigator  
Forensic Investigation Section



RICHARD A. BERGER  
Criminalist  
Forensic Science Division



DIANE M. DOWMAN  
Criminalist  
Forensic Science Division

mm

EXHIBIT # 4

EXHIBIT # 4

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

07/22/96

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

**SCENE REPORT**

**LOCATION OF SCENE:** FSD Garage  
911 Parr Boulevard

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

**CASE SUMMARY**

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

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

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

**AREAS PROCESSED**

**LATENTS RECOVERED**

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

**EVIDENCE RECOVERED**

**Collected At:** FSD Garage  
911 Parr Boulevard

**By:** David Billau

**Date:** 06/17/96

**Time:** 20:00 Hours

**CONTROL#**

**DESCRIPTION**

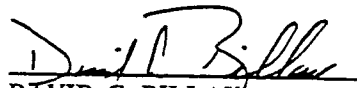
WCSO/Q07574

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

(continued)

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

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

  
DAVID C. BILLAU  
Investigator  
Forensic Investigation Section

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EXHIBIT #5

EXHIBIT #5



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

06/20/96

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

SCENE REPORT

LOCATION OF SCENE: Self Storage  
Sparks Boulevard  
Sparks, Nevada

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

CASE SUMMARY

#F22D


At the completion of the examination of storage unit #~~SP20J~~ at the Reno Self Storage Units, Lieutenants Means and Martin; Sergeants Butko and Knight; Detectives R. Hill, L. Canfield, and T. Lowry; Criminalist Berger, and I went to the Sparks Self Storage Units in order to execute a Search Warrant, which was obtained by Detective Canfield.


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

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

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

No evidence was recovered by this investigator.

  
WILLIAM STEVENSON 0186  
Investigator  
Forensic Investigation Section  
mm

  
RICHARD A. BERGER  
Criminalist  
Forensic Science Division

JA 122

EXHIBIT # 6

EXHIBIT # 6

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

06/20/96

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

**SCENE REPORT**

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

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

**CASE SUMMARY**

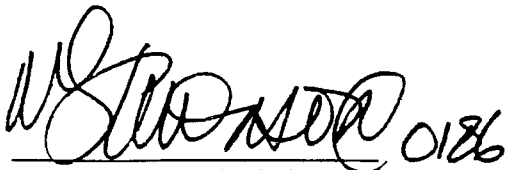
At approximately 1526 hours, the following personnel were contacted in front of storage unit #SF20J regarding the service of a Search Warrant which was obtained by Detective Canfield:

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

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

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

No evidence was recovered by me.

 0186

**WILLIAM STEVENSON**  
Investigator  
Forensic Investigation Section

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JA 124

EXHIBIT # 7

EXHIBIT # 7

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

06/26/96

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

SCENE REPORT

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

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

CASE SUMMARY

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

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

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

EVIDENCE RECOVERED

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

By: Charles Lowe

Date: 06/17/96

Time: 19:45 Hours

CONTROL#

DESCRIPTION

WCSO/Q07458

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

  
C.E. LOWE

Investigator

Forensic Investigation Section

mm

JA 126

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

06/24/96

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

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

The submitted items were identified as:

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

RESULTS OF EXAMINATION:

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

Maria Fassett

ANALYST

MARIA FASSETT, CRIMINALIST

EXHIBIT # 8

EXHIBIT # 8

# SPARKS - NEVADA

RESERVATIONS CALL:  
(702) 331-1069 • (800) 648-1170  
I-80 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name  
Address  
Room  
Rate  
Arrive  
Depart  
Persons  
Deposit Amount  
Company Name  
Convention Code  
Travel Agent No.

MARY/STEVE DUPLIN  
565 SPRKS BLVD #547  
S - 135  
SPARKS NV 89434  
6/05/96  
6/14/96  
2  
AMERICAN RED CROSS

PAGE 1  
RES ID 352201354807  
FOL ID 352221358536

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/07/96	352229000116	ROOM CHARGE S 135		49.00
		TAX		3.52
6/06/96	352219000031	ROOM CHARGE N 338		27.99
		TAX		2.24
XFR FRM 6/05/96	352201354807	MARY/STEVEDUPLIN		
	352209000035	ROOM CHARGE N 338		27.99
		TAX		2.24
XFR FRM 6/08/96	352201354807	MARY/STEVEDUPLIN		
	352239000141	ROOM CHARGE S 135		39.00
		TAX		3.12
XFR FRM 6/09/96	352201354807	MARY/STEVEDUPLIN		
	352249000089	ROOM CHARGE S 135		39.00
		TAX		3.12
XFR FRM 6/10/96	352201354807	MARY/STEVEDUPLIN		
	352259000154	ROOM CHARGE S 135		39.00
		TAX		3.12
XFR FRM	352201354807	MARY/STEVEDUPLIN		

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Truck Number \_\_\_\_\_

Truck Co. Name \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check out by returning my key to the front desk and pay for any other charges that I have had billed to my room. I am in agreement that if I am not checked-out of the room at 11:00 a.m. on \_\_\_\_\_ or if I leave luggage in the room I will be charged and billed for another full day's room charges.

NOTICE TO GUESTS  
THIS PROPERTY IS PRIVATELY OWNED AND THE MANAGEMENT RESERVES THE RIGHT TO REFUSE SERVICE TO ANYONE. AND WILL NOT BE RESPONSIBLE FOR ACCIDENTS OR

JA 129



**Inn & Casino**  
SPARKS • NEVADA

RESERVATIONS CALL:  
(702) 331-1069 • (800) 648-1170  
90 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Room \_\_\_\_\_  
Rate \_\_\_\_\_  
Arrive \_\_\_\_\_  
Depart \_\_\_\_\_  
Persons \_\_\_\_\_  
Deposit Amount \_\_\_\_\_  
Company Name \_\_\_\_\_  
Convention Code \_\_\_\_\_  
Travel Agent No. \_\_\_\_\_

MARY/STEVE DUPLIN  
565 SPRKS BLVD #547  
SPARKS NV 89434  
RES ID 352201354807  
FOL ID 352221355354  
6/05/96  
6/14/96  
2  
AMERICAN RED CROSS

PAGE 2

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/11/96	352269000144	ROOM CHARGE S 135		39.00
		TAX		3.12
XFR FRM	352201354807	MARY/STEVEDUPLIN		281.56
6/14/96	352299100224	DIRECT BILL		

TOTAL

.00

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Truck Number \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check out by returning my key to the front desk and pay for any other charges that I have had billed to my room. I am in agreement that if I am not checked-out of the room at 11:00 a.m. on \_\_\_\_\_ or if I leave luggage in the room I will be charged and billed for another full day's room charges.

JA 130

# Western Village Inn & Casino

**SPARKS • NEVADA**

**RESERVATIONS CALL:**  
(702) 331-1069 • (800) 648-1170  
I-80 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name	MARY/STEVE DUFLIN			PAGE
Address	565 SPRKS BLVD #547			
Room				
Rate				
Arrive	5 - 135			
Depart		SPARKS	NV 89434	RES ID 35220135480
Persons	6/05/96			
Deposit Amount	6/14/96			
Company Name	2			FOLP ID 35220135502
Convention Code				
Travel Agent No.	AMERICAN RED CROSS			

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/05/96	352201355029	CASH	CAL FED	20.00-
6/05/96	352201355182	00001 LOCAL CALLS 2338 2255288 17:05	1M CAL FED	.25
6/05/96	352201355245	00001 LOCAL CALLS 2338 3346956 17:40	1M	.25
6/05/96	352201355247	00001 LOCAL CALLS 2338 3346956 17:40	1M	.25
6/05/96	352201355249	00001 LOCAL CALLS 2338 6777789 17:41	1M	.25
6/05/96	352201355262	00001 LOCAL CALLS 2338 8511300 17:46	7M	.25
6/10/96	352251363925	00001 LOCAL CALLS 2135 3557630 16:36	1M	.25
6/10/96	352251363980	00001 LOCAL CALLS 2135 6746800 16:47	19M	.25
6/10/96	352251363984	00001 LOCAL CALLS 2135 3557630 17:05	2M	.25
6/10/96	352251364023	00001 LOCAL CALLS 2135 3596955 17:38	3M	.25

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check

JA 131

# SPARKS - NEVADA

RESERVATIONS CALL:  
(702) 331-1069 • (800) 648-1170  
80 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name  
Address  
Room MARY/STEVE DUPLIN  
Rate 565 SPARKS BLVD #547  
Arrive S - 135  
Depart SPARKS NV 89434 RES ID 3522013546  
Persons 6/05/96  
Deposit Amount 6/14/96  
Company Name 2 FOL ID 3522013530  
Convention Code  
Travel Agent No. AMERICAN RED CROSS

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/10/96	352251364039	00001 LOCAL CALLS 2135 4255476 17:45	4M instant Homeing	.25
6/10/96	352251364041	00001 LOCAL CALLS 2135 4255476 17:45	4M instant Homeing	.25
6/10/96	352251364054	00001 LOCAL CALLS 2135 7872054 18:04	2M (U) #	
6/10/96	352251364304	00001 LOCAL CALLS 2135 7872054 20:58	2M (U) #	
6/11/96	352261366107	00001 LOCAL CALLS 2135 4255476 20:33	2M instant Homeing	.25
6/12/96	352279000159	ROOM CHARGE S 135 TAX		39.00 3.15
6/12/96	352271366673	00001 LOCAL CALLS 2135 8241805 21:38	1M Canal	.25
6/13/96	352289000160	ROOM CHARGE S 135 TAX		22.95 1.84
6/13/96	352281369195	00001 LOCAL CALLS 2135 3281762 14:34	1M	.25

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Truck Number \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check out by returning my key to the front desk and pay for any other charges that I have had billed to my room. I am in agreement that if I am not checked-out of the room at 11:00 a.m. on \_\_\_\_\_ or if I leave luggage in the room I will be charged and billed for another full day's room charges.

NOTICE TO GUESTS  
THIS PROPERTY IS PRIVATELY OWNED AND THE MANAGEMENT RESERVES THE RIGHT

JA 132

**WESTERN VILLAGE**  
**SPARKS • NEVADA**

RESERVATIONS CALL:  
(702) 331-1069 • (800) 648-1170  
I-80 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name	MARY/STEVE DUPLIN			PAGE
Address	565 SPRKS BLVD #547			
Room	S - 135			
Rate				
Arrive				
Depart	SPARKS	NV 89434	RES ID 3522013548	
Persons	6/05/96			
Deposit Amount	6/14/96			
Company Name	2		FOL ID 3522013550	
Convention Code				
Travel Agent No.	AMERICAN RED CROSS			

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/13/96	352281369199	00001 LOCAL CALLS	car fee	.25
		2135 3553150 14:39	1M	
6/13/96	352281369209	00001 LOCAL CALLS	car fee	.25
		2135 3553150 14:43	5M	
6/13/96	352281369211	00001 LOCAL CALLS		.25
		2135 3281762 14:48	1M VA	
6/13/96	352281369285	00001 LOCAL CALLS		.25
		2135 3281762 15:49	1M VA	
6/13/96	352281369321	00001 LOCAL CALLS		.25
		2135 8281447 16:08	2M Mobile Home Sales	
6/13/96	352281369374	00001 LOCAL CALLS		.25
		2135 3562020 16:32	4M Park Vista	
6/13/96	352281369416	00001 LOCAL CALLS		.25
		2135 6746800 16:57	17M Debbie	
6/13/96	352281369875	00001 LOCAL CALLS		.25
		2135 4255476 22:34	1M Instant Housing	
6/14/96	352299100225	DIRECT BILL		52.45
TOTAL				.00

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Truck Number \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check out by returning my key to the front desk and pay for any other charges that I have had billed to my room. I am in agreement that if I am not checked-out of the room at 11:00 a.m. on \_\_\_\_\_ or if I leave luggage in the room I will be charged and billed for another full day's room charges.

**JA 133**

**Inn & Casino**  
**SPARKS • NEVADA**

RESERVATIONS CALL:  
(702) 331-1069 • (800) 648-1170  
I-80 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name	MARY/STEVE DUPLIN			PAGE 1
Address	565 SPRKS BLVD #347			
Room				
Rate				
Arrive	S - 135			
Depart		SPARKS	NV 89434	RES ID 352291369443
Persons	6/14/96			
Deposit Amount	6/14/96			
Company Name	2			FOL ID 352291370822
Convention Code				
Travel Agent No.	AMERICAN RED CROSS			

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/14/96	352299000120	ROOM CHARGE S 135		33.99
		TAX		2.72
6/14/96	352291370823	APPLIED DEPOSIT		197.51-
6/14/96	352291371100	00001 LOCAL CALLS		.25
		2135 3281762 11:39	1M	
6/14/96	352291371114	00001 LOCAL CALLS		.25
		2135 3281762 11:46	2M	
6/14/96	352291371143	00001 LOCAL CALLS		.25
		2135 3281762 12:04	1M	
6/14/96	352291371155	00001 LOCAL CALLS		.25
		2135 7872054 12:09	1M	
6/14/96	352291371163	00001 LOCAL CALLS		.25
		2135 3281762 12:14	2M	
6/14/96	352291371182	00001 LOCAL CALLS		.25
		2135 3281762 12:28	1M	
6/14/96	352291371218	00001 LOCAL CALLS		.25
		2135 3281762 12:47	2M	
6/14/96	352291371303	LONG DISTANCE CALL		
		2135 8005288000 13:56	1M	
				AMERICAN EXPRESS

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Truck Number \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check out by returning my key to the front desk and pay for any other charges that I have had billed to my room. I am in agreement that if I am not checked-out of the room at 11:00 a.m. on \_\_\_\_\_ or if I leave luggage in the room I will be charged and billed for another full day's room charges.

JA 134

# SPARKS • NEVADA

RESERVATIONS CALL:  
(702) 331-1069 • (800) 648-1170  
80 at McCarran (Exit 19)  
Sparks, Nevada 89431  
P.O. Box 3267  
Sparks, Nevada 89432-3267

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Room \_\_\_\_\_ MARY/STEVE DUPLIN \_\_\_\_\_  
Rate \_\_\_\_\_ 565 SPRKS BLVD #547 \_\_\_\_\_  
Arrive \_\_\_\_\_  
Depart \_\_\_\_\_ 5 - 135 \_\_\_\_\_  
Persons \_\_\_\_\_ SPARKS NV 89434 RES ID 352281367445  
Deposit Amount \_\_\_\_\_ 6/14/96 \_\_\_\_\_  
Company Name \_\_\_\_\_ 6/14/96 \_\_\_\_\_  
Convention Code \_\_\_\_\_ 2 \_\_\_\_\_ FOL ID 352291370622  
Travel Agent No. \_\_\_\_\_ AMERICAN RED CROSS \_\_\_\_\_

DATE	REFERENCE	DESCRIPTION	SPLIT	AMOUNT
6/14/96	352291371360	00001 LOCAL CALLS		.25
		2135 3281762 14:40	2M	
6/14/96	352291371363	00001 LOCAL CALLS		.25
		2135 7867200 14:42	3M	
6/14/96	352291371913	00001 LOCAL CALLS		
		2135 7872054 21:13	2M	
6/15/96	352305000125	ROOM CHARGE S 135		33.99
		TAX		2.72
6/15/96	352301373486	00001 LOCAL CALLS		.25
		2135 3245799 15:06	1M	
6/15/96	352301373531	00001 LOCAL CALLS		.25
		2135 7867200 16:15	1M - VA MEDICAL	
6/16/96	352311375019	00001 LOCAL CALLS		.25
		2135 7867200 11:29	2M	
6/16/96	352311375314	00001 LOCAL CALLS		.25
		2135 3281762 15:38	1M	

TOTAL

121.09-

Car Information \_\_\_\_\_ THANK YOU FOR STAYING WITH US

Color \_\_\_\_\_

Make \_\_\_\_\_

License Number \_\_\_\_\_

Truck Number \_\_\_\_\_

Truck Co. Name \_\_\_\_\_

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Western Village's Front Desk Clerk has informed me that check-out time is at 11:00 a.m. and that I am to check out by returning my key to the front desk and pay for any other charges that I have had billed to my room. I am in agreement that if I am not checked-out of the room at 11:00 a.m. on \_\_\_\_\_ or if I leave luggage in the room I will be charged and billed for another full day's room charges.

NOTICE TO GUESTS  
THIS PROPERTY IS PRIVATELY OWNED AND THE MANAGEMENT RESERVES THE RIGHT TO REFUSE SERVICE TO ANYONE AND WILL NOT BE RESPONSIBLE FOR ACCIDENTS OR

JA 135

EXHIBIT # 9

EXHIBIT # 9

## **§ 2701. Unlawful access to stored communications**

**(a) Offense.** Except as provided in subsection (c) of this section whoever—

(1) intentionally accesses without authorization a facility through which an electronic communication service is provided; or

(2) intentionally exceeds an authorization to access that facility; and thereby obtains, alters, or prevents authorized access to a wire or electronic communication while it is in electronic storage in such system shall be punished as provided in subsection (b) of this section.

**(b) Punishment.** The punishment for an offense under subsection (a) of this section is—

(1) if the offense is committed for purposes of commercial advantage, malicious destruction or damage, or private commercial gain, or in furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States or any State—

(A) a fine under this title or imprisonment for not more than 5 years, or both, in the case of a first offense under this subparagraph; and

(B) a fine under this title or imprisonment for not more than 10 years, or both, for any subsequent offense under this subparagraph; and

(2) in any other case—

(A) a fine under this title or imprisonment for not more than 1 year or both, in the case of a first offense under this paragraph; and

(B) a fine under this title or imprisonment for not more than 5 years, or both, in the case of an offense under this subparagraph that occurs after a conviction of another offense under this section.

**(c) Exceptions.** Subsection (a) of this section does not apply with respect to conduct authorized—

(1) by the person or entity providing a wire or electronic communications service;

(2) by a user of that service with respect to a communication of or intended for that user;  
or

(3) in section 2703, 2704 or 2518 of this title [18 USCS § 2703, 2704, or 2518].



## **§ 2702. Voluntary disclosure of customer communications or records**

**(a) Prohibitions.** Except as provided in subsection (b) or (c)—

(1) a person or entity providing an electronic communication service to the public shall not knowingly divulge to any person or entity the contents of a communication while in electronic storage by that service; and

(2) a person or entity providing remote computing service to the public shall not knowingly divulge to any person or entity the contents of any communication which is carried or maintained on that service—

(A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such service;

(B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing; and

(3) a provider of remote computing service or electronic communication service to the public shall not knowingly divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by paragraph (1) or (2)) to any governmental entity.

**(b) Exceptions for disclosure of communications.** A provider described in subsection (a) may divulge the contents of a communication—

(1)

to an addressee or intended recipient of such communication or an agent of such addressee or intended recipient;

(2) as otherwise authorized in section 2517, 2511(2)(a), or 2703 of this title [18 USCS § 2517, 2511(2)(a), or 2703];

(3) with the lawful consent of the originator or an addressee or intended recipient of such communication, or the subscriber in the case of remote computing service;

## **§ 2703. Required disclosure of customer communications or records**

**(a) Contents of wire or electronic communications in electronic storage.** A governmental entity may require the disclosure by a provider of electronic communication service of the contents of a wire or electronic communication, that is in electronic storage in an electronic communications system for one hundred and eighty days or less, only pursuant to a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction. A governmental entity may require the disclosure by a provider of electronic communications services of the contents of a wire or electronic communication that has been in electronic storage in an electronic communications system for more than one hundred and eighty days by the means available under subsection (b) of this section.

### **(b) Contents of wire or electronic communications in a remote computing service.**

**(1)** A governmental entity may require a provider of remote computing service to disclose the contents of any wire or electronic communication to which this paragraph is made applicable by paragraph (2) of this subsection—

**(A)** without required notice to the subscriber or customer, if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction; or

**(B)** with prior notice from the governmental entity to the subscriber or customer if the governmental entity—

**(i)** uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena; or

**(ii)** obtains a court order for such disclosure under subsection (d) of this section;

except that delayed notice may be given pursuant to section 2705 of this title [18 USCS § 2705].

**(2)** Paragraph (1) is applicable with respect to any wire or electronic communication that is held or maintained on that service—

**(A)** on behalf of, and received by means of electronic transmission from (or

(4) to a person employed or authorized or whose facilities are used to forward such communication to its destination;

(5) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

(6) to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under section 2258A [18 USCS § 2258A];

(7) to a law enforcement agency—

(A) if the contents—

(i) were inadvertently obtained by the service provider; and

(ii) appear to pertain to the commission of a crime; or

(B) [Deleted]

(8) to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of communications relating to the emergency; or

(9) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523 [18 USCS § 2523].

**(c) Exceptions for disclosure of customer records.** A provider described in subsection (a) may divulge a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications covered by subsection (a)(1) or (a)(2))—

(1) as otherwise authorized in section 2703 [18 USCS § 2703];

(2) with the lawful consent of the customer or subscriber;

(3) as may be necessarily incident to the rendition of the service or to the protection of the rights or property of the provider of that service;

(4) to a governmental entity, if the provider, in good faith, believes that an emergency involving danger of death or serious physical injury to any person requires disclosure without delay of information relating to the emergency;

(5) to the National Center for Missing and Exploited Children, in connection with a report

submitted thereto under section 2258A [18 USCS § 2258A];

(6) to any person other than a governmental entity; or

(7) to a foreign government pursuant to an order from a foreign government that is subject to an executive agreement that the Attorney General has determined and certified to Congress satisfies section 2523 [18 USCS § 2523].

**(d) Reporting of emergency disclosures.** On an annual basis, the Attorney General shall submit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate a report containing—

(1) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (b)(8);

(2) a summary of the basis for disclosure in those instances where—

(A) voluntary disclosures under subsection (b)(8) were made to the Department of Justice; and

(B) the investigation pertaining to those disclosures was closed without the filing of criminal charges; and

(3) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (c)(4).

created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such remote computing service; and

(B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing.

**(c) Records concerning electronic communication service or remote computing service.**

(1) A governmental entity may require a provider of electronic communication service or remote computing service to disclose a record or other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity—

(A) obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) by a court of competent jurisdiction;

(B) obtains a court order for such disclosure under subsection (d) of this section;

(C) has the consent of the subscriber or customer to such disclosure;

(D) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is defined in section 2325 of this title [18 USCS § 2325]); or

(E) seeks information under paragraph (2).

(2) A provider of electronic communication service or remote computing service shall disclose to a governmental entity the—

(A) name;

(B) address;

(C) local and long distance telephone connection records, or records of session times and durations;

(D) length of service (including start date) and types of service utilized;

(E) telephone or instrument number or other subscriber number or identity,

including any temporarily assigned network address; and

**(F)** means and source of payment for such service (including any credit card or bank account number),

of a subscriber to or customer of such service when the governmental entity uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena or any means available under paragraph (1).

**(3)** A governmental entity receiving records or information under this subsection is not required to provide notice to a subscriber or customer.

**(d) Requirements for court order.** A court order for disclosure under subsection (b) or (c) may be issued by any court that is a court of competent jurisdiction and shall issue only if the governmental entity offers specific and articulable facts showing that there are reasonable grounds to believe that the contents of a wire or electronic communication, or the records or other information sought, are relevant and material to an ongoing criminal investigation. In the case of a State governmental authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify such order, if the information or records requested are unusually voluminous in nature or compliance with such order otherwise would cause an undue burden on such provider.

**(e) No cause of action against a provider disclosing information under this chapter.** No cause of action shall lie in any court against any provider of wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, subpoena, statutory authorization, or certification under this chapter [18 USCS §§ 2701 et seq.].

**(f) Requirement to preserve evidence.**

**(1)** In general. A provider of wire or electronic communication services or a remote computing service, upon the request of a governmental entity, shall take all necessary steps to preserve records and other evidence in its possession pending the issuance of a court order or other process.

**(2)** Period of retention. Records referred to in paragraph (1) shall be retained for a period of 90 days, which shall be extended for an additional 90-day period upon a renewed request by the governmental entity.

**(g) Presence of officer not required.** Notwithstanding section 3105 of this title [18 USCS

§ 3105], the presence of an officer shall not be required for service or execution of a search warrant issued in accordance with this chapter [18 USCS §§ 2701 et seq.] requiring disclosure by a provider of electronic communications service or remote computing service of the contents of communications or records or other information pertaining to a subscriber to or customer of such service.

**(h) Comity analysis and disclosure of information regarding legal process seeking contents of wire or electronic communication.**

**(1) Definitions.** In this subsection—

**(A)** the term “qualifying foreign government” means a foreign government—

**(i)** with which the United States has an executive agreement that has entered into force under section 2523 [18 USCS § 2523]; and

**(ii)** the laws of which provide to electronic communication service providers and remote computing service providers substantive and procedural opportunities similar to those provided under paragraphs (2) and (5); and

**(B)** the term “United States person” has the meaning given the term in section 2523 [18 USCS § 2523].

**(2) Motions to quash or modify.**

**(A)** A provider of electronic communication service to the public or remote computing service, including a foreign electronic communication service or remote computing service, that is being required to disclose pursuant to legal process issued under this section the contents of a wire or electronic communication of a subscriber or customer, may file a motion to modify or quash the legal process where the provider reasonably believes—

**(i)** that the customer or subscriber is not a United States person and does not reside in the United States; and

**(ii)** that the required disclosure would create a material risk that the provider would violate the laws of a qualifying foreign government.

Such a motion shall be filed not later than 14 days after the date on which the provider was served with the legal process, absent agreement with the government or permission from the court to extend the deadline based on an application made within the 14 days. The right to move to quash is without prejudice to any other grounds to move to quash or defenses thereto, but it shall be the sole basis for moving to quash on the grounds of a conflict of law related to a

qualifying foreign government.

**(B)** Upon receipt of a motion filed pursuant to subparagraph (A), the court shall afford the governmental entity that applied for or issued the legal process under this section the opportunity to respond. The court may modify or quash the legal process, as appropriate, only if the court finds that—

**(i)** the required disclosure would cause the provider to violate the laws of a qualifying foreign government;

**(ii)** based on the totality of the circumstances, the interests of justice dictate that the legal process should be modified or quashed; and

**(iii)** the customer or subscriber is not a United States person and does not reside in the United States.

**(3)** Comity analysis. For purposes of making a determination under paragraph (2)(B)(ii), the court shall take into account, as appropriate—

**(A)** the interests of the United States, including the investigative interests of the governmental entity seeking to require the disclosure;

**(B)** the interests of the qualifying foreign government in preventing any prohibited disclosure;

**(C)** the likelihood, extent, and nature of penalties to the provider or any employees of the provider as a result of inconsistent legal requirements imposed on the provider;

**(D)** the location and nationality of the subscriber or customer whose communications are being sought, if known, and the nature and extent of the subscriber or customer's connection to the United States, or if the legal process has been sought on behalf of a foreign authority pursuant to section 3512 [18 USCS § 3512], the nature and extent of the subscriber or customer's connection to the foreign authority's country;

**(E)** the nature and extent of the provider's ties to and presence in the United States;

**(F)** the importance to the investigation of the information required to be disclosed;

**(G)** the likelihood of timely and effective access to the information required to be disclosed through means that would cause less serious negative consequences; and

**(H)** if the legal process has been sought on behalf of a foreign authority pursuant



to section 3512 [18 USCS § 3512], the investigative interests of the foreign authority making the request for assistance.

**(4)** Disclosure obligations during pendency of challenge. A service provider shall preserve, but not be obligated to produce, information sought during the pendency of a motion brought under this subsection, unless the court finds that immediate production is necessary to prevent an adverse result identified in section 2705(a)(2) [18 USCS § 2705(a)(2)].

**(5)** Disclosure to qualifying foreign government.

**(A)** It shall not constitute a violation of a protective order issued under section 2705 [18 USCS § 2705] for a provider of electronic communication service to the public or remote computing service to disclose to the entity within a qualifying foreign government, designated in an executive agreement under section 2523 [18 USCS § 2523], the fact of the existence of legal process issued under this section seeking the contents of a wire or electronic communication of a customer or subscriber who is a national or resident of the qualifying foreign government.

**(B)** Nothing in this paragraph shall be construed to modify or otherwise affect any other authority to make a motion to modify or quash a protective order issued under section 2705 [18 USCS § 2705].

## **§ 2704. Backup preservation**

### **(a) Backup preservation.**

(1) A governmental entity acting under section 2703(b)(2) [18 USCS § 2703(b)(2)] may include in its subpoena or court order a requirement that the service provider to whom the request is directed create a backup copy of the contents of the electronic communications sought in order to preserve those communications. Without notifying the subscriber or customer of such subpoena or court order, such service provider shall create such backup copy as soon as practicable consistent with its regular business practices and shall confirm to the governmental entity that such backup copy has been made. Such backup copy shall be created within two business days after receipt by the service provider of the subpoena or court order.

(2) Notice to the subscriber or customer shall be made by the governmental entity within three days after receipt of such confirmation, unless such notice is delayed pursuant to section 2705(a) [18 USCS § 2705(a)].

(3) The service provider shall not destroy such backup copy until the later of—

(A) the delivery of the information; or

(B) the resolution of any proceedings (including appeals of any proceeding) concerning the government's subpoena or court order.

(4) The service provider shall release such backup copy to the requesting governmental entity no sooner than fourteen days after the governmental entity's notice to the subscriber or customer if such service provider—

(A) has not received notice from the subscriber or customer that the subscriber or customer has challenged the governmental entity's request; and

(B) has not initiated proceedings to challenge the request of the governmental entity.

(5) A governmental entity may seek to require the creation of a backup copy under subsection (a)(1) of this section if in its sole discretion such entity determines that there is reason to believe that notification under section 2703 of this title [18 USCS § 2703] of the existence of the subpoena or court order may result in destruction of or tampering with evidence. This determination is not subject to challenge by the subscriber or customer or service provider.

**(b) Customer challenges.**

(1) Within fourteen days after notice by the governmental entity to the subscriber or customer under subsection (a)(2) of this section, such subscriber or customer may file a motion to quash such subpoena or vacate such court order, with copies served upon the governmental entity and with written notice of such challenge to the service provider. A motion to vacate a court order shall be filed in the court which issued such order. A motion to quash a subpoena shall be filed in the appropriate United States district court or State court. Such motion or application shall contain an affidavit or sworn statement—

(A) stating that the applicant is a customer or subscriber to the service from which the contents of electronic communications maintained for him have been sought; and

(B) stating the applicant's reasons for believing that the records sought are not relevant to a legitimate law enforcement inquiry or that there has not been substantial compliance with the provisions of this chapter [18 USCS §§ 2701 et seq.] in some other respect.

(2) Service shall be made under this section upon a governmental entity by delivering or mailing by registered or certified mail a copy of the papers to the person, office, or department specified in the notice which the customer has received pursuant to this chapter [18 USCS §§ 2701 et seq.]. For the purposes of this section, the term “delivery” has the meaning given that term in the Federal Rules of Civil Procedure.

(3) If the court finds that the customer has complied with paragraphs (1) and (2) of this subsection, the court shall order the governmental entity to file a sworn response, which may be filed in camera if the governmental entity includes in its response the reasons which make in camera review appropriate. If the court is unable to determine the motion or application on the basis of the parties' initial allegations and response, the court may conduct such additional proceedings as it deems appropriate. All such proceedings shall be completed and the motion or application decided as soon as practicable after the filing of the governmental entity's response.

(4) If the court finds that the applicant is not the subscriber or customer for whom the communications sought by the governmental entity are maintained, or that there is a reason to believe that the law enforcement inquiry is legitimate and that the communications sought are relevant to that inquiry, it shall deny the motion or application and order such process enforced. If the court finds that the applicant is the subscriber or customer for whom the communications sought by the governmental entity are maintained, and that there is not a reason to believe that the communications sought are relevant to a legitimate law enforcement inquiry, or that there has not been substantial compliance with the provisions of this chapter [18 USCS §§ 2701 et seq.], it shall order the process quashed.

(5) A court order denying a motion or application under this section shall not be deemed a final order and no interlocutory appeal may be taken therefrom by the customer.

## **§ 2705. Delayed notice**

### **(a) Delay of notification.**

(1) A governmental entity acting under section 2703(b) of this title [18 USCS § 2703(b)] may—

(A) where a court order is sought, include in the application a request, which the court shall grant, for an order delaying the notification required under section 2703(b) of this title [18 USCS § 2703(b)] for a period not to exceed ninety days, if the court determines that there is reason to believe that notification of the existence of the court order may have an adverse result described in paragraph (2) of this subsection; or

(B) where an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury subpoena is obtained, delay the notification required under section 2703(b) of this title [18 USCS § 2703(b)] for a period not to exceed ninety days upon the execution of a written certification of a supervisory official that there is reason to believe that notification of the existence of the subpoena may have an adverse result described in paragraph (2) of this subsection.

(2) An adverse result for the purposes of paragraph (1) of this subsection is—

(A) endangering the life or physical safety of an individual;

(B) flight from prosecution;

(C) destruction of or tampering with evidence;

(D) intimidation of potential witnesses; or

(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

(3) The governmental entity shall maintain a true copy of certification under paragraph (1)(B).

(4) Extensions of the delay of notification provided in section 2703 [18 USCS § 2703] of up to ninety days each may be granted by the court upon application, or by certification by a governmental entity, but only in accordance with subsection (b) of this section.

(5) Upon expiration of the period of delay of notification under paragraph (1) or (4) of this subsection, the governmental entity shall serve upon, or deliver by registered or first-class

mail to, the customer or subscriber a copy of the process or request together with notice that—

(A) states with reasonable specificity the nature of the law enforcement inquiry;  
and

(B) informs such customer or subscriber—

(i) that information maintained for such customer or subscriber by the service provider named in such process or request was supplied to or requested by that governmental authority and the date on which the supplying or request took place;

(ii) that notification of such customer or subscriber was delayed;

(iii) what governmental entity or court made the certification or determination pursuant to which that delay was made; and

(iv) which provision of this chapter [18 USCS §§ 2701 et seq.] allowed such delay.

(6) As used in this subsection, the term “supervisory official” means the investigative agent in charge or assistant investigative agent in charge or an equivalent of an investigating agency’s headquarters or regional office, or the chief prosecuting attorney or the first assistant prosecuting attorney or an equivalent of a prosecuting attorney’s headquarters or regional office.

**(b) Preclusion of notice to subject of governmental access.** A governmental entity acting under section 2703 [18 USCS § 2703], when it is not required to notify the subscriber or customer under section 2703(b)(1) [18 USCS § 2703(b)(1)], or to the extent that it may delay such notice pursuant to subsection (a) of this section, may apply to a court for an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order. The court shall enter such an order if it determines that there is reason to believe that notification of the existence of the warrant, subpoena, or court order will result in—

(1) endangering the life or physical safety of an individual;

(2) flight from prosecution;

(3) destruction of or tampering with evidence;

(4) intimidation of potential witnesses; or

(5) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

## **§ 2706. Cost reimbursement**

**(a) Payment.** Except as otherwise provided in subsection (c), a governmental entity obtaining the contents of communications, records, or other information under section 2702, 2703, or 2704 of this title [18 USCS § 2702, 2703, or 2704] shall pay to the person or entity assembling or providing such information a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching for, assembling, reproducing, or otherwise providing such information. Such reimbursable costs shall include any costs due to necessary disruption of normal operations of any electronic communication service or remote computing service in which such information may be stored.

**(b) Amount.** The amount of the fee provided by subsection (a) shall be as mutually agreed by the governmental entity and the person or entity providing the information, or, in the absence of agreement, shall be as determined by the court which issued the order for production of such information (or the court before which a criminal prosecution relating to such information would be brought, if no court order was issued for production of the information).

**(c) Exception.** The requirement of subsection (a) of this section does not apply with respect to records or other information maintained by a communications common carrier that relate to telephone toll records and telephone listings obtained under section 2703 of this title [18 USCS § 2703]. The court may, however, order a payment as described in subsection (a) if the court determines the information required is unusually voluminous in nature or otherwise caused an undue burden on the provider.

## § 2707. Civil action

**(a) Cause of action.** Except as provided in section 2703(e) [18 USCS § 2703(e)], any provider of electronic communication service, subscriber, or other person aggrieved by any violation of this chapter [18 USCS §§ 2701 et seq.] in which the conduct constituting the violation is engaged in with a knowing or intentional state of mind may, in a civil action, recover from the person or entity, other than the United States, which engaged in that violation such relief as may be appropriate.

**(b) Relief.** In a civil action under this section, appropriate relief includes—

- (1) such preliminary and other equitable or declaratory relief as may be appropriate;
- (2) damages under subsection (c); and
- (3) a reasonable attorney's fee and other litigation costs reasonably incurred.

**(c) Damages.** The court may assess as damages in a civil action under this section the sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation, but in no case shall a person entitled to recover receive less than the sum of \$1,000. If the violation is willful or intentional, the court may assess punitive damages. In the case of a successful action to enforce liability under this section, the court may assess the costs of the action, together with reasonable attorney fees determined by the court.

**(d) Administrative discipline.** If a court or appropriate department or agency determines that the United States or any of its departments or agencies has violated any provision of this chapter [18 USCS §§ 2701 et seq.], and the court or appropriate department or agency finds that the circumstances surrounding the violation raise serious questions about whether or not an officer or employee of the United States acted willfully or intentionally with respect to the violation, the department or agency shall, upon receipt of a true and correct copy of the decision and findings of the court or appropriate department or agency promptly initiate a proceeding to determine whether disciplinary action against the officer or employee is warranted. If the head of the department or agency involved determines that disciplinary action is not warranted, he or she shall notify the Inspector General with jurisdiction over the department or agency concerned and shall provide the Inspector General with the reasons for such determination.

**(e) Defense.** A good faith reliance on—

- (1) a court warrant or order, a grand jury subpoena, a legislative authorization, or a



statutory authorization (including a request of a governmental entity under section 2703(f) of this title [18 USCS § 2703(f)]);

(2) a request of an investigative or law enforcement officer under section 2518(7) of this title [18 USCS § 2518(7)]; or

(3) a good faith determination that section 2511(3) [18 USCS § 2511(3)], section 2702(b)(9) [18 USCS § 2702(b)(9)], or section 2702(c)(7) of this title [18 USCS § 2702(c)(7)] permitted the conduct complained of;

is a complete defense to any civil or criminal action brought under this chapter [18 USCS §§ 2701 et seq.] or any other law.

**(f) Limitation.** A civil action under this section may not be commenced later than two years after the date upon which the claimant first discovered or had a reasonable opportunity to discover the violation.

**(g) Improper disclosure.** Any willful disclosure of a “record”, as that term is defined in section 552a(a) of title 5, United States Code, obtained by an investigative or law enforcement officer, or a governmental entity, pursuant to section 2703 of this title [18 USCS § 2703], or from a device installed pursuant to section 3123 or 3125 of this title [18 USCS § 3123 or 3125], that is not a disclosure made in the proper performance of the official functions of the officer or governmental entity making the disclosure, is a violation of this chapter [18 USCS §§ 2701 et seq.]. This provision shall not apply to information previously lawfully disclosed (prior to the commencement of any civil or administrative proceeding under this chapter [18 USCS §§ 2701 et seq.]) to the public by a Federal, State, or local governmental entity or by the plaintiff in a civil action under this chapter [18 USCS §§ 2701 et seq.].

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

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

8  
9 THE STATE OF NEVADA,  
10 Plaintiff,

Case No. CR96-1581  
Dept. No. 1

11 VS.

12 STEVEN FLOYD VOSS,  
13 Defendant.

14  
15 (EMERGENCY)

16 MOTION TO SUSPEND RESENTENCING FOR GOOD CAUSE SHOWN

17  
18 COMES NOW Defendant, STEVEN FLOYD VOSS, by  
19 and through his proper person, and hereby submits  
20 the instant EMERGENCY MOTION.

21 The instant EMERGENCY MOTION is made  
22 and is predicated upon the attached  
23 memorandum of points and authorities,  
24 and all papers and pleadings on file in the  
25 above entitled case.

1                    MEMORANDUM OF POINTS AND AUTHORITIES

2  
3            I. Nature of Motion;

4  
5            The instant (EMERGENCY) Motion To Suspend  
6            Resentencing for Good Cause shown, is made in  
7            good faith and without any dilatory purpose.  
8            Through the instant Motion the Defendant seeks  
9            an indeterminate delay in this Court's  
10           undertaking of the Resentencing Proceeding ordered  
11           by the Nevada Court of Appeals on August 15, 2018.

12           The Defendant submits that there exists  
13           no conceivable prejudice to the state should  
14           this Court grant the instant Motion. Obversely,  
15           the Court's failure to grant the instant Motion  
16           will necessarily have an undue and patently  
17           unnessessary prejudicial effect upon the  
18           Defendant's constitutional rights relative to  
19           the instant case, and an undue prejudicial  
20           impact upon defendants indirectly related  
21           liberty interests.

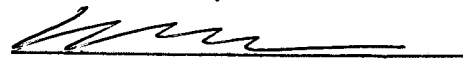
22  
23           II. Waiver;

24  
25           Under penalty of perjury, I STEVEN FLOYD  
26           VOSS, being duly informed of my rights under  
27           the state and Federal Constitutions, do hereby  
28           depose and say, that I am the Defendant

1 in the above entitled case, and that I  
2 waive time for this court's undertaking of  
3 a Resentencing Hearing, the imposition of new  
4 sentences, and the entry of a written Amended  
5 Judgment of conviction, relative to the instant  
6 ~~case~~, and any claims regarding the timeliness  
7 of final judgment, stemming from this court's  
8 granting of the instant EMERGENCY Motion.

9 Whereas, it is my informed belief that an  
10 indeterminate suspension of the Resentencing  
11 Hearing based upon the arguments presented  
12 herein would be in my best interest, as well  
13 as in the substantial interest of justice,  
14 the interest of the community, and the  
15 objectives of this Court including those  
16 persipitated by the COVID-19 outbreak  
17 and the collateral consequences thereof

18 This waiver is made voluntarily on  
19 this 9th day of May 2020, at the  
20 Northern Nevada Correctional Center, Carson  
21 City, Nevada.

By:   
22 STEVEN FLOYD VOSS,  
23 Defendant, in pro. per.  
24

25 III. Arguments:  
26

27 The Court's granting of the instant  
28 EMERGENCY MOTION is warranted.

1 At this juncture the court and the  
2 parties are no doubt well aware of the  
3 procedural history of the case. Therefore, the  
4 Defendant will avoid the recital of unnecessary  
5 case history.

6  
7 A. An Order suspending the Resentencing  
8 Hearing in the pendency of outstanding Motions  
9 which could reasonably impact Resentencing  
10 is clearly warranted.

11  
12 (1) On November 19, 2019 the Defendant  
13 filed a proper person Motion For New Trial,  
14 predicated upon allegations that the state in the  
15 course of the 1996 Trial Proceedings had perpetrated  
16 a wanton fraud upon the court. However, the  
17 state elected to ignore their procedural  
18 obligation to respond to said Motion and to  
19 file Points and Authorities in opposition to  
20 the Motion, as is required pursuant to  
21 Motion Practice under District Court Rule 13(3).  
22 Thereby, the state had effectively confessed  
23 the allegations (confessed the error) by their  
24 silence, failure to so much as deny the  
25 allegations, and to establish even a dispute  
26 of material fact relative to the allegations.  
27 Thus, consenting to this Court's granting of  
28 the Motion and a new trial of the instant case.

1 Nonetheless, before the Defendant was able  
2 to prepare and file a Notice of the State's  
3 failure to plead and to respond, and to file  
4 points and authorities in opposition to said  
5 Motion; and/or to file a Request For Submission  
6 of said Motion; this Court had on December  
7 13, 2019 and twenty-three (23) days subsequent  
8 to the Defendant's filing of said Motion, entered  
9 an Order Staying All Proceedings Sua Sponte.  
10 This action by the Court had functioned to  
11 preclude the submission and review of the  
12 Defendant's Motion For New Trial during the  
13 term of the Court's Stay.

14 Nonetheless, on April 27, 2020 the Nevada  
15 Supreme Court in the context of Case No. 80062  
16 had entered a Notice In Lue Of Remittitur.  
17 Such fact combined with that Court's prior  
18 issuance of a Remittitur on March 23, 2020  
19 in the context of Case No. 79998; had prompted  
20 the Defendant to file two additional  
21 pleadings on April 30, 2020. Those being a  
22 Motion To Rescind Order Staying Proceedings, and  
23 Defendant's Presentencing Motions In Limine.  
24 Subsequently, on May 5, 2020 the Defendant  
25 mailed to this Court and the State, in good  
26 faith, an Amended Motion For New Trial. Wherein,  
27 he reasserted with additional argument and  
28 authority his claims of fraud upon the court.

1 The Defendant's intention being, to provide the  
2 state an additional opportunity to respond  
3 and to address the merits of the claims, and  
4 to assist the court in its acquisition of the  
5 fullest facts and information regarding said  
6 claims. For purpose of facilitating the earliest  
7 possible resolution of the Motion, given the  
8 jurisdictional implications of the claims and  
9 the potential impact of the claims upon the  
10 pending Resentencing Proceedings.

11 The Defendant observes that as of the  
12 present juncture he has not received service  
13 of an Order granting his Motion To Rescind  
14 Order Staying Proceedings, or an Order  
15 which otherwise rescinds the Court's  
16 previously ordered stay. Nonetheless, the  
17 Defendant has no objection, per se, to the  
18 Court's lifting of its stay. However, the  
19 Defendant does object to the Court proceeding  
20 with a Resentencing prior to the Court's  
21 resolution of the outstanding Motions. Including,  
22 Motion To Rescind Order Staying Proceedings, Amended  
23 Motion For New Trial, and Defendant's Motions  
24 In Limine. Because, the two later Motions  
25 have the potential of impacting this Court's  
26 exercise of judicial discretion relative to the  
27 Court's entry of an Amended Judgment of  
28 Conviction. Additionally, this Court's entry

of an Amended Judgment of Conviction in advance of the Court's resolution of the aforementioned Motions would unduly prejudice the Defendant. Whereas, if said Motions are not resolved prior to this Court's entry of an Amended Judgment of Conviction a direct appeal from said Judgment will certainly be necessitated. Thus, my filing of a Notice of Appeal will, once again, function to divest this Court of jurisdiction over the subject matter addressed within said Motions. Thereby, depriving the Defendant of an adequate and speedy remedy in law relative to the claims asserted within said Motions, despite the assertion of such claims by the Defendant well in advance of the entry of an Amended Judgment of Conviction.

Therefore, I submit that the Court's hearing of the aforementioned Motions could possibly be resolved in the context of a telephonic proceeding.

(2) However, the Defendant does not consent to the Court conducting a Resentencing Hearing in this case by telephonic means, even should the court resolve all outstanding Motions prior to such hearing. Additionally, the Defendant is not prepared or reasonably able to proceed with Resentencing at the present



1 juncture. Whereas, despite the serious  
2 implications of the COVID-19 breakout and  
3 the necessary restrictions which have been  
4 subsequently placed upon this court's usual  
5 procedures relative to its exercise of judicial  
6 functions, it is nonetheless, not in any form,  
7 fashion or way, my desire to waive my right  
8 to receive the Due Process of a full, fair and  
9 adequate Resentencing Hearing. In this regard  
10 the Defendant identifies that he has received  
11 service of this Court's May 5, 2020 Order  
12 unsealing And Designating As Confidential  
13 Presentence Investigation Report. The obvious  
14 inference of said Order is that a  
15 representative of the Division of Parole and  
16 Probation will be actively participating in  
17 the anticipated Resentencing Hearing.  
18 Therefore, as the Petitioner has previously  
19 identified within his Presentencing Motions  
20 In Limine, at page 13, line 25 through page 15,  
21 line 10, that He intends to challenge the  
22 veracity of certain elements of the State's  
23 Presentence Investigation Report, relative to  
24 his Criminal History, alleged Prior Bad Acts,  
25 Wrongs, Character or trait of his Character  
26 at Resentencing. Thus, the Defendant seeks to  
27 hold the State to a rigid burden of  
28 proving each and every factual assertion with

1 authenticated documentary proof. Therefore,  
2 the Defendant asserts his right to personally  
3 inspect each and every document submitted  
4 as proof by the state. In order to allow  
5 the Defendant a reasonably adequate  
6 opportunity to refute the authenticity and  
7 the implications of such documents alleged by  
8 the state. Thus, it will more likely than  
9 not be necessary for the Defendant himself  
10 to submit documentary evidence to the  
11 Court to disprove the state's allegations.  
12 The Defendant therefore submits that he  
13 will require, at absolute minimum, a  
14 period of ten (10) days prior Notice of any  
15 documentary exhibits which the state intends  
16 to submit to this Court in support of their  
17 Presentence Investigation Report, including  
18 documentary exhibit copies.

19 Furthermore, it is the Defendant's intention  
20 to present substantial mitigating evidence at  
21 Resentencing, to assist the Court in attaining  
22 the fullest information possible to determine  
23 the proper sentence. Such mitigating  
24 evidence which is of particularly greater  
25 importance due to the "onerous" disproportionate  
26 sentences previously imposed pursuant to the  
27 original November 27, 1996 Judgment of Conviction.  
28 Therefore, the Petitioner will require, at minimum,

1. a period of Ninety-days advance Notice of  
2. the date set for the Resentencing Hearing,  
3. to allow for the acquisition and service of  
4. necessary Subpoenas, and to provide  
5. sufficient Notice and travel time for  
6. witnesses,

7. Therefore, it is abundantly clear that  
8. a mere telephonic Resentencing Proceeding  
9. simply will not suffice to provide Due  
10. Process and to protect the Defendant's rights  
11. to fair trial. Thus, the Defendant hereby  
12. requests that the Court not set a date  
13. for the anticipated Resentencing Hearing  
14. until the present COVID-19 restrictions are  
15. removed or relaxed. Due to legitimate  
16. concerns regarding the health and safety of  
17. all persons involved in the Resentencing  
18. Proceedings. Further, there exist additional  
19. collateral consequences stemming from the  
20. COVID-19 restrictions which would substantially  
21. have prejudicial impact upon the Defendant  
22. if he were to be removed from the Northern  
23. Nevada Correctional Center, even to attend  
24. Resentencing Proceedings. Whereas, upon his  
25. return to said facility from such proceedings  
26. he would be placed into a quarantine  
27. environment for a period of Fourteen (14) days.  
28. Such segregation would unduly prejudice the

1 Defendant, as it would unduly impare his  
2 ability to litigate other matters which he  
3 is presently litigating, unnecessarily  
4 drawing out the resolution of those matters.

5 In the instant case there exists no  
6 reasonable issue of urgency relative to  
7 conducting Resentencing Proceedings or the  
8 entry of an Amended Judgment of Conviction.  
9 Therefore, the only reasonable resolution  
10 of the instant Motion would be to suspend  
11 the Resentencing Hearing anticipated by the  
12 Court until the Defendant's Amended Motion  
13 For New Trial and Presentencing Motions In  
14 Limine are resolved, and until a more  
15 appropriate time when customary sentencing  
16 procedures are available.

17  
18 VI. Conclusion:

19  
20 Due Process and Equal Protection of  
21 law, and the substantial interests of justice  
22 require that the court grant the instant  
23 Motion.

1        V. Verification:

2  
3        Under penalty of perjury, I STEVEN FLOYD  
4 VOSS, do hereby verify that I have read the  
5 content of the foregoing Motion, and that  
6 same is true and correct of my own personal  
7 information, knowledge and belief.

8        The foregoing Motion does not contain the  
9 Social Security Number of any person.

10       DATED this 9th day of May 2020.

11       By: [Signature]  
12       STEVEN FLOYD VOSS,  
13       Defendant, in pro-per.  
14

15       CERTIFICATE OF SERVICE VIA U.S. MAIL

16  
17       I, STEVEN FLOYD VOSS, do hereby certify that  
18 on this 9th day of May 2020, that I mailed a  
19 true and correct copy of the foregoing Motion,  
20 addressed to:

21       AMOS STEGE, ESQ (DDA)  
22       % Washoe County District Attorney  
23       Post Office Box # 11130  
24       Reno, Nevada 89520-0027

25       By: [Signature]  
26       STEVEN FLOYD VOSS,  
27  
28

1 STEVEN FLOYD VOSS #52094  
2 Northern Nevada Corrections Center  
3 Post Office Box # 7000  
4 Carson City, Nevada 89702-7000  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 THE STATE OF NEVADA,  
10 Plaintiff,

Case No. CR96-1581  
Dept. No. 1

11 VS.

12 STEVEN FLOYD VOSS,  
13 Defendant,  
14

15

16 MOTION FOR RETURN OF PROPERTY  
17 PURSUANT TO NRS 179.085  
18 (EVIDENTIARY HEARING REQUESTED)  
19

20 COMES NOW Defendant, STEVEN FLOYD VOSS, by and  
21 through his proper person, and hereby submits  
22 the instant Motion.

23 The instant Motion is made and is predicated  
24 upon the attached memorandum of points and  
25 authorities, and all papers and pleadings on  
26 file in the above entitled case.  
27  
28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2  
3 I. Nature of Motion:

4  
5 Through the instant Motion the Defendant  
6 seeks the return of his personal property,  
7 seized by State Agents, in the context of  
8 several non-consensual searches and seizures  
9 effectuated on June 17, 1996. Pursuant to the  
10 statutory provisions of NRS 179.085.

11  
12 II. Arguments:

13  
14 A. A Motion For Return of Property, made  
15 pursuant to NRS 179.085(1), is the statutory  
16 remedy contemplated under Nevada state law  
17 for the unlawful deprivation of property seized  
18 by State Agents, for the restoral of the property  
19 being deprived.

20 NRS 179.085(1), provides that:

21 "1. A person aggrieved by an unlawful search  
22 and seizure or the deprivation of property may  
23 move the court having jurisdiction where the  
24 property was seized for the return of the  
25 property on the ground that:

26 (a) The property was illegally seized  
27 without warrant;

28 (b) The warrant is insufficient on its face;

1 (c) There was not probable cause for  
2 believing the existence of the grounds on which  
3 the warrant was issued;

4 (d) The warrant was illegally executed; or

5 (e) Retention of the property by law  
6 enforcement is not reasonable under the  
7 totality of the circumstances.

8  
9 The judge shall receive evidence on any issue  
10 of fact necessary to the decision of the motion. "H  
11

12 The Defendant alleges that on June 17, 1996 state  
13 Agents, acting under a cloak of state governmental  
14 authority, and representing themselves as being  
15 in possession of Search Warrants and a Seizure Order,  
16 had conducted several non-consensual searches  
17 and seizures of personal property. See, attached  
18 Exhibit # 2 through Exhibit # 7. The Defendant  
19 further alleges that the seized personal property  
20 is presently retained in the possession and  
21 control of Agents of the State of Nevada, and  
22 that he is therefore presently deprived of the  
23 use and control of his personal property by  
24 such state Agents.

25 Therefore, the Defendant submits that the  
26 instant Motion For Return of Property is an  
27 appropriate procedural vehicle to remedy the  
28 unlawful deprivation of his personal property



1 by state Agents.

2 The Defendant clarifies the fact that the  
3 instant Motion is not contemplated to function  
4 as a Motion To Suppress Evidence, but instead,  
5 the instant Motion is contemplated to remedy  
6 the unlawful deprivation of his personal property,  
7 restoring same to his possession, use and control.

8 The Defendant further identifies that the  
9 instant Motion For Return of Property is brought,  
10 specifically, pursuant to NRS 179.085(a), (b), (c), (d),  
11 and (e), inclusive.

12

13 B. The personal property requested to be  
14 restored to the Defendant, was illegally seized  
15 without a duly authorized search warrant.

16

17 On June 17, 1996 the state had presented a  
18 sworn search warrant Affidavit in the Justice Court  
19 for Reno Township, Washoe County, State of Nevada.  
20 See, Reporter's Transcript of sworn search warrant  
21 Affidavit, attached Exhibit # 1. Said Transcript  
22 does not reflect a finding of probable cause  
23 being made by the Court to support the Court's  
24 issuance of any search warrant or seizure order  
25 whatsoever. Nonetheless, said Transcript (attached  
26 Exhibit # 1, at page 17, line 8 through line 10),  
27 reflects an inclination of the Court to  
28 authorize two(2) search warrants for two(2) rental

1 Storage Units presumably controlled by the Defendant,  
2 and one (1) Seizure Order for biological specimens  
3 from the Defendant's person. Later that evening  
4 State Agents reportedly pursuant to Search Warrants  
5 had conducted non-consensual searches of two (2)  
6 rental storage units, and seized several items of  
7 personal property belonging to the Defendant. See,  
8 attached Exhibit #5 and Exhibit #6. Additionally,  
9 state Agents had physically seized the Defendant's  
10 person that same evening. Transporting the Defendant  
11 to the Washoe County Sheriff's office, where Blood,  
12 Saliva and Hair specimens were extracted and  
13 seized from him. See, attached Exhibit #7. Further,  
14 on June 17, 1996 State Agents had allegedly pursuant  
15 to Search Warrants had: (1) undertaken a search  
16 of the Defendant's residence (located within Room #135,  
17 of the Western Village, Inn., 815 Nichols Blvd., Sparks,  
18 Nevada); (2) seized, removed and searched, the  
19 Defendant's 1980 GMC flatbed Pick-up Truck, removing  
20 and retaining numerous items of Defendant's personal  
21 property contained therein; and (3) seized, removed  
22 and searched, Mary Louise Duplin's 1986 Dodge Daytona  
23 automobile, removing and retaining numerous items  
24 of Mary Louise Duplin's property contained therein.  
25 However, the Reporter's Transcript of the Sworn  
26 Search Warrant Affidavit, attached Exhibit #1, at  
27 page 17, line 8 through line 10, does not reflect  
28 any inclination of the Court to authorize the three (3)

1 aforementioned searches or the seizure of any  
2 items in the wake of such searches.

3 The Defendant submits that the State simply  
4 cannot demonstrate to any reasonable probability  
5 that any Search Warrant or Seizure Order had been  
6 duly authorized by a Court of competent  
7 jurisdiction, relative to the June 17, 1996 non-  
8 consensual searches and seizures referenced  
9 within the attached Exhibit #2 through Exhibit #7.

10 Whereas, the record does not memorialize a  
11 finding of probable cause for the issuance of any  
12 Search Warrant or Seizure Order whatsoever.

13 See, attached Exhibit #1. Thus, even where the  
14 record of the State's Sworn Search Warrant  
15 Affidavit (attached Exhibit #1) reflects a statement  
16 by the justice court regarding the Court's  
17 intention to authorize two (2) Search Warrants  
18 for two (2) rental storage units, and one (1)  
19 Seizure Order for biological specimens from  
20 the Defendant's person. That statement alone  
21 does not prove that such documents had been  
22 duly authorized by the Court, and the Court's  
23 aforementioned statement of its intention,  
24 certainly does nothing at all to support a  
25 contention that the Court had duly authorized  
26 any additional Search Warrants for searches  
27 of the Defendant's Residence and Vehicle, or  
28 the Vehicle belonging to Mary Louise Duplin.

1 The highly suspect nature of the Justice  
2 Court's authorization of any Search Warrant  
3 or Seizure Order, whatsoever, is illuminated  
4 and brought into clear focus by the fact that  
5 there exists no record in the Justice Court which  
6 demonstrates that any Search Warrants or  
7 Seizure Order, or their Returns were ever  
8 filed in the Justice Court. Let alone within  
9 the ten (10) day period required pursuant to  
10 NRS 179.075. Thus, the Defendant avers that  
11 the State cannot produce file stamped copies  
12 of the original unserved Search Warrants and  
13 Seizure Order, or file stamped post-execution  
14 copies of same and their respective Returns.  
15 Necessary to prove that such documents had been  
16 duly authorized and issued by a Magistrate, and  
17 filed by the Court Clerk. Under the sum of the  
18 aforementioned circumstances the June 17, 1996  
19 searches and seizures at center of the Defendants  
20 instant Motion For Return of Property cannot  
21 reasonably be countenanced as being duly  
22 authorized and legally founded.

23  
24 C. Pursuant to NRS 179.085, this Court is  
25 required not only to consider the merits of the  
26 instant Motion For Return of Property, but also to  
27 receive evidence regarding any issue of fact  
28 necessary to the equitable resolution of the Motion.

1 Therefore, the Defendant submits  
2 that in the face of any Opposition by the  
3 state to the instant Motion For Return of  
4 Property, that this Court should undertake  
5 an Evidentiary Hearing proceeding, in order  
6 for the Court to adequately receive evidence  
7 regarding any and all factual issues presented,  
8 and to allow the party's to develop the  
9 underlying factual predicates necessary to  
10 the fair and adequate consideration and  
11 resolution of the instant Motion. Whereas,  
12 NRS 179.085 sets out in particular and in mandatory  
13 terms, the requirement that "The judge shall receive  
14 evidence on any issue of fact necessary to the decision  
15 of the motion." (Emphasis added).

16  
17 D. Prima facie evidence appended to the  
18 instant Motion For Return of Property, substantially  
19 demonstrates the states seizure of the Defendants  
20 personal property on or about June 17, 1996.  
21 Such personal property which the Defendant now  
22 requests to be restored to his possession, use  
23 and control via the instant Motion.

24  
25 The Defendant therefore identifies the  
26 particular prima facie evidence submitted, and  
27 the particular items of personal property seized  
28 by State Agents as follows:

1 (a) The Defendant's attached Exhibit #2, which is  
2 identified as a Washoe County Sheriff's Office  
3 "Scene Report" dated June 20, 1996. Said "Scene Report"  
4 which was made in regard to the June 17, 1996 search  
5 of the Defendant's Residence, located within Room #135  
6 of the Western Village Inn, 815 Nichols Blvd., Sparks,  
7 Nevada, and the seizure of items from said location.  
8 Such items seized by State Agents which the  
9 Defendant requests be returned to him include;

10 (1) a white business size envelope,  
11 containing a personal check #563, drawn on the  
12 checking account of Beverly Ann Baxter. (Control #  
13 WCSO / Q07464);

14 (2) a white with blue cap, ball point pen.  
15 (Control # WCSO / Q07465);

16 (3) a 1995 Pocket Pal, Date Book. (Control #  
17 WSCO / Q07466);

18 (4) a Continental Cablevision Bill, addressed  
19 to Steven Voss. (Control # WSCO / Q07467); and

20 (5) a Computer Printout. (Control # WSCO /  
21 Q07468);

22 (b) The Defendant's attached Exhibit #3, which is  
23 identified as a Washoe County Sheriff's Office  
24 "Scene Report" dated June 28, 1996. Said "Scene Report"  
25 which was made in regard to the June 17, 1996  
26 seizure of the Defendant's 1980 GMC Sierra  
27 flatbed Pick-up Truck, California Vehicle  
28 Registration number: 5B17583, and the subsequent

1 searches of said vehicle and the seizures of items  
2 contained within said vehicle, at the Washoe  
3 County Sheriff's Office, Forensic Science Division,  
4 911 Parr Blvd., Reno, Nevada. Such items seized by  
5 state Agents, which the Defendant requests be  
6 returned to him include:

7 (1) Three (3) rolls of Box Tape. (Control #  
8 WCSO/Q07493);

9 (2) Two (2) make-up compacts. (Control #  
10 WCSO/Q07494);

11 (3) Two (2) "Marlboro" cigarette boxes.  
12 (Control # WCSO/Q07495);

13 (4) an AT+T Telephone Bill, addressed to  
14 Steven Voss (unopened). (Control # WCSO/Q07496);

15 (c) The Defendant's attached Exhibit # 6,  
16 which is identified as a Washoe County Sheriff's  
17 Office "Scene Report" dated June 20, 1998. Said  
18 "Scene Report" which was made in regard to the  
19 June 17, 1996 search of McCarran Self Storage, Unit #  
20 SF20 J, located at McCarran Blvd. at Sutro Street,  
21 Reno, Nevada (the correct address being 1295 Selmi Drive,  
22 Reno, Nevada), and the seizure of items from said  
23 location. Despite the fact that said "Scene Report"  
24 does not specify that any items of personal property  
25 were seized, the Defendant nonetheless alleges that  
26 items of his personal property were in fact seized by  
27 state Agents from within his Brief Case stored within  
28 said location. Such items seized by state Agents,

1 which the Defendant requests be returned to him  
2 include:

3 (1) a California Vehicle Title, for a 1980  
4 GMC Sierra Pick-Up Truck (belonging to the  
5 Defendant; and

6 (2) an Alameda County California, Birth  
7 Certificate, issued for Steven Floyd Voss (the  
8 Defendant);

9 (d) The Defendant's attached Exhibit # 7, which  
10 is identified as a Washoe County Sheriff's Office  
11 "Scene Report" dated June , 1996. Said "Scene Report"  
12 which was made in regard to the physical seizure  
13 of the person of Steven Floyd Voss on June 17, 1996,  
14 his removal by State Agents from 815 Nichols Blvd.,  
15 Sparks, Nevada and transport to the Washoe County  
16 Sheriff's Detention Facility located at 911 Parr  
17 Blvd., Sparks, Nevada. Where, biological specimens  
18 were extracted from the Defendant's person. Such  
19 items seized by State Agents, which the Defendant  
20 requests be returned to him include:

21 (1) Blood Specimine (extracted from the Defendant)  
22 (Control # WCSO / Q07458);

23 (2) Saliva Specimine (extracted from the Defendant).  
24 (Control # WCSO / Q07458);

25 (3) Head Hair Specimines (extracted from the  
26 Defendant). (Control # WCSO / Q07458);

27 (4) Pubic Hair Specimines (extracted from the  
28 Defendant). (Control # WCSO / Q07458); and



1 (5) (unspecified) Trace Evidence, (Control #  
2 WCSO / Q07458).

3 The Biological Specimens seized were collected  
4 through the execution of Sexual Assault kit # 50499.

5 The Defendant submits that additional evidence  
6 documenting the state's seizure of the Defendant's  
7 personal property, including the collection of  
8 Biological Specimens from his person, can be  
9 developed during the course of an evidentiary hearing.  
10

11 E. Even if the state can demonstrate to a  
12 reasonable probability that the search warrants  
13 and seizure order upon which the state relied upon  
14 to justify their seizures of the Defendant's personal  
15 property were duly authorized by a Magistrate;  
16 the state's seizure of said property was unlawful,  
17 and the state's retention of such property is not  
18 reasonable under the totality of the circumstances.  
19 Therefore, the Defendant's personal property must  
20 be returned to him.  
21

22 Pursuant to NRS 179.085(e), a person  
23 aggrieved by the unlawful seizure or the deprivation  
24 of his property may move a court of competent  
25 jurisdiction for the return of the property on the  
26 ground, among others, that the "Retention of the  
27 property by law enforcement is not reasonable under  
28 the totality of the circumstances. In this regard,

1 the Defendant submits that pursuant to NRS 179.035  
2 the grounds for the issuance of a search warrant  
3 are limited to the search and seizure of:

4 (1) Property stolen or embezzled in violation  
5 of the laws of the State of Nevada, of another state,  
6 or of the United States of America;

7 (2) Property designed or intended for use or  
8 which has been used as the means of committing a  
9 criminal offense; or

10 (3) When the property or things to be seized  
11 consists of an item which constitutes evidence that  
12 tends to show that a criminal offense has been  
13 committed, or tends to show that a particular  
14 person has committed a criminal offense.

15 The Nevada Supreme Court has held that:

16 "The statutory grounds upon which a search  
17 warrant may be issued are set forth in this section  
18 [NRS 179.035], and are limited to searches for the  
19 fruits, instrumentalities and evidence of criminal  
20 activity." See, Luciano v. Marshall, 95 Nev. 276, 593 P.2d 751 (1979).

21 Upon their Application for Search Warrants  
22 the state sought Search Warrants to search for  
23 evidence of criminal activity by the Defendant.  
24 The state asserting its belief that evidence of the  
25 crimes of theft and murder, including: Trace  
26 Evidence including Hair, Fibers, Bodily Fluids; and  
27 Personal Property of Beverly Baxter including keys, a purse,  
28 a wallet, and a checkbook, were concealed and/or



1. hidden on or within the places to be searched.  
2. However, the state harbored no reasonable  
3. expectation that the items for which they wished  
4. to search for, and hopefully seize would be  
5. located on or within the places to be searched,  
6. and in fact, none of the aforementioned items  
7. were located or seized pursuant to any search.  
8. The state quite simply acted on their empty  
9. hunch that they might find something they could  
10. stretch into evidence. None the less, none of  
11. the items seized by State Agents had any clear  
12. evidentiary value and did not even infer the  
13. presence of criminal activity. Even assuming  
14. that the state possessed duly authorized search  
15. warrants the state clearly exceeded the scope  
16. of same. In regard to the searches and seizures  
17. relative to the two (2) rental storage units  
18. controlled by the Defendant, the state in addition  
19. to the above stated items, sought to seize:  
20. Lease and/or Rental Agreements, and Personal  
21. Access Records for such storage complexes; as well as,  
22. Indicia of ownership for personal property.  
23. Assuming for a minute that state Agents had found  
24. evidence of criminal activity, or property  
25. belonging to Beverly Baxter contained within either  
26. of the two (2) rental storage units, then perhaps  
27. the seizure of Lease-Rental and Access Records, and  
28. Indicia of personal property contained within the

1 the respective storage units might have  
2 been reasonable, assuming that the state  
3 possessed duly authorized Search Warrants  
4 for those locations. However, where no evidence  
5 of criminal activity was present there existed  
6 absolutely no reason to seize any Idencia of  
7 ownership for any personal property belonging to  
8 the Defendant. Moreover, the seizure of the  
9 Defendant's Vehicle Title and his Birth Certificate  
10 fell far outside the scope of a Search Warrant  
11 under NRS 179.035.

12 The Defendant submits that if the state  
13 cannot demonstrate that the possessed valid  
14 Search Warrants for the searches conducted  
15 on June 17, 1996, then in the absence of such  
16 demonstration for each search conducted, the  
17 respective searches and the seizures of the  
18 Defendant's personal property, must necessarily,  
19 be construed as unlawful and the Defendant's  
20 property must be returned to him pursuant to  
21 NRS 179.085. Because under these circumstances,  
22 the state's retention of the Defendant's personal  
23 property is patently unreasonable. The Nevada  
24 Supreme Court has ruled that: "[The] legislature  
25 made it clear that property illegally seized should  
26 be returned to the owner. See, Maioia v. State,  
27 120 Nev. 671, 99 P.3d 227 (2004).

28 In regard to the state's June 17, 1996

1 seizure of Biological Specimines from the  
2 Defendant's person, there exists absolutely  
3 no reasonable basis for the state to retain  
4 those Biological Specimines belonging to the  
5 Defendant. Whereas, even though the state  
6 had sought the collection and seizure of said  
7 Biological Specimines for evidentiary analysis,  
8 and comparison purposes in their criminal  
9 investigations; said Biological Specimines have  
10 never been analyzed or compared to any  
11 other evidence whatsoever. Therefore, the  
12 seizure of such Biological Specimines has  
13 had no bearing upon the police investigations,  
14 and the retention of same is of absolutely  
15 no practical necessity. Thus, the State's  
16 retention of such personal property is clearly  
17 unreasonable under the totality of the  
18 circumstances.

19

### 20 III. Conclusion:

21

22 The Defendant submits that he has made  
23 a prima facie showing of the unlawful seizure of  
24 his personal property by State Agents, and that no  
25 Search Warrant or Seizure Order were duly  
26 authorized by the Justice Court. Further, even if  
27 some Search Warrants or Seizure Order had been  
28 duly authorized, same were not properly filed or

1 executed, and no Returns were properly filed.

2 Therefore, the instant Motion For Return of  
3 Property, made pursuant to NRS 179.085, is a  
4 procedurally correct vehicle to remedy the state's  
5 deprivation of the Defendant's personal property,  
6 and the Defendant has, at minimum, stated  
7 a colorable claim regarding the unlawful  
8 deprivation of his personal property, upon which  
9 relief could be granted by this court.

10  
11 IV. Verification:

12  
13 Under penalty of perjury, I STEVEN FLOYD VOSS,  
14 do hereby verify that I have read the content of  
15 the foregoing Motion, and that same is true and  
16 correct of my own personal information,  
17 knowledge and belief.

18 The foregoing Motion does not contain the  
19 personal information or social security number of  
20 any person.

21 DATED this 27th day of May 2020.

22  
23 By: 

24 STEVEN FLOYD VOSS,  
25 Defendant, in pro. per.

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AMOS STEGE, ESQ (DDA)  
% Washoe County District Attorney  
Post Office Box # 11130  
Reno, Nevada 89520-0027

STEVEN FLOYD VOSS,

111

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111



1 INDEX OF ATTACHED EXHIBITS

2  
3 EXHIBIT #1: TRANSCRIPT OF SWORN SEARCH WARRANT  
4 APPIDAVIT, JUSTICE COURT FOR RENO  
5 TOWNSHIP, June 17, 1996.  
6

7 EXHIBIT #2: SCENE REPORT, WASHOE COUNTY SHERIFFS  
8 OFFICE, relative to search of Room #135,  
9 of the Western Village Inn, 815 Nichols  
10 Blvd., Sparks, Nevada, on June 17, 1996.  
11

12 EXHIBIT #3: SCENE REPORT, WASHOE COUNTY SHERIFFS  
13 OFFICE, relative to search and seizure  
14 of 1980 GMC Sierra, Pick-up Truck,  
15 California Vehicle Registration number  
16 5B17583, on June 17, 1996.  
17

18 EXHIBIT #4: SCENE REPORT, WASHOE COUNTY SHERIFFS  
19 OFFICE, relative to search and seizure  
20 of 1986 Dodge Daytona automobile,  
21 Nevada Vehicle Registration number  
22 997 GKZ, on June 17, 1996.  
23

24 EXHIBIT #5: SCENE REPORT, WASHOE COUNTY SHERIFFS  
25 OFFICE, relative to search of Sparks  
26 Self Storage, Unit # F22D, on June 17, 1996  
27  
28

INDEX OF ATTACHED EXHIBITS CONTINUED

EXHIBIT #6: SCENE REPORT, WASHOE COUNTY SHERIFFS  
OFFICE, relative to search and seizures  
of McCarran Self Storage, Unit SF20J,  
on June 17, 1996.

EXHIBIT #7: SCENE REPORT, WASHOE COUNTY SHERIFFS  
OFFICE, relative to seizure of  
Biological Specimens from the person of  
Steven Floyd Voss, on June 17, 1996.

The Exhibits which were attached to the Motion for Return of Personal Property are identical to and duplicative of Exhibits attached to the Amended Motion for a New Trial, which was filed on May 8, 2020. Those Exhibits appear in pages JA 088 to JA 122. In accordance with NRAP 30(b) and in the interest of brevity, the Exhibits have only been included once in this appendix.

1 CODE 2645  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE.

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR96-1581

15 v.

Dept: D01

16 STEVEN FLOYD VOSS,

17 Defendant.  
18 \_\_\_\_\_/

19 OPPOSITION TO DEFENDANT'S MOTION FOR NEW TRIAL BASED UPON FRAUD UPON  
20 THE COURT

21 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,  
22 District Attorney of Washoe County and AMOS STEGE, Deputy District  
23 Attorney, and files this Opposition to the Defendant's Motion for New  
24 Trial Based Upon Fraud Upon the Court, filed on May 8, 2020. This  
25 Opposition is made and based on the memorandum of Points and  
26 Authorities submitted herewith.

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The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

Dated this 17th day of June, 2020.

## 4

5                   The undersigned does hereby affirm that the preceding  
6   document does not contain the social security number of any person.

7      Dated this 17th day of June, 2020.

9	CHRISTOPHER J. HICKS
0	District Attorney
	Washoe County, Nevada

3 By /s/ Amos Stege  
4 AMOS STEGE  
9200  
DEPUTY DISTRICT ATTORNEY

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Steven Voss #52094  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

Dated this 17th day of June, 2020.

/s/ DESTINEE ALLEN  
DESTINEE ALLEN

1 CODE 2645  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE.

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR96-1581

15 v.

Dept: D01

16 STEVEN FLOYD VOSS,

17 Defendant.  
18 \_\_\_\_\_/

19 OPPOSITION TO DEFENDANT'S PRESENTENCING MOTIONS IN LIMINE

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,  
21 District Attorney of Washoe County and AMOS STEGE, Deputy District  
22 Attorney, and files this Opposition to the Defendant's Presentencing  
23 Motions in Limine, filed on May 6 2020. This Opposition is made and  
24 based on the memorandum of Points and Authorities submitted herewith.

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The defendant claims the Court has no jurisdiction because the crimes are non-existent, but they are each statutorily enumerated crimes.

The motion must be denied.

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

CHRISTOPHER J. HICKS  
District Attorney  
Washoe County, Nevada

JA 192



1 **CERTIFICATE OF MAILING**

2 Pursuant to NRCP 5(b), I hereby certify that I am an employee of  
3 the Washoe County District Attorney's Office and that, on June 17,  
4 2020, I deposited for mailing through the U.S. Mail Service at Reno,  
5 Washoe County, Nevada, postage prepaid, a true copy of the foregoing  
6 document, addressed to:

7 Steven Voss #52094  
8 Northern Nevada Correctional Center  
9 P.O. Box 7000  
10 Carson City, NV 89702

11 Dated this 17th day of June, 2020.  
12  
13

14 /s/DESTINEE ALLEN  
15 DESTINEE ALLEN  
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1 CODE 2645  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE.

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR96-1581

15 v.

Dept: D01

16 STEVEN FLOYD VOSS,

17 Defendant.  
18 \_\_\_\_\_/

19 OPPOSITION TO DEFENDANT'S MOTION TO SUSPEND RESENTENCING

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,  
21 District Attorney of Washoe County and AMOS STEGE, Deputy District  
22 Attorney, and files this Opposition to the Defendant's Motion to  
23 Suspend Resentencing for Good Cause, filed on May 28, 2020. This  
24 Opposition is made and based on the memorandum of Points and  
25 Authorities submitted herewith.

26 ///

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1 POINTS AND AUTHORITIES

2 Voss seeks additional time to re-file previous motions. While  
3 the defendant has a right to be present at sentencing, Supreme Court  
4 rules encourage audiovisual appearances. See, Rules Governing  
5 Appearance by Simultaneous Audiovisual Transmission Equipment for  
6 Criminal Proceedings. Under constitutional principles, the  
7 defendant's presence is required:

8 ...[O]nly to the extent that a fair and just hearing would  
9 be thwarted by the defendant's absence. The right to be  
10 present is subject to harmless error analysis. The  
11 defendant must show that he was prejudiced by the  
12 absence.

13 Gallego v. State, 117 Nev. 348, 368, 23 P.3d 227, 240 (2001),  
14 abrogated on other grounds by Nunnery v. State, 127 Nev. 749, 263  
15 P.3d 235 (2011).

16 The defendant has sought delay at every turn. It is true only  
17 for the defendant and no other person that "no reasonable issue of  
18 urgency exists". The motion should be denied.

19 AFFIRMATION PURSUANT TO NRS 239B.030

20 The undersigned does hereby affirm that the preceding  
21 document does not contain the social security number of any person.

22 Dated this 17th day of June, 2020.

23 CHRISTOPHER J. HICKS  
24 District Attorney  
25 Washoe County, Nevada

26 By /s/ Amos Stege  
AMOS STEGE  
9200  
DEPUTY DISTRICT ATTORNEY

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Steven Voss #52094  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

Dated this 17th day of June, 2020.

/s/ DESTINEE ALLEN  
DESTINEE ALLEN

1 CODE 2645  
2 Christopher J. Hicks  
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4 One South Sierra Street  
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7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE.

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No: CR96-1581

15 v.

Dept: D01

16 STEVEN FLOYD VOSS,

17 Defendant.  
18 \_\_\_\_\_/

19 OPPOSITION TO DEFENDANT'S MOTION FOR RETURN OF PROPERTY

20 COMES NOW, the State of Nevada, by and through CHRISTOPHER HICKS,  
21 District Attorney of Washoe County and AMOS STEGE, Deputy District  
22 Attorney, and files this Opposition to the Defendant's Motion for  
23 Return of Property, filed on June 1, 2020. This Opposition is made  
24 and based on the memorandum of Points and Authorities submitted  
25 herewith.

26 ///

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1 **POINTS AND AUTHORITIES**

2 The defendant continues his vexatious motion practice by filing  
3 a patently unmeritorious motion. The motion directly resurrects an  
4 issue previously raised in his October 25, 2017 "Pre-Sentencing  
5 Motion to Set Aside Jury Verdict" and denied by the Court.

6 The motion is barred by NRS 179.075(4), as "The motion must be  
7 made before trial or hearing unless opportunity therefor did not  
8 exist or the defendant was not aware of the grounds for the motion,  
9 but the court in its discretion may entertain the motion at the trial  
10 or hearing." See also, One 1970 Chevrolet Motor Vehicle,  
11 Identification No. 13670L125718 Bearing Nevada License No. CL 4947 v.  
12 Nye County, 90 Nev. 31, 35, 518 P.2d 38, 40 (1974). It is also  
13 barred by NRS 174.125. NRS 174.125 ("All motions in a criminal  
14 prosecution to suppress evidence...must be made before trial, unless an  
15 opportunity to make such a motion before trial did not exist or the  
16 moving party was not aware of the grounds for the motion before  
17 trial"). Failure to file such a motion constitutes waiver. See  
18 Howard v. State, 102 Nev. 572, 576, 729 P.2d 1341, 1343 (1986)  
19 (untimely filing of motion to suppress constituted waiver).

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1                   AFFIRMATION PURSUANT TO NRS 239B.030

2                   The undersigned does hereby affirm that the preceding  
3 document does not contain the social security number of any person.

4                   Dated this 17th day of June, 2020.

5  
6                   CHRISTOPHER J. HICKS  
7                   District Attorney  
8                   Washoe County, Nevada

9                   By: /s/Amos Stege  
10                  AMOS STEGE  
11                  9200  
12                  DEPUTY DISTRICT ATTORNEY  
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Steven Voss #52094  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, NV 89702

Dated this 17th day of June, 2020.

/s/ DESTINEE ALLEN  
DESTINEE ALLEN



1 STEVEN FLOYD VOSS #52094  
2 Northern Nevada Corrections Center  
3 Post Office Box #7000  
4 Carson City, Nevada 89702-7000

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

8  
9 THE STATE OF NEVADA,  
10 Plaintiff,

Case No. CR96-1581  
Dept. No. 1

11 VS.

12 STEVEN FLOYD VOSS,  
13 Defendant.

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DEFENDANT'S REPLY TO STATES OPPOSITION TO DEFENDANT'S  
MOTION FOR NEW TRIAL

COMES NOW Defendant, STEVEN FLOYD VOSS, by and  
through his proper person, and hereby submits  
the instant Reply.

The instant Reply is made and is  
predicated upon the attached memorandum  
of points and authorities, and all papers  
and pleadings on file in the above entitled  
case.



# MEMORANDUM OF POINTS AND AUTHORITIES

## I. Nature of Reply:

Through the instant pleading the Defendant hereby replies to the state's untimely opposition to Defendant's Motion For New Trial, which the State had filed subsequent to the Defendant's submission of said Motion to the Court for decision.

## II. Argument:

A. The state's Opposition to the Defendant's Motion For New Trial is legally impalpable and without merit.

The state neglects to oppose the instant Motion For New Trial upon its merits. Instead, the state merely asserts, without any supporting authority, it legally impalpable conclusion that:

"The defendant's motion is precluded by NRS 176.515."

The state's conclusion is legally impalpable because: (i) NRS 176.515, quite simply does not function to preclude this court's review of a Motion which is styled with allegations as exposing a fraud upon the court. See, Murphy v. Murphy,



1 103 Nev. at 185, 734 P.2d at 739; (2) a court's  
2 jurisdiction to remedy a fraud upon the court  
3 is inherent. See, Osborn v. Fogliani, 82 Nev. 300,  
4 417 P.2d 148 (1966) (cited in Warden v. Peters, 83  
5 Nev. 289 (1967); State v. Eighth Judicial District Court,  
6 100 Nev. 90 (1984); and Edwards v. State, 112 Nev. 704 (1996)).  
7 wherein, the Nevada Supreme Court has continually  
8 affirmed Fogliani, holding that:

9 "The procedural label is of little importance  
10 Because the fact remains that courts which  
11 mistakenly render a judgment which works  
12 to the extreme detriment of the defendant,  
13 will not allow the erroneous judgment to  
14 stand uncorrected, where the court has  
15 inherent power to reconsider a judgment  
16 for good cause shown."

17 Also see, State v. Lopez, 96 Ariz. 169, 393 P.2 263  
18 (1964); and Negelburg v. United States, 377 U.S.  
19 266 (1964), cited in Warden v. Peters, 83 Nev. 289;  
20 and (3) the Defendant's Motion for New Trial was  
21 not brought merely pursuant to the statutory  
22 provisions of NRS 176.515, but also upon the  
23 court's inherent jurisdiction and authority to  
24 correct a fraud upon the court, which is  
25 conferred pursuant to Article 6 § 6 of the  
26 Constitution of the State of Nevada.

27

28



1 B. The State by their arrogant refusal to  
2 accept the inherent authority of this Court  
3 to review the instant Motion For New Trial  
4 upon the merits; and their failure to respond to  
5 the merits of said Motion; have effectively  
6 confessed the alleged errors, conceding  
7 the merits of the Defendant's claims, and have  
8 concurred to the court's granting of the instant  
9 Motion.

10 It is clear on the very face of the  
11 states opposition to the Defendant's Motion  
12 For New Trial, that the state has not so  
13 much as denied the Defendant's allegations  
14 that the state has perpetrated a fraud  
15 against the Trial Court in the instant case.  
16 Moreso, the state has effectively refused  
17 to present to this court any evidence  
18 whatsoever, in an attempt to refute the  
19 prima facie evidence or the Defendant's claims  
20 for relief. Thereby, the state has failed  
21 to establish a dispute of any material fact  
22 effective to overcome the Defendant's  
23 claims. Of course, the Defendant submits  
24 that there is a clear reason that the  
25 state has not presented such evidence or  
26 argued against the merits of the Defendant's  
27 claims. That reason is, that there exists no  
28 such evidence which tends to disprove the



1. Defendant's allegations of fraud upon this court  
2 perpetrated wantonly by the state's own  
3 hand. The record does not lie, it wholly  
4 supports the Defendant's claims, and it does  
5 not document any fact which tends to  
6 draw contention on the Defendant's claims.

### 7 8 III, Conclusion:

9 This Court has an affirmative duty  
10 to explore the merits of the Defendant's  
11 Motion For New Trial, where same has been  
12 made for purpose of exposing a fraud  
13 perpetrated upon the court. This Court,  
14 quite simply does not have discretion to  
15 ignore the Defendant's claims of fraud upon  
16 the court. Where, if such claims were found  
17 to be true, such a fraud upon the court  
18 would function to create a "structural error"  
19 or a "structural Defect in the Trial Mechanism"  
20 not amenable to harmless error review.  
21 Thereby, entitling the Defendant to relief.  
22 Therefore, any Failure of this Court to  
23 review the merits of the instant Motion  
24 and to grant appropriate relief would  
25 constitute an abuse in the exercise of  
26 this Court's inherent jurisdiction and discretion.

27  
28



1 IV. Verification:

2 Under penalty of perjury, I STEVEN  
3 FLOYD VOSS, do hereby verify that I have,  
4 read the Content of the foregoing Motion,  
5 and that same is true and correct of my  
6 own personal information, knowledge and  
7 belief.

8 The foregoing Motion does not contain  
9 the Social Security Number of any person.  
10

11 DATED this 18th day of June 2020.

12 By: 

13 STEVEN FLOYD VOSS,  
14 Defendant, in pro-per.  
15

16 CERTIFICATE OF SERVICE VIA U.S. MAIL

17  
18 I, STEVEN FLOYD VOSS, do hereby certify that  
19 on this 18th day of June 2020, that I mailed  
20 a true and correct copy of the foregoing

21 Motion, addressed to:

22 AMOS STEGE, ESQ (DAA)

23 % Washoe County District Attorney

24 Post Office Box # 11130

25 Reno, Nevada 89520-0027

26 By: 

27 STEVEN FLOYD VOSS.  
28



1 STEVEN FLOYD VOSS # 52094  
2 Northern Nevada Corrections Center  
3 Post Office Box # 7000  
4 Carson City, Nevada 89702-7000

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

8  
9 THE STATE OF NEVADA,  
10 Plaintiff,

Case No. CR96-1581  
Dept. No. 1

11 VS.  
12 STEVEN FLOYD VOSS,  
13 Defendant,  
14

15  
16 DEFENDANT'S REPLY TO STATE'S OPPOSITION TO DEFENDANT'S  
17 PRESENTENCING MOTIONS IN LIMINE

18  
19 COMES NOW Defendant, STEVEN FLOYD VOSS, by  
20 and through his proper person and hereby  
21 submits The instant Reply.

22 The instant Reply is made and predicated  
23 upon the attached memorandum of points and  
24 authorities, and all papers and pleadings on  
25 file in the above entitled case.  
26  
27  
28



# MEMORANDUM OF POINTS AND AUTHORITIES

## I. Nature of Reply:

Through the instant pleading the Defendant hereby replies to the State's untimely filed Opposition to his Presentencing Motions In Limine Filed subsequent to the Defendant's filing of his Request For Submission of said Motion for decision by the Court.

## II. Argument:

The State's opposition to the Defendant's Presentencing Motions In Limine are wholly impalpable, unsupported by relevant legal authority, and without merit.

Once again the state neglects to oppose the instant Presentencing Motions In Limine upon its merits. Instead, the State merely asserts, without any supporting legal authority, it legally palpable conclusion that:

"Voss rebrands previously denied or procedurally barred claims as a motion in limine... The motion must be denied."

The state's conclusion is palpable and without merit because: (1) there exists



no statute or rule precluding this Court's consideration of Presentencing Motions In Limine; and (2) even if similar claims may have previously been asserted in the context of a prior pleading, such claims were not identical to the instant claims, such claims were not considered by the court upon their merits, and absolutely no statute or rule precludes the Defendant from reasserting even identical claims which were previously procedurally defaulted when asserted in a prior procedural device within a subsequent procedurally correct device.

Next, the state misrepresents the Defendant's claims, asserting that:

"The defendant claims the court has no jurisdiction because the crimes are non-existent, but they are each statutorily enumerated crimes."

However, the Defendant's Argument A-D, actually allege that the state's Criminal Complaint and Criminal Information "fail to state a criminal offense", relative to Counts I through VI. Apparently, the state attempts to lump the defendant's claims together, into a single claim. Within Defendant's Argument-A, the Defendant claims that the Jury's Count II and



1 Count III Guilty Verdicts must be set  
2 aside, because no Nevada Revised Statute  
3 functions to create a criminal offense  
4 of "uttering A Forged Instrument" as alleged  
5 by the State. Whereas, the conduct of  
6 uttering a forged instrument even though  
7 it may constitute the crime of forgery  
8 under NRS 205.090 and NRS 205.110, no  
9 Nevada Revised Statute functions to create an  
10 offense of uttering a forged instrument which  
11 is separate and distinct of the crime of  
12 forgery prohibited under the aforementioned  
13 statutes. Therefore, contrary to the  
14 state's argument the act of uttering a  
15 forged instrument clearly is not a  
16 "statutorily enumerated crime" Therefore,  
17 the state's argument is shown to be without  
18 merit in regard to Defendant's Argument A.  
19 Nonetheless, the State's argument having  
20 absolutely no relevance to the Defendant's  
21 Argument-B, C, and D, claims is utterly  
22 meritless.

23 Lastly, in regard to the Defendant's  
24 Argument-E claims, the state again  
25 misrepresents the basis of the Defendant's  
26 Motion to limit consideration to proven  
27 facts. The State merely complains that  
28 the Defendant has not asserted the



1 allegations which the state may elect to  
2 assert at sentencing. However, until  
3 the state actually relies upon the  
4 content of their PSI Report at sentencing  
5 the Defendant sees no reason to address  
6 the particular misrepresentations of fact  
7 asserted therein. The Defendant will  
8 challenge same at sentencing. What the  
9 Defendant seeks through his Argument-E  
10 is for the Court to hold the state to a  
11 rigid burden of proof in regard to each  
12 and every assertion of fact upon which  
13 the state relies upon in support of their  
14 sentencing recommendations to the Court.  
15 Notably, the state citing Stockmiller, 127 Nev.  
16 243, 248, 255 P.3d 209, 213 (2011), actually  
17 concedes the Defendant's right to challenge  
18 the state's factual allegations set out within  
19 their PSI Report.

20

### 21 III. Conclusion:

22

23 The Defendant's Presentencing Motions  
24 In Limine are properly before the Court  
25 and are due this Court's consideration  
26 upon their merits. The state has not  
27 addressed in particular any of the  
28 Defendant's claims for relief. Nor has the



1 presented any cogent argument, or  
2 any legal authority supporting any  
3 rational basis for this Court's denial of  
4 the instant Motion. Each of the Defendant's  
5 claims are cognizable within a Presentencing  
6 Motions In Limine. The Defendant's claims  
7 have merit and should be granted at this  
8 juncture.

9  
10 IV. Verification:

11  
12 Under penalty of perjury, I STEVEN  
13 FLOYD VOSS, do hereby verify that I have  
14 read the content of the foregoing Motion,  
15 and that same is true and correct of my  
16 own personal information, knowledge and  
17 belief.

18 DATED this 18th day of June 2020.

19 By: 

20 STEVEN FLOYD VOSS,  
21 Defendant, in pro. per.



CERTIFICATE OF SERVICE VIA U.S. MAIL

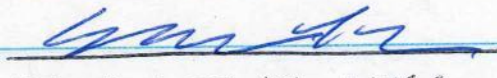
I, STEVEN FLOYD VOSS, do hereby certify that on this 18th day of June 2020, that I mailed a true and correct copy of the foregoing Reply, addressed to:

AMOS STEGE, ESQ (DDA)

% Washoe County District Attorney

Post Office Box # 11130

Reno, Nevada 89520-0027

By:   
STEVEN FLOYD VOSS,



1 STEVEN FLOYD VOSS #52094  
2 Northern Nevada Corrections Center  
3 Post Office Box # 7000  
4 Carson City, Nevada 89702-7000  
5

6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF WASHOE  
8

9 THE STATE OF NEVADA,  
10 Plaintiff,

Case No. CR96-1581

Dept. No. 1

11 VS.

12 STEVEN FLOYD VOSS,  
13 Defendant.  
14 \_\_\_\_\_

15  
16 DEFENDANT'S REPLY TO STATE'S OPPOSITION TO DEFENDANT'S  
17 MOTION TO SUSPEND RESENTENCING  
18

19 COMES NOW Defendant, STEVEN FLOYD VOSS, by and  
20 through his proper person, and hereby submits  
21 the instant Reply.

22 The instant Reply is made and is predicated  
23 upon the attached memorandum of points and  
24 authorities, and all papers and pleadings on  
25 file in the above entitled case.  
26  
27  
28



# MEMORANDUM OF POINTS AND AUTHORITIES

## I. Nature of Reply:

Through the instant pleading the Defendant replies to the state's opposition to his Motion To suspend Resentencing For Good Cause Shown.

## II. Argument:

The state's opposition to the Defendant's instant "Motion To suspend Resentencing Proceedings For Good Cause Shown", is without merit and moot.

First, the state refuses to accept the present procedural status of the instant case. This Court had stayed all proceedings in this case pursuant to this court's December 13, 2019 ORDER, and this court has not rescinded such ORDER. Clearly, this Court cannot proceed with Resentencing proceedings while the instant case is under a stay. Therefore, the state's opposition to the instant Motion is utterly moot.

Nonetheless, the State focuses its argument strickilly upon its belief that an audio-visual sentencing proceeding is permissible. The state's belief is misguided at best, at least



1 in the instant case. Where, the Defendant  
2 objects to be resentenced by the Court  
3 remotely, and where such an "audiovisual"  
4 proceeding would function to preclude the  
5 Defendant from the admission of testimonial  
6 mitigating evidence, and from inspecting  
7 documentary evidence supporting the state's  
8 PSI Report. Due Process and Equal Protection  
9 of Law, require that the Defendant be granted  
10 such opportunities at sentencing. However,  
11 despite the Defendant's prior Notice of such  
12 intentions to the state on the very face of  
13 the instant Motion, the state has not  
14 provided the Defendant with copies of any  
15 documentary evidence which supports the  
16 allegations set forth within their PSI Report.  
17 The Defendant has an absolute right to challenge  
18 the accuracy and veracity of the PSI Report  
19 and the Persons who prepared it. This necessarily  
20 includes the right to personally inspect all  
21 documentary evidence supporting the state's  
22 allegations. The state has offered absolutely  
23 no explanation of how the Defendant will be  
24 provided a reasonable opportunity to admit  
25 testimonial mitigating evidence via an  
26 "audiovisual" proceeding. In fact, the state  
27 completely ignores the Defendant's claims of  
28 prejudice which will result from such form



1 of a proceeding. Likewise, the state has  
2 failed to demonstrate any prejudice to the  
3 state which would result from the requested  
4 suspension of the Resentencing proceeding.  
5 Clearly, no prejudice can possibly be  
6 demonstrated by the state, where the 1996  
7 Sentencing Court had imposed the maximum  
8 sentences allowable by law in regard to each  
9 of the six counts charged, and the Defendant  
10 has served to completion and discharge each  
11 of those decidedly "onerous" disproportionate  
12 sentences. Thus, any Amended Judgment of  
13 Conviction entered by this Court can only  
14 constitute a token Judgment which  
15 maintains no subsequent force or effect.

16 In regard to the state's contention that:  
17 "Voss seeks additional time to re-file previous  
18 motions". The Defendant asserts that he has  
19 never made such request, and that with his  
20 filing of the instant Reply he anticipates  
21 no additional filings at this time.

### 22 23 III. Conclusion;

24  
25 The Court's granting of the instant  
26 "Motion To Suspend Resentencing ..." is necessary  
27 in the premissis of the instant case and in the  
28 interest of substantial justice.



1 IV. Verification:

2  
3 Under penalty of perjury, I STEVEN  
4 FLOYD VOSS do hereby verify that I have  
5 read the content of the foregoing Reply, and  
6 that same is true and correct of my own  
7 personal information, knowledge and belief.

8 The foregoing Reply does not contain the  
9 Social Security Number of any person.

10 DATED this 19th day of June 2020.

11 By: Steven Floyd Voss

12 STEVEN FLOYD VOSS,  
13 Defendant, in pro per.  
14

15 CERTIFICATE OF SERVICE VIA U.S. MAIL  
16

17 I, STEVEN FLOYD VOSS, do hereby certify that  
18 on this 19th day of June 2020, that I  
19 mailed a true and correct copy of the  
20 foregoing Reply, addressed to:

21 AMOS STEGE, ESQ (ADA)

22 % Washoe County District Attorney

23 Post Office Box # 11130

24 Reno, Nevada 89520-0027  
25

26 By: Steven Floyd Voss

27 STEVEN FLOYD VOSS  
28



1 STEVEN FLOYD VOSS #52094  
2 Northern Nevada Correctional Center  
3 Post Office Box #7000  
4 Carson City, Nevada 89702-7000  
5

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

8  
9 THE STATE OF NEVADA,  
10 Plaintiff,

Case No. CR96-1581  
Dept. No. 1

11 VS.

12 STEVEN FLOYD VOSS,  
13 Defendant.  
14

15  
16 DEFENDANT'S REPLY TO STATE'S OPPOSITION TO DEFENDANT'S  
17 MOTION FOR RETURN OF PROPERTY  
18

19 COMES NOW Defendant, STEVEN FLOYD VOSS, by and  
20 through his proper person, and hereby submits  
21 the instant Reply.

22 The instant Reply is made and is predicated  
23 upon the attached memorandum of points and  
24 authorities, and all papers and pleadings on  
25 file in the above entitled case.  
26  
27  
28



## MEMORANDUM OF POINTS AND AUTHORITIES

### I. Nature of Reply:

Through the instant pleading the Defendant replies to the state's untimely Opposition to his Motion For Return of Property, which was filed by the state subsequent to the Defendant's filing of his Request For Submission of said Motion for decision by the Court.

### II. Argument:

The state's Opposition to the Defendant's instant Motion For Return of Property, is legally impalpable, misguilted and wholly without merit.

First, the Defendant observes that the state erroneously construes the Defendant's instant Motion For Return of Property as a procedurally incorrect Motion To Suppress Evidence. Despite the fact that the Defendant upon the very face of his Motion For Return of Property had particularly specified that the instant Motion is not contemplated as a Motion To Suppress and evidence whatsoever. See, Motion at page 4, line 2 through line 7, Therefore, because the instant Motion does not



1 seek to suppress any evidence in a criminal  
2 proceeding, and merely seeks the return of the  
3 Defendant's property, the instant Motion cannot  
4 reasonably be construed as a Motion To Suppress  
5 Evidence. Thus, the entirety of the state's  
6 arguments and cited authority are wholly  
7 inapplicable to the matter of the return of  
8 the Defendant's property which forms the  
9 basis of the instant Motion. Thereby rendering  
10 the state's opposition legally impalpable,  
11 irrelevant and completely moot.

12 Nonetheless, the state further alleges  
13 that the Defendant has previously raised  
14 his presently requested claims for relief  
15 within a prior "Motion To Set Aside Jury Verdict"  
16 filed October 25, 2017, which was denied by  
17 this Court. In this regard the state again  
18 misrepresents the facts and history of the  
19 instant case. The Defendant therefore  
20 identifies that the Motion to which the state  
21 eludes to, had sought to have the Jury's  
22 Guilty Verdicts set aside, and to perhaps  
23 indirectly have the Search Warrants involved  
24 invalidated by the Court. Based upon the  
25 unlawful character of Search Warrants and  
26 evidence collected in the wake of such  
27 Search Warrants which was latter admitted  
28 at trial. However, such prior Motion had



1 in no way sought the return of any seized  
2 property obtained in the wake of any searches  
3 undertaken by state agents, either with or  
4 without valid Search Warrants. Moreover, this  
5 Court in deciding the prior Motion surely  
6 did not make any ruling in regard to the  
7 disposition of any property return claim.  
8 Whereas, no such property return claim had  
9 been presented to the Court. Thus, there  
10 exists absolutely no estoppel to the Court's  
11 consideration of the instant Motion For  
12 Return of Property.

13  
14 III. Conclusion:

15  
16 The state's opposition to the instant  
17 Motion For Return of Property must be  
18 rejected, and the Motion should be  
19 granted by the court at this juncture.

20 The Court should order the return of  
21 all property seized in the wake of the  
22 June 17, 1996 searches of the Defendant's  
23 Residence and Vehicle, as well as the  
24 biological specimens seized from the Defendant's  
25 person, to be returned to an agent of  
26 the Defendant's choosing.



1        IV. Verification:

2  
3            Under penalty of perjury, I STEVEN  
4 FLOYD VOSS, do hereby verify that I have  
5 read the content of the foregoing Reply,  
6 and that same is true and correct of  
7 my own personal information, knowledge  
8 and belief.

9            The foregoing Reply does not contain the  
10 Social Security Number of any person.

11            DATED this 18th day of June 2020.

12                            By: [Signature]

13    STEVEN FLOYD VOSS.

14  
15            CERTIFICATE OF SERVICE VIA U.S. MAIL

16  
17            I, STEVEN FLOYD VOSS, do hereby certify  
18 that on this 18th day of June 2020, that  
19 I mailed a true and correct copy of the  
20 foregoing Reply, addressed to:

21 AMOS STEGE, ESQ (DD4)  
22 % Washoe County District Attorney  
23 Post Office Box # 11130  
24 Reno, Nevada 89520-0027

25  
26    By: [Signature]

27    STEVEN FLOYD VOSS.

## **CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9th day of November 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Marilee Cate, Appellate Deputy  
Washoe County District Attorney's Office

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Steven Floyd Voss (52094)  
Northern Nevada Correctional Center  
P.O. Box 7000  
Carson City, Nevada 89702

/s/Tracie K. Lindeman

Tracie K. Lindeman, Esq.