

IN THE SUPREME COURT OF THE STATE OF NEW YORK

FILED

AUG 18 2022

FERRILL JOSEPH VOLPELLI,
Appellant,

CASE No: 85107

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY H. J. [Signature]
DEPUTY CLERK

vs.

STATE OF NEW YORK,
Respondent

D.C. CASE No: CR03-1263

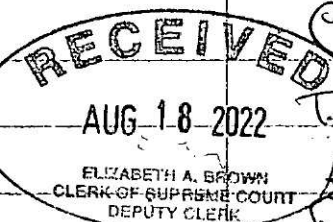
Motion

Appellant, FERRILL JOSEPH VOLPELLI, MOVES THE COURT ISSUE A STAY IN THIS MATTER AND ISSUE A REMITTANCE TO THE SECOND JUDICIAL DISTRICT COURT; OR, IN THE ALTERNATE, DISMISS THE CASE. THE INSTANT MOTION IS MADE AND BASED UPON ALL PAPERS ON FILE HEREBY AS WELL AS THE APPLICABLE RULES OF APPELLATE PROCEDURE.

DISCUSSION:

Appellant MOVES THE COURT TO ISSUE A STAY IN THIS APPEAL FROM A DISTRICT COURT ORDER DATED JULY 18, 2018; OR, IN THE ALTERNATE, DISMISS THE CASE.

OPTIMALLY, APPELLANT WOULD LIKE TO HAVE THE COURT ISSUE A STAY, AND ISSUE A REMITTANCE, SO THAT THE DISTRICT COURT MAY CONTINUE TO ADJUDICATE A RELATED MATTER VIA A MOTION PURSUANT FRCP 60(b)(4).

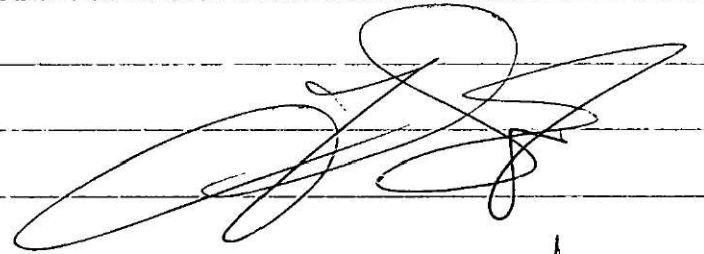


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IN THAT WAY, AND ASSUMING APPELLANT AGREES
THAT ACTION AS WELL, THE NEVADA SUPREME
COURT CAN ADJUDICATE BOTH APPEALS AT THE
SAME TIME. THIS SIMPLY MAKES SENSE FROM
THE PERSPECTIVE OF CONSERVING RESOURCES IN THIS
COURT AS WELL AS THE DISTRICT COURT.
IF THIS SITUATION IS NOT VIABLE, THEN APPELLANT
WOULD LIKE THE COURT TO DISMISS THE INSTANT
APPEAL.

IN THE INTEREST OF JUSTICE, APPELLANT MOVES
THE COURT FOR AN ORDER WHICH OPTIMIZES
APPELLANT'S OPTION TO, NOT ONLY EVENTUALLY
HAVE THE INSTANT APPEAL HEARD AT A LATER
DATE, BUT TO CONSOLIDATE A SUBSEQUENTLY
RELATED APPEAL ON A SIMILAR ISSUE.

DATED THIS 15 DAY
OF AUGUST, 2022



FERN J. VAPICH
79505 E LEE
1200 PRISON ROAD
LOVELOCK, NV 89419

APPELLANT IN PRO SE

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Motion to Dismiss to the below address(es) on this 15 day of August, 2022, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

WASHOE COUNTY
DISTRICT ATTORNEY
RENO, NV

Frank Lockrey #79625
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Appointed In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Motion to Dismiss filed in NSC District Court Case No. 85107 does not contain the social security number of any person.

Dated this 15 day of August, 2022.

Frank Lockrey

Appointed In Pro Se