

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

FILED

JAN 05 2023

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

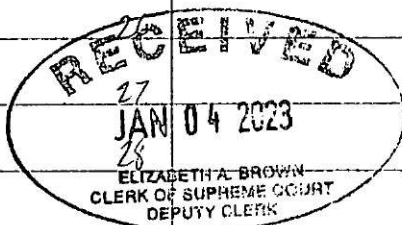
6 IN THE SUPREME COURT OF THE STATE OF NEVADA
7

8 STEVEN FLOYD VOSS,	No. 85688
9 Appellant,	
10 VS	
11 THE STATE OF NEVADA,	
12 Respondent,	
13	
14	

15 PETITION FOR REHEARING
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17 COMES NOW Petitioner, STEVEN FLOYD VOSS, by and through
18 his proper person, and hereby submits the instant
19 Petition For Rehearing.

20 The instant Petition For Rehearing is made and is
21 predicated upon the attached memorandum of points and
22 authorities, and the District Court record.
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25



23-00326

1 MEMORANDUM OF POINTS AND AUTHORITIES

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3 I. Nature of Petition:

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5 The instant Petition For Rehearing requests the
6 Court's rehearing of the instant appeal following the
7 Court's December 22, 2022 filing of its Order
8 Dismissing Appeal (Docket # 22-40172).

9 II. Statement of Relevant Facts:

10 On 2022 the Appellant had filed a
11 Motion To Correct Illegal Sentence in the Second Judicial
12 District Court, Case No. CR96-1581. Wherein, the
13 Appellant alleged that his Count I, II and VI
14 sentences imposed pursuant to the District Court's
15 July 8, 2020 Judgment of Conviction are facially
16 illegal.

17 On May 2, 2022 the District Court filed an
18 Order Denying Motion To Correct An Illegal Sentence
19 As Moot. However, the Court neglected to identify
20 its reason for finding Appellants Motion moot.

21 On May 10, 2022 the Appellant filed his
22 Motion For Clarification of Order Denying Defendant's
23 Motion For Correction of Illegal Sentences As Moot.

24 On October 31, 2022 the District Court had
25 filed an Order Addressing Motion For Clarification
26 of order Denying Defendant's Motion For Clarification
27 of Illegal Sentences

28 Therefore, all pending Motions resolved by the

1 Court on said date, the Appellant had on
2 November 10, 2022 filed his Notice of Appeal from
3 the District Court's May 2, 2022 Order Denying Motion
4 To Correct Illegal Sentences

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6 III. Argument:

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8 This Court's December 22, 2022 Order
9 Dismissing Appeal (Docket # 22-40172) is erred, and
10 impalpable, due to the Court's misapprehension of
11 material facts and oversight.

12 The reviewing pannel had overlooked
13 and thereby misapprehended material facts in reaching
14 its decision dismissing the instant appeal. Specifically,
15 the Court failed to recognize that despite the
16 fact that the District Court's Order Denying Motion
17 To Correct Illegal Sentences was filed on May 2, 2022,
18 such fact does not render the Appellant's
19 November 10, 2022 filing of his Notice of Appeal From
20 said Order untimely. Whereas, the time for
21 the filing of Appellant's Notice of Appeal did not
22 end on June 2, 2022 as the Court presumed.
23 Because, the 30 day period was tolled by the
24 Appellant's May 10, 2022 Filing of his Motion For
25 Clarification of the [District Court's] Order. Thus, the
26 accrual of the 30 day time period to file the
27 Notice of Appeal did not occure until
28 November 1, 2022, that is the day following the

1 District Court's October 31, 2022 filing of its Order
2 Addressing... Defendants Motion for Clarification of
3 Order Denying Motion To Correct Illegal Sentences.

4 Therefore, the time-limitation period under
5 NRAP Rule 4, did not expire until December 1,
6 2022, rendering the Appellant's November 10, 2022
7 filing of his Notice of Appeal to be timely under
8 Rule 4.

9
10 IV. Conclusion:

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12 Based upon the aforementioned judicially
13 noticable facts, the Court's December 22, 2022
14 Order Dismissing Appeal is clearly erred, and
15 the rehearing of the instant appeal is warranted

16
17 V. Verification:

18
19 Under penalty of perjury, I Steven Floyd Voss
20 do hereby verify that I have read the content
21 of the foregoing document, and that same is true
22 and correct of my own personal information,
23 knowledge and belief.

24 DATED this 28th day of December 2022.

25 By: 

26 STEVEN FLOYD VOSS,

27 Appellant in pro. per.
28

CERTIFICATE OF SERVICE VIA U.S. MAIL

I, STEVEN FLOYD VOSS, do hereby certify that
on this 28th day of December 2022, that I
mailed a true and correct copy of the foregoing
document, addressed to:

JENNIFER P. NOBLE, ESP.
% Washoe County District Attorney
Post Office Box # 11130
Reno, Nevada 89520-2700

and

Nevada Attorney General
100 North Carson Street
Carson City, Nevada 89701-4717

By: 
STEVEN FLOYD VOSS

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