

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

Electronically Filed
Nov 17 2023 11:37 AM
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,

Plaintiff,

vs.

FERRILL JOSEPH VOLPICELLI,

Defendant.

Sup. Ct. Case No. 87505

Case No. CR02-0147

Dept. 10

RECORD ON APPEAL

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DISTRICT CASE NO: CR02-0147
STATE OF NEVADA vs FERRILL J. VOLPICELLI
DATE: NOVEMBER 17, 2023

PLEADING	DATE FILED	VOL.	PAGE NO.
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APPEAL INDEX
SUPREME COURT NO: 87505
DISTRICT CASE NO: CR02-0147
STATE OF NEVADA vs FERRILL J. VOLPICELLI
DATE: NOVEMBER 17, 2023

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APPEAL INDEX
SUPREME COURT NO: 87505
DISTRICT CASE NO: CR02-0147
STATE OF NEVADA vs FERRILL J. VOLPICELLI
DATE: NOVEMBER 17, 2023

PLEADING	DATE FILED	VOL.	PAGE NO.
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IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 84921-COA

FILED

OCT 18 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

No. 84922-COA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

ORDER DISMISSING APPEALS

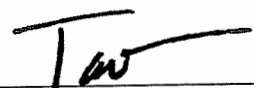
Ferrill Joseph Volpicelli appeals from orders of the district court denying motions to remit legal defense fees pursuant to NRS 178.3975(2). These cases were consolidated on appeal. NRAP 3(b). Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.


Volpicelli filed motions to remit legal defense fees pursuant to NRS 178.3975(2), and the district court construed those motions as motions to correct judgment. Because no statute or court rule permits appeals from

the aforementioned orders, we lack jurisdiction. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER these appeals DISMISSED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Kathleen A. Sigurdson, District Judge
Ferrill Joseph Volpicelli
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-10-21 14:42:38.354.

ZACH YOUNG, ESQ. - Notification received on 2022-10-21 14:42:39.808.

DIV. OF PAROLE & PROBATION - Notification received on 2022-10-21 14:42:38.714.

NICKOLAS GRAHAM, ESQ. - Notification received on 2022-10-21 14:42:39.449.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

10-21-2022:14:42:01

Clerk Accepted:

10-21-2022:14:42:21

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Supreme Ct Ord Dismis Appeal

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

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-

If service is not required for this document (e.g., Minutes), please disregard the below language.

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NEVADA

DIV. OF PAROLE & PROBATION

ZACH YOUNG, ESQ.

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 84921

FERRILL JOSEPH VOLPICELLI,
Appellant,

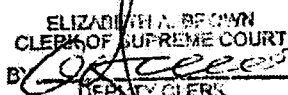
vs.

THE STATE OF NEVADA,
Respondent.

No. 84922

FILED

NOV 16 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER

The Court of Appeals issued an order dismissing these consolidated appeals on October 18, 2022. On November 1, 2022, appellant filed a motion to issue the remittitur that was inadvertently filed in the Court of Appeals. The clerk shall file the motion in this court and file a copy of this order in both courts. The motion is granted. The clerk shall issue the remittitur forthwith.

It is so ORDERED.

 C.J.

cc: Hon. Kathleen A. Sigurdson, District Judge
Ferrill Joseph Volpicelli
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-11-21 09:18:51.378.

ZACH YOUNG, ESQ. - Notification received on 2022-11-21 09:18:53.146.

DIV. OF PAROLE & PROBATION - Notification received on 2022-11-21 09:18:51.69.

NICKOLAS GRAHAM, ESQ. - Notification received on 2022-11-21 09:18:52.693.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

11-21-2022:09:18:00

Clerk Accepted:

11-21-2022:09:18:17

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Supreme Court Order

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

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NEVADA

DIV. OF PAROLE & PROBATION

ZACH YOUNG, ESQ.

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

V8. 1130

FERRILL J. VOLPICCHI
7950 E. ICE
1200 PRISON ROAD
LOVELAND, NJ 8945
PETITIONER IN PRO SE

FILED

NOV 29 2022

ALICIA V. LERUD, CLERK
By: Maryland
DEPUTY CLERK

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF WESTCHESTER

FERRILL J. VOLPICCHI
PETITIONER

xxx

CASE NO. CR02-0147

vs.
WALTER CORRETT,
RESPONDENT

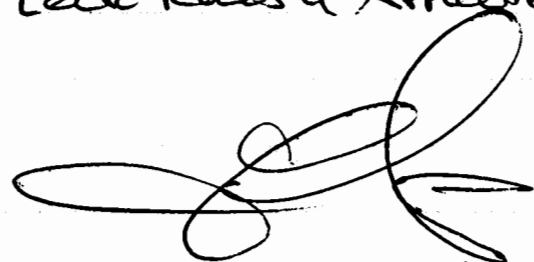
DOE NO. 9

MAILED TO THE
JUDICIAL DISTRICT

PETITIONER FERRILL J. VOLPICCHI, MOVES THE COURT TO
THE JUDICIAL DISTRICT COURT OF THE STATE OF NEW YORK
IN AND FOR THE COUNTY OF WESTCHESTER (CASE NO. 8494/8492). AS SUCH,
THIS COURT NOW HAS JURISDICTION TO GRANT THE PETITIONER
PETITIONER FERRILL J. VOLPICCHI, AND CAN DEEM THE
PETITIONER FERRILL J. VOLPICCHI, PETITIONER FERRILL J. VOLPICCHI
AS SUCH.

THE JUDICIAL DISTRICT COURT OF THE STATE OF NEW YORK
AS SUCH, THE COURT'S LACK OF JURISDICTION
N.R.P.

DATED THIS 24 DAY
OF NOVEMBER, 2022



FERRILL J. VOLPICCHI V8.1130

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Letter to Lake Tahoe Lodge to the below address(es) on this 24 day of November, 2022, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Walter County
District Attorney
Reno, NV 89501

PETER VAUGHAN #78565
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419

PETER VAUGHAN In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Letter to Lake Tahoe Lodge filed in District Court Case No. CR02-0467 does not contain the social security number of any person.

Dated this 24 day of November, 2022.

PETER VAUGHAN
PETER VAUGHAN In Pro Se

1 Case No. C882-0ve72 Dept. No. 9

FILED

NOV 29 2022

ALICIA L. LERUD, CLERK
By: [Signature]
DEPUTY CLERK3
4
5
6 IN THE Sheridan JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA7 IN AND FOR THE COUNTY OF Washoe

8 * * * * *

9 Thomas J. Varkner,)10 Plaintiff,)

11 -vs-)

12 Wendy C. Gentry,)13 Defendant.)REQUEST FOR SUBMISSION
OF MOTION

14

15 It is requested that the Motion to Repeal16 Thomas Varkner17 which was filed on the ____ day of September, 2022, in

18 the above-entitled matter, be submitted to the Court for

19 decision.

20 Dated this 24 day of November, 2022

21

22

[Signature] # 7982
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

23

24

25

26

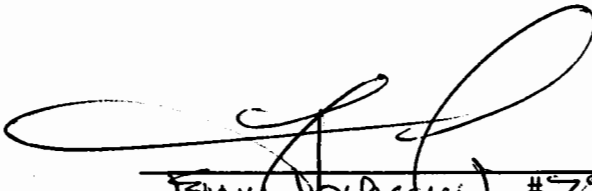
27

28

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 21 day of November, 2022, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

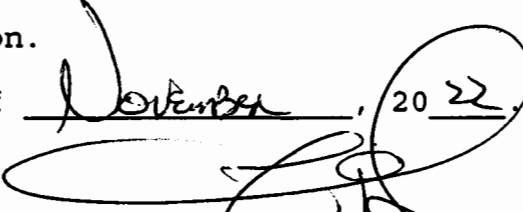
Celsoe County
District Attorney
Box N 89001


Paul D. Rogers # 72284
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Paul D. Rogers In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 21 day of November, 2022.


Paul D. Rogers
Paul D. Rogers In Pro Se

Case No. C02-047
 Dept. No. 9

FILED

NOV 29 2022

ALICIA L. LERUD, CLERK
 By: [Signature]
 DEPUTY CLERK

IN THE Second JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 IN AND FOR THE COUNTY OF Washoe

* * * * *

Fernando Lopez,
Plaintiff
 -vs-
Michael Green,
Defendant

**REQUEST FOR SUBMISSION
 OF MOTION**

It is requested that the Fernando Lopez
vs Michael Green NIS 34.900
 which was filed on the 18 day of November, 2021, in
 the above-entitled matter, be submitted to the Court for
 decision.

Dated this 24 day of November, 2021

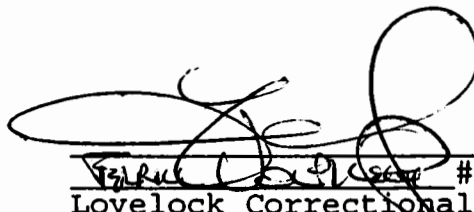
[Signature]
Fernando Lopez # 78364
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419
Fernando In Pro Se

LCC LL FORM 26.090

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 24 day of November, 2022 by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

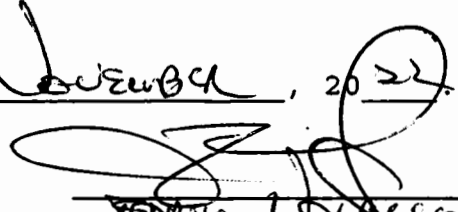
Celeste Conway
Dispute Attorney
Box 11 89607


Terrie L. Lacey #77524
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Terrie L. Lacey In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 24 day of November, 2022


Terrie L. Lacey
Terrie L. Lacey In Pro Se

IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84921/84922
District Court Case No. CR020147

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

REMITTITUR

TO: Alicia L. Lerud, Washoe District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.
DATE: November 28, 2022

Elizabeth A. Brown, Clerk of Court

By: Melissa Fuller
Administrative Assistant

cc (without enclosures):
Hon. Kathleen A. Sigurdson, District Judge
Ferrill Joseph Volpicelli
Washoe County District Attorney

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on 11-30-2022

Alicia L. Lerud
District Court Clerk



IN THE SUPREME COURT OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 84921/84922
District Court Case No. CR020147

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CLERK'S CERTIFICATE

STATE OF NEVADA, ss.

I, Elizabeth A. Brown, the duly appointed and qualified Clerk of the Supreme Court of the State of Nevada, do hereby certify that the following is a full, true and correct copy of the Judgment in this matter.

JUDGMENT

The court being fully advised in the premises and the law, it is now ordered, adjudged and decreed, as follows:

"ORDER these appeals DISMISSED."

Judgment, as quoted above, entered this 18th day of October, 2022.

IN WITNESS WHEREOF, I have subscribed
my name and affixed the seal of the Supreme
Court at my Office in Carson City, Nevada this
November 28, 2022.

Elizabeth A. Brown, Supreme Court Clerk

By: Melissa Fuller
Administrative Assistant

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CR02-0147
No. 84921-COA

FILED

OCT 18 2022

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

No. 84922-COA

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CR02-0148

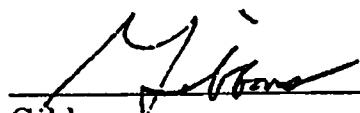
ORDER DISMISSING APPEALS

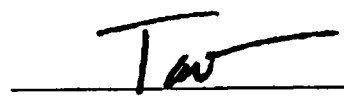
Ferrill Joseph Volpicelli appeals from orders of the district court denying motions to remit legal defense fees pursuant to NRS 178.3975(2). These cases were consolidated on appeal. NRAP 3(b). Second Judicial District Court, Washoe County; Kathleen A. Sigurdson, Judge.


Volpicelli filed motions to remit legal defense fees pursuant to NRS 178.3975(2), and the district court construed those motions as motions to correct judgment. Because no statute or court rule permits appeals from

the aforementioned orders, we lack jurisdiction. *See Castillo v. State*, 106 Nev. 349, 352, 792 P.2d 1133, 1135 (1990). Accordingly, we

ORDER these appeals DISMISSED.


Gibbons, C.J.


Tao, J.


Bulla, J.

cc: Hon. Kathleen A. Sigurdson, District Judge
Ferrill Joseph Volpicelli
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

CERTIFIED COPY.
This document is a full, true and correct copy of
the original on file and on record in my office.
DATE: 11/28/2002
Supreme Court Clerk [Signature]
By Melissa Miller Deputy

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-11-30 16:36:10.536.

ZACH YOUNG, ESQ. - Notification received on 2022-11-30 16:36:13.364.

DIV. OF PAROLE & PROBATION - Notification received on 2022-11-30 16:36:11.505.

NICKOLAS GRAHAM, ESQ. - Notification received on 2022-11-30 16:36:12.771.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

11-30-2022:16:35:32

Clerk Accepted:

11-30-2022:16:35:52

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Supreme Court Remittitur
Supreme Ct Clk's Cert & Judg
Supreme Ct Ord Dismiss Appeal

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

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-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

3370

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

THE STATE OF NEVADA,

Plaintiff,

vs.

FERRILL J. VOLPICELLI,

Defendant.

Case No.: CR02-0147

Dept. No.: 10

ORDER DENYING MOTION TO TAKE JUDICIAL NOTICE

Pending before the Court is Defendant FERRILL J. VOLPICELLI *Motion to Take Judicial Notice* ("Motion") filed on November 29, 2022. On November 29, 2022, Defendant submitted the Petition to this Court for consideration.

On October 18, 2022, The Court of Appeals issued an order dismissing consolidated appeals by the Defendant. However, the Current Motion by the Defendant is illegible. Therefore, the Motion is DENIED.

Accordingly, IT IS HEREBY ORDERED that the Motion is DENIED

IT IS SO ORDERED.

DATED this 21st day of December, 2022.

//

//



HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 22nd day of December, 2022, I electronically filed the foregoing **ORDER DENYING PETITION** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- NICKOLAS GRAHAM, ESQ. for STATE OF NEVADA
- ZACH YOUNG, ESQ.
- DIV. OF PAROLE & PROBATION
- JENNIFER NOBLE, ESQ. for STATE OF NEVADA

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

- STATE OF NEVADA
ONE SOUTH SIERRA STREET
RENO, NV 89501
- JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505
- FERRILL VOLPICELLI, #79560
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ Michael Decker
JUDICIAL ASSISTANT

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-12-22 08:28:44.479.
ZACH YOUNG, ESQ. - Notification received on 2022-12-22 08:28:47.028.
DIV. OF PAROLE & PROBATION - Notification received on 2022-12-22 08:28:45.182.
NICKOLAS GRAHAM, ESQ. - Notification received on 2022-12-22 08:28:46.513.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

12-22-2022:08:27:58

Clerk Accepted:

12-22-2022:08:28:13

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Ord Denying Motion

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

3370

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

THE STATE OF NEVADA,

Plaintiff,

vs.

FERRILL J. VOLPICELLI,

Defendant.

Case No.: CR02-0147

Dept. No.: 10

ORDER DENYING PETITION

Pending before the Court is Defendant FERRILL J. VOLPICELLI *Petition for Relief Based on Actual Innocence Pursuant to NRS 34.900* ("Petition") filed on October 18, 2022. On November 29, 2022, Defendant submitted the Petition to this Court for consideration.

This Court, after reviewing the Pleading by the Defendant finds that the Petition is illegible. Accordingly, the Petition is DENIED.

Accordingly, IT IS HEREBY ORDERED that the Motion is DENIED.

IT IS SO ORDERED.

DATED this 21st day of December, 2022.

//

//



HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 22nd day of December, 2022, I electronically filed the foregoing **ORDER DENYING PETITION** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- NICKOLAS GRAHAM, ESQ. for STATE OF NEVADA
- ZACH YOUNG, ESQ.
- DIV. OF PAROLE & PROBATION
- JENNIFER NOBLE, ESQ. for STATE OF NEVADA

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

- STATE OF NEVADA for STATE OF NEVADA
Address: STATE OF NEVADA
ONE SOUTH SIERRA STREET
RENO, NV 89501
- JOHN J. KADLIC, ESQ. for FERRILL JOSEPH VOLPICELLI
Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505
- FERRILL JOSEPH VOLPICELLI #79560
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419

/s/ Michael Decker
JUDICIAL ASSISTANT

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2022-12-22 08:30:25.384.

ZACH YOUNG, ESQ. - Notification received on 2022-12-22 08:30:27.118.

DIV. OF PAROLE & PROBATION - Notification received on 2022-12-22 08:30:25.868.

NICKOLAS GRAHAM, ESQ. - Notification received on 2022-12-22 08:30:26.774.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

12-22-2022:08:29:50

Clerk Accepted:

12-22-2022:08:30:02

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Ord Denying

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

s. No. CRO2-0147t. No. 9

FILED

2023 FEB 14 PM 2:04

ALICIA L. LEWIS
CLERK OF THE COURT

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

* * * * *

FERRIS T. VOLPEKEL)
PETITIONER)

-vs-

ANDREW CASHEN)
RESPONDENT)

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Petition for Determination
of WASHOE NRS 349.60,
which was filed on the 30 day of JANUARY, 2023, in
the above-entitled matter, be submitted to the Court for
decision.

Dated this 11 day of FEBRUARY, 2023.


FERRIS T. VOLPEKEL # 77564
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

PETITIONER In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 11 day of FEBRUARY, 2023 by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

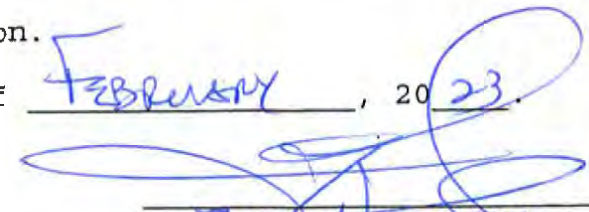
WASHOE COUNTY
DISTRICT ATTORNEY
RENO, NV 89501


Terence [Signature] #7954
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Terence In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 11 day of FEBRUARY, 2023.


Terence In Pro Se

Case No. CR02-0147
 Dept. No. 9

FILED

MAR 09 2023

ALICIA LERUD, CLERK
 By: [Signature]
 DEPUTY CLERK

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

* * * * *

FERRIE J. HOLPICKER)
PETITIONER)
 -VS-)
WALTER CORPUS)
RESPONDENT)

"SECOND"

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Petition For Determination
of HOME INDEMNITY (NRS 34.900)
 which was filed on the 30 day of JANUARY, 2023, in
 the above-entitled matter, be submitted to the Court for
 decision.


Dated this 6th day of MARCH, 2023.

FERRIE J. HOLPICKER # 74965
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419
PETITIONER In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 6th day of March, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

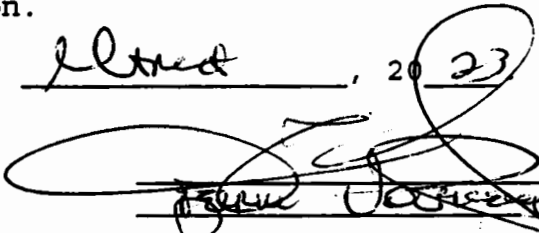
WABHOE COUNTY
DISTRICT ATTORNEY
RENO, NV 89501


Fernan # 7954
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Fernan In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 6th day of March, 2023


Fernan
Fernan In Pro Se

V8. 1159

FERRILL T. VOLKREIN
19525 E LEE
1200 PRISON ROAD
LEWISBURG, NV 89419
MOTION IN PROSE

FILED

APR 13 2023

ALICIA LERUD, CLERK
By: *[Signature]*
DEPUTY CLERK

IN THE SECOND JUDICIAL COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

FERRILL T. VOLKREIN,
Plaintiff,

CASE No: C02-0147

vs.

DEPT 9:

WARDEN CORRECTION,
Respondent,

Motion For Judicial Action

Motion, Ferrill T. Volkrein, moves the Court for Judicial Action as to the pending petition for determination as to factual innocence; either with an order for respondents to answer, an order for an evidentiary hearing and appointment of counsel, or to transfer the matter to another court for disposition.

The instant motion is made and based upon law and all applicable rules of Nevada civil procedure, and the Court's previous file.

Dated this 9 Day
of April, 2023

[Signature]
Ferrill T. Volkrein
MOTION IN PROSE
V8. 1159

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Petition For Determination of Innocence to the below address(es) on this 9 day of April, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Walter Casey
District Attorney
Reno NV 89501

[Signature]
79201
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Petition For Determination of Innocence filed in District Court Case No. CR20-0147 does not contain the social security number of any person.

Dated this 9 day of April, 2023.

[Signature]
Walter In Pro Se

Case No. CLE2-0147Dept. No. 9

FILED

APR 13 2023

ALICIA LERUP, CLERK
By: [Signature]
DEPUTY CLERKIN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

* * * * *

FERRIN T. VOIGTMOVANT

-vs-

WILSON GARRINRESPONDENTREQUEST FOR SUBMISSION
OF MOTION

It is requested that the Period For Determination
of JACOB WINSOME
 which was filed on the 30 day of January, 2023, in
 the above-entitled matter, be submitted to the Court for
 decision.

Dated this 9 day of April, 2023

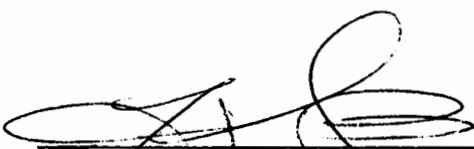
[Signature] # 7720
 Lovelock Correctional Center
 1200 Prison Road
 Lovelock, Nevada 89419

Heuser In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 9 day of April, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

WASHOE COUNTY
DISTRICT ATTORNEY
Reno, NV 89501

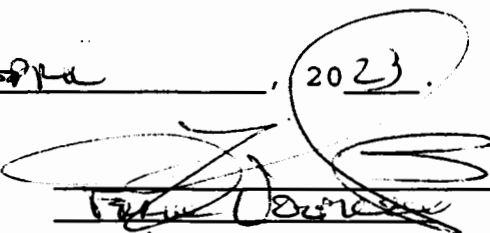

David J. Davis # 79524
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

David J. Davis In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 9 day of April, 2023.


David J. Davis In Pro Se

2840

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

THE STATE OF NEVADA,

Plaintiff,

vs.

FERRILL J. VOLPICELLI,

Defendant.

Case No.: CR02-0147

Dept. No.: 10

AMENDED ORDER DENYING PETITION

Pending before the Court is Defendant FERRILL J. VOLPICELLI Petition for Relief Based on Actual Innocence Pursuant to NRS 34.900 ("Petition") filed on October 18, 2022. On November 29, 2022, Defendant submitted the Petition to this Court for consideration.

This Court, after reviewing the Pleading by the Defendant finds that the Petition is illegible. Accordingly, the Petition is DENIED.

Accordingly, IT IS HEREBY ORDERED that the Motion is DENIED.

IT IS SO ORDERED.

DATED this 3rd day of May, 2023.



HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 3rd day of May, 2023, I electronically filed the foregoing **AMENDED ORDER DENYING PETITION** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

NICKOLAS GRAHAM, ESQ. for STATE OF NEVADA

ZACH YOUNG, ESQ.

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

DIV. OF PAROLE & PROBATION

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

FERRILL VOLPICELLI, #79565

Lovelock Correctional Center

1200 Prison Road

Lovelock, NV 89419

/s/ Michael Decker
JUDICIAL ASSISTANT

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-05-03 16:28:50.459.

ZACH YOUNG, ESQ. - Notification received on 2023-05-03 16:28:51.85.

DIV. OF PAROLE & PROBATION - Notification received on 2023-05-03 16:28:50.818.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-05-03 16:28:51.49.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****
PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

05-03-2023:16:28:03

Clerk Accepted:

05-03-2023:16:28:24

Court:

Second Judicial District Court - State of Nevada
Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Amended Ord and/or Judgment

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

Case No. CR02-0147Dept. No. 10FILED
2023 MAY 23 AM 10:44ALICIA L. LEBLANC
CLERK OF THE COURT
BY [Signature]
DEPUTYIN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

* * * * *

STATE OF NEVADA,)Plaintiff,)

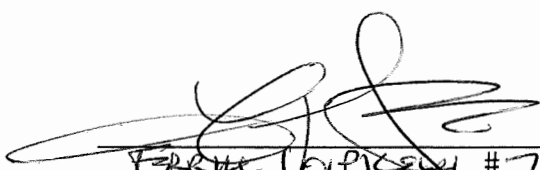
-vs-

FERRIS J. VOLPKE,)Defendant.)REQUEST FOR SUBMISSION
OF MOTIONIt is requested that the Issue Noticewhich was filed on the 10 day of May, 2023, in
the above-entitled matter, be submitted to the Court for
decision.Dated this 10 day of May, 2023.[Signature]
FERRIS J. VOLPKE # 79805
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419DEFENDANT In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 10 day of May, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Washoe County
District Attorney
Reno, NV 89501

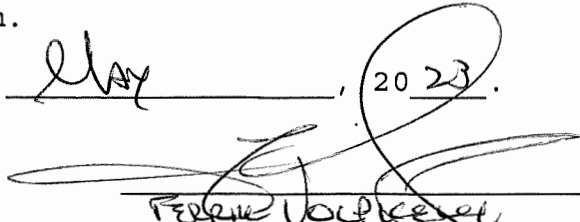

Fern Lopez # 79805
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 10 day of May, 2023.


Fern Lopez
Defendant In Pro Se

FERRIL J. VOLPIKELLI
 1950S @ LCC
 1200 PRISON
 LOVELOCK, NV 89419
 PETITIONER IN PRO SE

FILED

2023 MAY 23 AM 10:44

ALICIA L. LERUD
 CLERK OF THE COURT
 DEPUTY

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

FERRIL J. VOLPIKELLI,
 PETITIONER,

Case: CR22-0147

vs.

Dept: 10

STATE OF NEVADA,
 RESPONDENT,

MOTION TO TAKE
 JUDICIAL NOTICE

PETITIONER, FERRIL J. VOLPIKELLI, (VOLPIKELLI) MOVES THE COURT TO TAKE THE JUDICIAL NOTICE THAT HE HAS FILED TWO (2) SEPARATE PETITIONS FOR RELIEF BASED ON FACTUAL INNOCENCE PURSUANT TO NRS 34.900 (PETITION). FURTHER, THAT THERE IS EVIDENTLY SOME PERCEIVED CONFUSION AS TO THE DISMISSAL OF ONE, WHILE THE LATER PETITION REMAINS PENDING. THIS MOTION IS MADE AND BASED UPON THE APPLICABLE NRS, AND THE FOLLOWING DISCUSSION:

DISCUSSION

VOLPIKELLI FILED HIS INITIAL PETITION ON OCTOBER 18, 2022. A SUBSEQUENT MOTION FOR REQUESTING SUBMISSION WAS FILED

ON November 29, 2022, THE COURT DISMISSED SAID PETITION ON DECEMBER 12, 2022 STATING THAT THE PETITION WAS ILLEGIBLE.

VOICEMI THEN REWROTE THE PETITION MAKING VARIOUS CHANGES, INCLUDING A MORE LEGIBLE DRAFT. THAT SECOND PETITION WAS FILED ON JANUARY 30, 2023. IT WAS NOT AN AMENDED PETITION BECAUSE THE DISTRICT COURT HAD ALREADY DISMISSED THE FIRST PETITION. TWO SUBSEQUENTLY MOTIONS REQUESTING SUBMISSION OF THE SECOND PETITION WITH THE LATER ONE FILED ON MARCH 9, 2023. THIS WAS FOLLOWED BY A MOTION FOR JUDICIAL ACTION AND CONCOMITANT MOTION REQUESTING SUBMISSION OF THAT PETITION ON APRIL 13, 2023.

THEN, ON MAY 5, 2023, VOICEMI RECEIVED AN AMENDED ORDER DENYING PETITION. THE ORDER DISMISSED A PETITION WHICH WAS ALREADY DISMISSED AND REFERRED THE FINDINGS EXCLUSIVE TO THE FIRST PETITION.

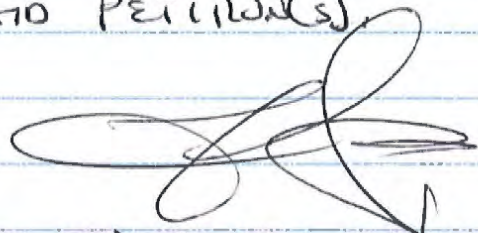
MEANWHILE, THE SECOND PETITION CONTINUES TO HANGERS IN THE COURT. VOICEMI IS CONCERNED THAT THE COURT MAY BE CONFUSING THE TWO PETITIONS. HE HOPES THAT THE SECOND PETITION WILL BE REVIEWED ON ITS MERITS IN AN EXPEDITIOUS MANNER, OR HE WILL BE COMPELLED TO FILE A WRIT OF HABEAS CORPUS.

went the Nevada Supreme Court - citing
 AN ABUSE OF DISCRETION AS TO THE DISTRICT
 COURT'S REVIEWS OF BOTH HIS PETITIONS.

CONCLUSION

Based upon the foregoing, Volpelli anticipates
 the Court will resolve the difficulty that
 the Court is having with Volpelli's
 PETITION(S), AND RENDER ITS DETERMINATIONS
 ON THE MERITS OF SAID PETITION(S).

DATED this 10th
 DAY OF MAY, 2023



Fern T. Volpelli

PETITIONER IN PRO SE

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing JUDICIAL NOTICE to the below address(es) on this 10 day of May, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

WILBIE COUNTY
DISTRICT ATTORNEY
LEWIS, NV 89501

Terrell Popkin #79305
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding

JUDICIAL NOTICE filed in District Court Case No. CR02-0147 does not contain the social security number of any person.

Dated this 10 day of May, 2023.

Terrell Popkin
Defendant In Pro Se

3370

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

FERRILL JOSEPH VOPICELLI,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No.: CR02-0147

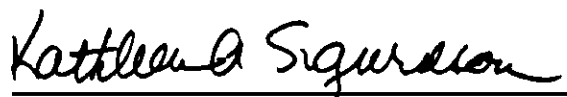
Dept. No.: 10

ORDER FOR THE STATE'S RESPONSE

Petitioner filed and submitted Motion for Judicial Notice on May 23, 2023. Petitioner has previously filed several Motions to this Court. The Court, having reviewed the petition has determined that a response to the pending Motion would assist the Court in determining the issues thereof.

Therefore, IT IS HEREBY ORDERED Respondent shall, within 45 days after the date of this order, answer or otherwise respond to the petition and file a return in accordance with the provisions of NRS 34.360 to 34.830, inclusive. Upon so filing, the State shall also file a Request for Submission, submitting the response for the Court's consideration.

IT IS SO ORDERED.

DATED this 16th day of June, 2023.

HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 16th day of June, 2023, I electronically filed the foregoing **ORDER FOR STATE'S RESPONSE** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

NICKOLAS GRAHAM, ESQ. for STATE OF NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

JENNIFER NOBLE, ESQ. for STATE OF NEVADA

Deposited in the Washoe County mailing system for postage and mailing with the

United States Postal Service in Reno, Nevada:

STATE OF NEVADA
ONE SOUTH SIERRA STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL VOLPICELLI, #79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419


JUDICIAL ASSISTANT

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-06-16 09:23:31.879.

ZACH YOUNG, ESQ. - Notification received on 2023-06-16 09:23:33.285.

DIV. OF PAROLE & PROBATION - Notification received on 2023-06-16 09:23:32.269.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-06-16 09:23:32.925.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

06-16-2023:09:22:55

Clerk Accepted:

06-16-2023:09:23:12

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Order...

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

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The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

2610

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

FERRILL JOSEPH VOPICELLI,

Petitioner,

vs.

THE STATE OF NEVADA.,

Respondent.

Case No.: CR02-0147

Dept. No.: 10

ORDER DENYING MOTION TO TAKE JUDICIAL NOTICE

Pending before the Court is Ferrill Joseph Vopicelli's ("Petitioner") *Motion to Take Judicial Notice* ("Motion") filed on May 23, 2023.

Petitioner was charged by Information with (1) Indecent Exposure, a violation of NRS 201.220, and (2) Open or Gross Lewdness, a violation of NRS 201.210. On October 18, 2022, Petitioner filed *Petition for Relief Based on Actual Innocence Pursuant to NRS 34.900*. On November 29, 2022, Petitioner filed *Motion to Take Judicial Notice*. On December 22, 2022, the Court filed *Order Denying Motion to Take Judicial Notice*. On May 3rd, 2023, the Court filed *Amended Order Denying Petition*.¹

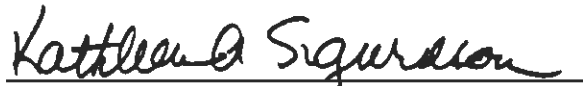
¹ On June 16, 2023, the Court filed *Order for the State's Response*. The Order provided the State 45 days from the filing of the Order to respond. The date of a timely response would have been July 31, 2023. The response is 16 days late. See D.C.R. 13(3) ("Failure of the opposing party to serve and file his written

After Reviewing the pleadings on file and the applicable law, the Court finds good cause to Deny the Motion. As an initial matter, The Court notes the Motion is improperly pleaded pursuant to W.D.C.R. 10(1)(a), which provides "documents for filing must be Lined with numbers in the left margin or on legal pleading paper;" In the instant Motion, Petitioner alleges that after the Court dismissed the October 18, 2022 petition, he filed a second petition on January 30th, 2023. Page 2. This statement is not supported by the record. In addition, the Court denied Petitioner's Petition. *See Amended Order Denying Petition* filed on May 3rd, 2023. Accordingly, all claims stemming from the Petition are moot.

IT IS HEREBY ORDERED Petitioner's *Motion to Take Judicial Notice* is **DENIED**.

IT IS SO ORDERED.

DATED this 17th day of August 2023.


HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

opposition may be construed as an admission that the motion is meritorious and a consent to granting the same.") *See also Walls v. Brewster*, 112 Nev. 175,912 P.2d 261 (1996)

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 17th day of August, 2023, I electronically filed the foregoing **ORDER DENYING MOTION TO TAKE JUDICIAL NOTICE** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- NICKOLAS GRAHAM, ESQ. for STATE OF NEVADA
- DIV. OF PAROLE & PROBATION
- ZACH YOUNG, ESQ.
- JENNIFER NOBLE, ESQ. for STATE OF NEVADA

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA

ONE SOUTH SIERRA STREET

RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH VOLPICELLI

Address: JOHN J. KADLIC, ESQ.

Reno City Attorney

P.O. Box 1900

Reno, NV 89505

FERRILL VOLPICELLI, #79565

Lovelock Correctional Center

1200 Prison Road

Lovelock, NV 89419

/s/ Michael Decker
JUDICIAL ASSISTANT

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-08-17 16:03:50.596.

ZACH YOUNG, ESQ. - Notification received on 2023-08-17 16:03:52.924.

DIV. OF PAROLE & PROBATION - Notification received on 2023-08-17 16:03:51.674.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-08-17 16:03:52.58.

***** IMPORTANT NOTICE - READ THIS INFORMATION *****

PROOF OF SERVICE OF ELECTRONIC FILING

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A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

08-17-2023:16:03:12

Clerk Accepted:

08-17-2023:16:03:29

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Ord Denying Motion

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

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If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

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NEVADA

DIV. OF PAROLE & PROBATION

ZACH YOUNG, ESQ.

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

FERRIS T. VOLPE
 1950S EICE
 1200 PRISON
 LAWYER, NY 8

FILED

2023 AUG 29 AM 8:08

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEW YORK

IN AND FOR THE COUNTY OF WASHINGTON

FERRIS JOSEPH VOLPE,
 PETITIONER

CASE: CR22-0147

vs.
 THE STATE OF NEW YORK
 RESPONDENT(S)

Dept: 10

REQUEST FOR THE
 COURT'S INDEPENDENT REVIEW

PETITIONER FERRIS T. VOLPE, (VOLPE) SUBMITS
 A REQUEST FOR THE COURT'S INDEPENDENT REVIEW
 OF VOLPE'S WRIT PETITION TO NYS 3400.
 This REQUEST IS BASED ON THE COURT'S RECORD
 OF THE RECORD, THE APPLICABLE NYS AND,
 MOST SIGNIFICANTLY, THE FACT THAT RESPONDENT(S)
 CANNOT HAVE NOTHING TO RESPOND TO IN VIEW
 OF THE FAILURE TO REPLY TO THIS COURT'S
 ORDER DATED JUNE 16, 2023.
 Hence, THE COURT SHOULD RENDER ITS INDEPENDENT
 DETERMINATIONS AND THE RESPONDENT'S INPUT.

DATED THIS 23rd
 DAY OF AUGUST, 2023



FERRIS T. VOLPE
 PETITIONER

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Letter For the Court's Independent Review to the below address(es) on this 25 day of August, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

Collette County
District Attorney

Erin L. Lippert # 7104
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Erin Lippert In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Letter For Court's Independent Review filed in District Court Case No. C02-047 does not contain the social security number of any person.

Dated this 25 day of August, 2023.

Erin Lippert
Erin Lippert In Pro Se

1 Case No. CR02-01472 Dept. No. 10

FILED

2023 AUG 29 AM 8:00

APPROVED
CLERK OF THE COURT
BY [Signature]
DEPUTY3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 * * * * *

9 Fernando Volperez
10 PETITIONER

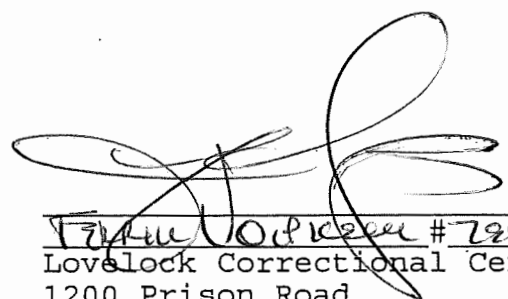
11 -VS-

12 STATE OF NEVADA
13 RESPONDENTREQUEST FOR SUBMISSION
OF MOTION14
15 It is requested that the LEAVE FOR THE COURT
16 INDEPENDENT REVIEW17 which was filed on the 23 day of AUGUST, 2023, in
18 the above-entitled matter, be submitted to the Court for
19 decision.20 Dated this 25 day of AUGUST, 2023.21
22 Fernando Volperez # 79504
23 Lovelock Correctional Center
24 1200 Prison Road
25 Lovelock, Nevada 89419
26 PETITIONER In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 25 day of August, 2023 by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

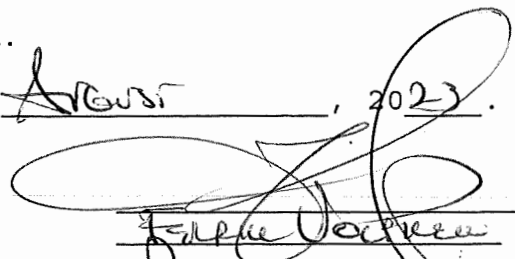
WILKIE COUNTY
DISTRICT ATTORNEY


Felipe Vazquez # 72524
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Felipe Vazquez In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 25 day of August, 2023.


Felipe Vazquez
Felipe Vazquez In Pro Se

FERRILL T. VOLPKELI
 #79565 @ LCE
 1200 PRISON
 LEVELOVE, NV 89419
 PETITIONER IN PRO SE

FILED

2023 AUG 31 PM 3:52

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
 COUNTY OF CLATSOP

IN AND FOR THE COUNTY OF CLATSOP

FERRILL T. VOLPKELI
 PETITIONER

CASE No: CRD 01407

vs.

WESLEY GARRETT
 RESPONDENT

DET No: 10

PETITION FOR DETERMINATION
 OF FACTUAL INNOCENCE

PETITIONER, FERRILL T. VOLPKELI (VOLPKELI) MOVES THE COURT FOR AN EVIDENTIARY HEARING BASED UPON A CLAIM OF FACTUAL INNOCENCE, AS ALLOWED UNDER NEVADA'S INNOCENCE STATUTE. (NRS 34.90 et seq.) THIS PETITION^① FOR RELIEF IS MADE AND BASED UPON ALL APPLICABLE NEVADA RULES OF CIVIL PROCEDURE, THE COURT'S LOCAL RULES, AS WELL AS THE FOLLOWING POINTS AND AUTHORITIES WITH TWO (2) EXHIBITS. (THIS PLEADING HAS BEEN REWRITTEN BECAUSE THE COURT DEEMED PRIOR VERSIONS ILLEGIBLE.)

^① THIS IS VOLPKELI'S THIRD ATTEMPT TO HAVE THE COURT REVIEW THE MERITS OF THIS ACTION.

I INTRODUCTION

VOLPICINI ASSERTS HIS FACTUAL INNOCENCE AS TO THE CONNECTION IN THIS CASE BASED UPON A COMPARISON OF THE DISTRICT COURT'S RECORD OF EVIDENCE, IN CONTINUATION WITH NEWLY DISCOVERED AND PRESENTED EVIDENCE AS DESCRIBED IN EXHIBITS 1 AND 2. ABSENT AN EVIDENTIARY HEARING IN THIS MATTER OF FACTUAL INNOCENCE, A MISFEASANCE OF JUSTICE WILL CONTINUE TO PERSECUTE VOLPICINI.

THE UNITED STATES SUPREME COURT HAS HELD THAT FACTUAL INNOCENCE CLAIMS CAN BE REVIEWED AS A SCHUP PROCEDURAL CLAIM OF FACTUAL INNOCENCE, A HERRERA SUBSTANTIVE CLAIM OF FACTUAL INNOCENCE, AS WELL AS A STATES INNOCENCE STATUTE.

AN EVIDENTIARY HEARING WILL RESTORE THE INTEGRITY OF THE PROCEEDINGS IN THIS CASE, AS THE COMPELLING NEWLY DISCOVERABLE AND PRESENTED EVIDENCE SHOWS REASONABLE DOUBT WITH THE JURY AND GRAND JURORS NEVER HAD THE OPPORTUNITY TO HEAR.

POINTS AND AUTHORITIES

II PROCEDURE HISTORY

VOLICELLI WAS ARRAIGNED ON COUNTS STEMMING FROM A COMPLAINT AND AMENDED COMPLAINT ON FEBRUARY 13 AND 15, 2002, RESPECTIVELY, TRIAL WAS SCHEDULED FOR JULY 10, 2003 AFTER VOLICELLI PLED NOT GUILTY TO COUNTS OF INDECENT EXPOSURE AND LEWD CONDUCT IN SEPTEMBER OF 2002.

MIDTRIAL, 2 COUNTS WERE DISMISSED FOR EVIDENTIARY REASONS, LEAVING 2 COUNTS SPECIFIC TO VOLICELLI'S PURPORTED CONDUCT ON SEPTEMBER 25, 2001.

VOLICELLI WAS SENTENCED AFTER A JURY CONVICTION ON 1 COUNT OF INDECENT EXPOSURE AND 1 COUNT OF LEWD CONDUCT. HE WAS SENTENCED TO 48 MONTHS ON EACH COUNT, TO RUN CONCURRENTLY, ALSO WITH IN EXCESS OF \$10,000 IN COURT FINES AND FEES.

VOLICELLI APPEALED HIS CONVICTION TO THE NEVADA SUPREME COURT RESULTING IN AN ORDER OF AFFIRMATION ON MAY 12, 2004. ON OCTOBER 7, 2004, VOLICELLI LODGED A PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) WITH THE DISTRICT COURT. THE STATE MOVED TO DISMISS THE

PEITION WITHOUT AN EVIDENTIARY HEARING ON FEBRUARY 3, 2005.

THE DISTRICT COURT'S JUNE 22, 2007 ORDER DISMISSED THE WRIT IN ITS ENTIRETY.

NOTICE OF APPEAL WAS EVENTUALLY PERFECTED, AND THE NEVADA SUPREME COURT ISSUED ITS ORDER OF AFFIRMANCE ON MARCH 5, 2008.

III. STATEMENT OF FACTS.

VOLPICELLI WAS ON PAROLE IN THE SUMMER OF 2001 STEERING FROM A 1998 COMMERCIAL BURGLARY CONVICTION. (CR 98-2160)

FOR A COUPLE OF MONTHS, AND UP UNTIL VOLPICELLI'S ARREST ON OCTOBER 17, 2001 ON AN UNRELATED MATTER, HE WAS BEING SURVEILLED SEVERAL DAYS A WEEK BY THE NORTHERN NEVADA REPEAT OFFENDER PROGRAM.

ON SEPTEMBER 25 AND 27 OF 2001, DETECTIVES SURVEILLED VOLPICELLI'S ROUTINE AS THEY OBSERVED HIM PARKING IN NORTH RENO SHOPPING CENTERS. IT WAS FROM THIS CONDUCT WHICH FORMED THE BASIS FOR THE FOREMENTIONED CHARGES IN THIS CASE.

ON JULY 10, 2003, TRIAL COMMENCED WITH

RENO DETECTIVES PROVIDING THE FOLLOWING
RELEVANT TESTIMONY(S) AS TO VOLPERINI
CONDUCT ON SEPTEMBER 25, 2001.

SAID DETECTIVES TESTIFIED THAT UP UNTIL
SEPTEMBER 25, 2001, THERE WERE NO
COMPLAINTS FILED WITH ANY LAW ENFORCEMENT
AGENCY IN WASHOE COUNTY AS TO VOLPERINI.

SAID DETECTIVES ALL TESTIFIED THAT VOLPERINI
PARKED ON SEPTEMBER 25, 2001 IN A
NORTH RENO SHOPPING CENTER.

DETECTIVES STATED THAT (1) IT WAS SUSPICIOUS
OF VOLPERINI TO BE PARKED IN HIS CAR
WHEN IT WAS NOTABLY A HOT AFTERNOON
AND HIS ENGINE WAS NOT RUNNING; AND (2)
THAT VOLPERINI JUMPED INTO HIS BACK
SEAT OF HIS VEHICLE, WITHOUT LEAVING THE
VEHICLE AND ERECTED PARTITION(S).

MOST SIGNIFICANTLY, OFFICER ALLEN TESTIFIED
THAT SHE OBSERVED VOLPERINI IN HIS BACK
SEAT AND ALL SHE COULD INITIALLY SEE OF
HIM WAS HIS HAND ON THE HIGH BACK
SEAT AND HIS UPPER TORSO TO HIS HEAD.
SHE FURTHER STATED FOR THE RECORD THAT SHE
SAW HIM HANGING A PARTITION WHICH
COVERED PARTS OF VOLPERINI'S BODY AS HE
SAT UPRIGHT ON THE BACK SEAT OF HIS
VEHICLE. SAID OBSERVANCE WAS NOTABLE

when she crossed the front portion of Volkert's vehicle while pushing her shopping cart.

Detective Allen then testified that she left the area in front of Volkert's vehicle, and within a minute, circled back along the right side of his vehicle.

She further testified that, despite observing Volkert's partition to exclude others from viewing him, she passed by the vehicle with the specific intent to look inside the vehicle - thereby surprising Volkert. Again, most importantly, she stated on record that without looking into the window, neither she or any other passerby was able to see what Volkert was doing. And, lastly, from her limited, momentary view of Volkert as she walked by, she could barely see him laying down out of view on the rear seat manipulating the groin area.

In spite of the aforementioned observations by Detectives on September 25 & 27, 2001, Volkert was not arrested for his conduct on said days. Nor was any contact made with Volkert by either the State or Federal parole officers,

Then, when Volpicelli was arrested weeks later on October 17, 2001 for an unrelated matter, there was still no mention of Volpicelli's supervised conduct in September of 2001.

Instead, and almost four (4) months later at an arraignment, Volpicelli was charged with ~~INDECENT EXPOSURE~~ and LEWD CONDUCT.

IV - ARGUMENTS

(A) Volpicelli should be granted an EVIDENTIARY HEARING so that he may fully develop his claim of FACTIVE INNOCENCE BASED UPON NEWLY AVAILABLE RELIABLE EVIDENCE.

(1) FACTIVE INNOCENCE STANDARD

A STATE'S FACTIVE INNOCENCE STATUTE, A SETUP PROCEDURAL CLAIM OF FACTIVE INNOCENCE, AS WELL AS A HEARSAY SUBSTANTIVE CLAIM OF FACTIVE INNOCENCE PROVIDE A SECOND CHANCE FOR REDEMPTION FROM A MISPERCEIVED TRUSTE; McQUINN V PERKINS, 509 US 383 (2013) TO WHICH A CLAIMANT MAY PROCEED TO

have otherwise barred procedure and constitutional claims reviewed. Id
 A factum inference claim arises with
 newly discovered evidence that creates
 a probability sufficiently to doubt guilt.
Setchup v Delo, 513 US 281 (1995).

(2) New Discovered Evidence Standard.

Courts have struggled to define what
 qualifies as 'New Reliable Evidence'.
 In fact, courts are split on what
 exactly counts as 'New Reliable
 Evidence' under state and federal
 claims of factum inference. Wright v
Quarterman, 470 F3d 581 (5th 2006).

Some courts treat all evidence as New
 so long as it was never presented at
 trial. While others maintain that
 evidence is New only if it was
 unavailable at the time of trial. Lowry
v Harris, 819 Federal Appendix 420 (6th 2000)
 Additionally, New Evidence isn't Available
 in a Vacuum. Scotts has instructed
 courts that all evidence in a case must
 be considered when weighing a factum
inference claim. House v Bell, 548 US 513 (2000)

THE NEWLY PRESENTED EVIDENCE MEETS THE
 PLEADING REQUIREMENTS FOR A FURTHER
 INNOCENT DETERMINATION UNDER BOTH
 STATE AND FEDERAL LAW.

(B) VOLPICELLI'S PETITION FOR DETERMINATION OF
 FURTHER INNOCENCE PROVIDES TWO (2) EXHIBITS
 OF NEWLY DISCOVERED, RECENT &
 RELIABLE EVIDENCE.

(1) EXHIBIT 1 IS AN AFFIDAVIT / DECLARATION
 AS TO VOLPICELLI'S INNOCENT CONDUCT OF
 "SECRETLY" AND "PRIVATELY" TREATING HIS
 SKIN CONDITION WITHIN THE SANCTUARY OF
 HIS VEHICLE.

EXHIBIT 2 IS SCIENTIFIC EVIDENCE AS TO
 (1) VOLPICELLI'S SKIN ALLERGY; (2) THE
 DESIGNATED AREA OF HIS GROW; AND (3)
 HIS CARE UNDER A PHYSICIAN WHO HAS
 RETIRED / PASSED AWAY.

(2) SAID SCIENTIFIC EVIDENCE WAS BROUGHT
 FORTH BY A FAMILY MEMBER IN THE
 MEDICAL PROFESSION, AFTER EXTENSIVE
 RESEARCH, AND IN THE WAKE OF NEWBORN'S
 NEWLY LEGISLATED INNOCENT STATUTE.

(3) THE Newly Discovered AND NOW AVAILABLE MEDICAL FILE IS AVERRED BY VOLPICELLI'S AFFIDAVIT AS BEING IDENTIFIED, AND CONSISTENT WITH THE CONTENTS OF SAID AFFIDAVIT, AS WELL AS HIS CLAIM OF FACTUAL INNOCENCE.

(4) THE AFFIDAVIT AND MEDICAL REPORT DO NOT NECESSARILY DISCREDIT, DISPARAGE OR DISPUTE THE TESTIMONIES BY DETECTIVES. NRS 34.960(2)(b)(1)(3).

(5) VOLPICELLI'S AFFIDAVIT MAKES REFERENCE TO THE NOTION THAT DETECTIVE PATRICIA ALLEN MAY HAVE MISCONSTRUED HIS APPRECIATION OF OUNMENT TO HIS GOWN WITH MASTURBATION.

(6) REASONABLE DOUBT EXISTS WITH THE Newly AVAILABLE EVIDENCE FOR THE FOLLOWING REASONS.

(1) VOLPICELLI REFRAINED FROM TESTIFYING AS TO HIS ACTUAL CONDUCT ON SEPTEMBER 25, 2001 FOR FEAR OF IMPROVEMENT BY THE STATE WITH HIS FEDERAL TAX DELINQUENCY CONVICTION.

(7) CLEARLY, IT IS NOT A POLICY FOR LAW ENFORCEMENT TO OBSERVE CRIMINAL CONDUCT AND NOT ARREST PERPETRATORS. YET, VOLPKEEM WAS NOT ARRESTED ON THE SURVEILLED DAYS ALLEGEDLY COMMITTED THE OFFENSES IN QUESTION. THIS IS BECAUSE LAW ENFORCEMENT WAS NOT CONFIDENT THAT VOLPKEEM'S CONDUCT WAS NECESSARILY OFFENSIVE. A LOGICAL ASSUMPTION IS THAT THE SURVEILLING DETECTIVES WERE NOT CONVINCED SUFFICIENTLY THAT VOLPKEEM WAS INDEED MASTURBATING AT THE TIME OF SAID SURVEILLANCE. OTHERWISE, VOLPKEEM WOULD HAVE BEEN DETAINED AND CHARGED ON SEPTEMBER 25 AND 27 2001.

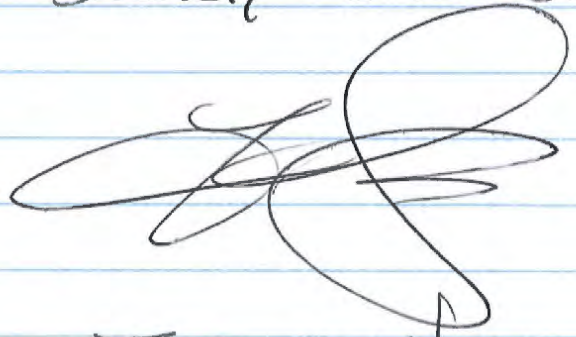
(8) HAD THE COAST GUARD TOWERS OR TURK BEEN MADE AWARE OF THE MEDICAL REPORT NOT AVAILABLE AT THE TIME OF TRIAL, CHARGES ARE A REASONABLE TURK WOULD HAVE HAD REASONABLE DOUBT TO CONVINCE. ESPECIALLY WHEN THERE WERE NO COMPLAINTS AS TO VOLPKEEM'S CONDUCT ON SAID DAYS BY THE PUBLIC.

I CONCLUSION

BASED UPON THE FOREGOING, THE DISTRICT COURT SHOULD ORDER AN EVIDENTIARY HEARING AND APPOINT VOLPICELLI COUNSEL IN ORDER TO FULLY DEVELOP A CLAIM OF FACTUAL INNOCENCE, NRS 34.970. VOLPICELLI HAS MADE THE REQUISITE SHOWING OF A MISCHANCE OF JUSTICE AS TO HIS CONVICTION, AND SATISFIED THE PLEADING REQUIREMENTS IN ORDER TO PASS THROUGH THE SCHULZ CATEWAY, AS WELL AS THE COURT'S SCREENING UNDER THE INNOCENCE STATUTE OF NEVADA, NRS 34.960(2)-(3). VOLPICELLI DESERVES ENCOURAGEMENT FROM THIS COURT TO DEMONSTRATE HIS BONA FIDE SHOWING OF INNOCENCE WHEN EXAMINING ALL THE EVIDENCE IN THIS CASE. AFTERALL, WHAT IF DETECTIVE PATRICK ALLEN MISCONSTRUED VOLPICELLI'S INTENT CONDUCT OF TENDING TO A MEDICAL CONDITION WITHIN HIS VEHICLE, NOT INTENDING ANY EXPOSURE OF HIMSELF TO THE PUBLIC, AS EXEMPTED BY HIS CONDUCT TO BE SECRETE AND TO EXCLUDE OTHERS FROM VIEW OF HIM. ONLY BY WAY OF AN EVIDENTIARY HEARING WOULD THE COURT COME TO KNOW THE TRUTH. ABSENT SUCH AN

OPPORTUNITY, VOLPKEWIS CRIMINAL
PROCEEDINGS WILL CONTINUE TO HAVE
INTEGRITY — AND SOCIETY WILL BE
LESS FOR IT.

DATED THIS 28 DAY
OF AUGUST, 2023



FERNAND J. VOLPKE
PETITIONER IN PRO SE

EXHIBIT

1

EXHIBIT

1

#001

LCC

AFFIDAVIT OF FERRILL J. VOLPICELLI

STATE OF NEVADA,
COUNTY OF PERKINS } ss^o

COMES NOW FERRILL J. VOLPICELLI, WHO
FIRST BEING DULY SWORN AND ON MY OWN
OATH, DO DEPOSE AND STATE AS FOLLOWS:

I AM FERRILL J. VOLPICELLI THE PETITIONER
IN THE ACCOMPANYING WRIT PURSUANT TO
NEVADA'S INNOCENCE STATUTE.

I AM OVER THE AGE OF 18 AND I AM
FULLY COMPETENT TO TESTIFY AT AN
EVIDENTIARY HEARING TO ALL MATTERS HEREIN
WHICH ARE OF MY OWN KNOWLEDGE.

IN JUNE OF 2001 I WAS ON PAROLE IN KEN
ON SEPTEMBER 25, 2001, I WAS DRIVING
MY DAUGHTER'S VEHICLE TO PICK UP MY SON
FROM SCHOOL AT 3:00 PM.

I WAS PRESSED FOR TIME AND AT THE SAME
TIME NEEDING TO REMEDY THE DISCOMFORT
FROM MY SKIN IRRITATION.

I PARKED IN A NEARBY NORTH KEN
SHOPPING CENTER.

I SPECIFICALLY PARKED ADJACENT TO AN

AUTOMOBILE WHERE I NOTICED THAT A WOMAN WAS DRESSED IN HER WORK UNIFORM TO BEGIN HER SHIFT AT THE FOOD RETAILER.

IT WAS MY ASSUMPTION THAT I WOULD NOT SEE HER AGAIN AS I DECIDED TO SEEK PRIVACY IN TREATING MY SKIN CONDITION.

IN FACT I NEVER DID SEE HER AGAIN AS I WAS ONLY PARKED FOR A FEW MINUTES.

WHEN HER VEHICLE PARKED ON THE RIGHT SIDE OF MY VEHICLE, AND NO OTHER VEHICLES IN FRONT OF ME OR ON THE LEFT SIDE OF MY VEHICLE, I JUMPED INTO THE BACK SEAT.

I GATHERED A SHIRT AND MY MEDICATION TO TREAT MY SKIN CONDITION.

THEN I ERECTED A PARTITION TO EXCLUDE MY VIEW BETWEEN THE HIGH BACK SEATS, AND PLACED AN 8'X11 PIECE OF PAPER ON THE SEAT RIGHT FOR WINDOW OF MY VEHICLE.

WHILE HANGING SAID PARTITIONS, A DIFFERENT WOMAN SUDDENLY PASSED IN FRONT OF MY VEHICLE.

SAID WOMAN STOPPED AND STARED AT ME

AS SHE WAS PUSHING A SHOPPING CART
TO THE NEARBY CART CORRAL.

ASSUMING THAT SHE WAS ON HER WAY TO
HER VEHICLE, I LAID DOWN ON THE BACK
SEAT, LOWERED MY PANTS TO MY KNEES,
AND TENDED TO DRYING MY MIDSECTION AND
CROTCH.

UNEXPECTEDLY, AS I WAS APPLYING MY
MEDICALLY PRESCRIBED OINTMENT TO MY GENITALS
AND SURROUNDING AREA, I BRIEFLY SAW THE
SHADOW OF A PASSERBY OUT OF THE CORNER
OF MY EYE.

WHILE FEELING OFFENDED, FRUSTRATED AND
CONCERNED, I QUICKLY FINISHED TREATING
THE INFECTED AREAS AND DRESSED.

I IMMEDIATELY JUMPED BACK OVER THE
FRONT SEATS TO THE DRIVER'S SEAT, AND DROVE
TO PICK UP MY SON AT SCHOOL.

OUTSIDE OF THE INTERRUPTION FROM THE
PASSERBY ON THAT AFTERNOON, I WAS NOT
APPROACHED BY ANYONE AS TO ANY CONDUCT
OFFENSIVE TO SOCIETY.

I WAS NOT ARRESTED OR CONTACTED BY MY
PARKING OFFICERS AS TO SAID EVENT.

IN MY MIND'S EYE, I EXCLUDED MYSELF
FROM PUBLIC VIEW AND DEMONSTRATED MY
EXPECTATION OF PRIVACY WITH ELEGANCE

PARTITIONS IN MY VEHICLE, AND RETREATING
TO A SECRETE AREA OF MY VEHICLE.

WEEKS LATER, ON OCTOBER 17, 2001, I WAS
ARRESTED FOR A PAROLE VIOLATION ON AN
UNRELATED MATTER.

WHILE IN CUSTODY AT WASHOE COUNTY
SHERIFF'S OFFICE, AND AWAITING A PAROLE
REVOCATION HEARING, I WAS APPOINTED
COUNSEL BY THE COURT.

I WAS THEN TRANSFERRED TO THE NEVADA
DEPARTMENT OF CORRECTIONS TO DISCHARGE
MY SENTENCE IN UNRELATED CASE # CR98-2160.
ON FEBRUARY 13, 2002, I WAS RETURNED TO
WASHOE COUNTY COURT FOR AN ARRANGEMENT
ON CHARGES RELEVANT TO MY PAROLE REVOCATION.
AT THAT POINT, I WAS INFORMED OF
CHARGES CONCERNING MY ARREST ON OCTOBER
17, 2001, AS WELL AS FOUR COUNTS OF
SEX OFFENSES STEMMING FROM THE FOREMENTIONED
INCIDENT ON SEPTEMBER 25, 2001.

SAID OFFENSES INCLUDED VIOLATIONS OF
NRS 201.210 AND NRS 201.220.

AFTER PLEADING NOT GUILTY TO ALL CHARGES
RELATED TO MY PAROLE REVOCATION, I
WAS RETURNED TO THE NEVADA DEPARTMENT
OF CORRECTIONS TO DISCHARGE MY SENTENCE
IN CR98-2160.

AFTER DISCHARGING CRP-2160, I RETURNED TO WASHOE COUNTY SHERIFF'S OFFICE AWAITING TRIAL ON ALL CHARGES, CIRCA MAY OF 2003. AT MY FIRST MEETING WITH COURT-APPOINTED COUNSEL, I EXPLAINED THE CIRCUMSTANCES IN REGARDS TO THE CONDUCT ON SEPTEMBER 25, 2001.

AT A PRE-TRIAL HEARING IN JUNE OF 2003, MY ATTORNEY INFORMED ME THAT HE WOULD NOT ENTERTAIN A DEFENSE OF TREATING MY MEDICAL CONDITIONS. - ABSENT A LACK OF SCIENTIFIC EVIDENCE SUPPORTING MY CONDUCT ON SEPTEMBER 25, 2001.

MY ATTORNEY ADVISED ME THAT HE WOULD ARGUE A DEFENSE THAT DEREK ALLEN, THE WOMAN WHO PASSED BY THE RIGHT SIDE OF MY VEHICLE, VIOLATED MY PRIVACY ON SEPTEMBER 25, 2001.

AT THAT TIME, I FIRST BECAME AWARE OF WHAT PATRICIA ALLEN LOOKED LIKE.

MID TRIAL, OTHER RELATED COUNTS OF MY SURVEILLANCE WERE DISCUSSED BASED UPON EVIDENCE PROBLEMS.

THE JURY EVENTUALLY FOUND ME GUILTY OF TWO COUNTS OF NRS 201. FOR MY CONDUCT ON SEPTEMBER 25, 2001.

I WAS SENTENCED TO 4 YEARS OF IMPRISONMENT

ALONG WITH \$10,000 IN FINES ON
DECEMBER 12, 2003.

AT SENTENCING, I HAD AN OPPORTUNITY TO
REVIEW MY PRE-SENTENCE REPORT.

Said Report SPECIFICALLY MADE REFERENCE
TO A MITIGATING FACTOR THAT MY CASE
INVOLVED A 'VICTIMLESS' INCIDENT.

IN 2019, NEVADA LEGISLATURE ENACTED AN
INNOCENT STATUTE AFFORDING THE FAMILY
INNOCENT A SECOND CHANCE FOR RELIEF
FROM A MISFEASANCE OF JUSTICE.

A CONCERNED FAMILY MEMBER IN THE
MEDICAL PROFESSION WAS ABLE TO OBTAIN
MY MEDICAL FILES RELEVANT TO THE TREATMENT
FOR MY SKIN CONDITION AFOREMENTIONED.
(EXHIBIT 2).

THE PROCUREMENT OF THIS SCIENTIFIC EVIDENCE
NEVER DISCLOSED WAS NO SMALL TASK,
AS THE ATTENDING PHYSICIAN HAD SINCE
RETIRED AND PASSED AWAY.

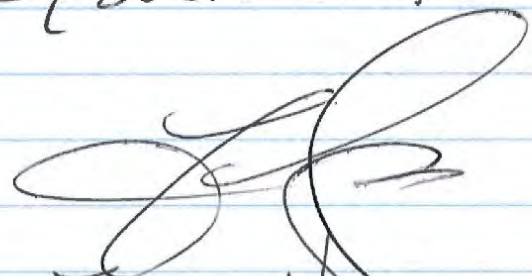
NOT ONLY WAS I TREATING MY SKIN
CONDITION WHILE ON PAROLE IN 2004,
MY TREATMENT CONTINUED WHILE IN
CUSTODY AT WASHOE COUNTY SHERIFF'S
OFFICE, AS WELL AS THE NEVADA
DEPARTMENT OF CORRECTIONS.

TO PRESENT DAY, I HAVE MAINTAINED MY

FACTUAL INNOCENCE, WHEREBY DETECTIVE
PATRICK ALLEN MISCONSTRUED THE APPLICATION
OF HEDDER GINTMENT TO MY GENITALIA
AREA WITH HARASSMENT,

THIS AFFIDAVIT/DECLARATION IS MADE UNDER
PENALTY OF PERJURY AND PURSUANT TO
NRS 208.160, AS I AM AN INMATE
IN CUSTODY AT LCE, BENEFIT OF NOTARY
SERVICES.

DATED THIS 25 DAY
OF AUGUST, 2023


TERRENCE VOLENCIE
#79565 LCE
1200 PRISON
LOVELOCK, NV 89419

AFFIRANT/PETITIONER IN PROSE

EXHIBIT 2

EXHIBIT 2

THOMAS L. STANDLEE, M.D., LTD.
75 PRINGLE WAY, SUITE 509
RENO, NV 89502

VOLPICELLI, FERRILL
1-24-96

CC: Pigmentation left cheek
PI: Left cheek hyperpigmented macules, all less than 1 cm,
uniform-in-color.
DX: * Lentigines
* Actinic keratoses
RX: * Options of therapy discussed
* Solaquin forte prescription given.
TLS:bj

11-12-97

CC: Wart left thumb and gluteal cleft rash.
PI: Gluteal cleft rash is improved (has had it for a year) since
stopping using Jockey shorts and wearing underwear and using topical
hydrocortisone. Thumb wart for 4-5 days, tender, thought there might be
a piece of glass in it. Has been using various topicals including
salicylic acid.
PE: Reveals a verrucoid macule with speckling crust of the left tip
thumb, which, on scalpel-shaving, dimensions its diameter. It is at 4
mm. Gluteal cleft erythema without ulceration or fissuring.
DX: * Intertrigo
* Wart
RX: * Cryo to wart after scalpel-shaving
* Mycolog ointment.
TLS:bj

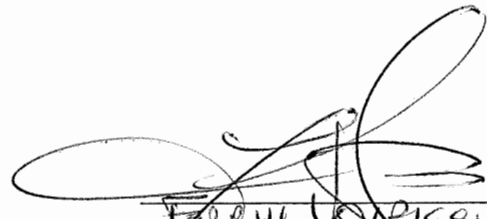
12-15-97

CC: Rash and warts
PI: Rash is clear. Warts recurred.
PE: 4.5 mm wart tip of left thumb.
DX: * Wart
RX: * Cryo today
* Transversal "6" to thumb wart qhs beginning 1-1-98.
TLS:bj

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing PETITION PURSUANT TO NRS 34.900 to the below address(es) on this 25 day of AUGUST, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

WELLSIDE COUNTY
DISTRICT ATTORNEY
RENO, NV 89501



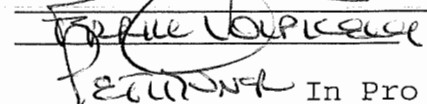
TERRELL VOLPKE # 79925
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

PETITIONER In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding PETITION PURSUANT TO NRS 34.900 filed in District Court Case No. C902-0167 does not contain the social security number of any person.

Dated this 25 day of AUGUST, 2023.



PETITIONER In Pro Se

1 Case No. CRO2-01472 Dept. No. 10

FILED

2023 AUG 31 PM 3:50

CLERK OF DISTRICT COURT
Edouard
 DISTRICT

3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA7 IN AND FOR THE COUNTY OF WASHOE

8 * * * * *

9 FERRIE VOLPKE
10 PETITIONER

11 -VS-

12 STATE of Nevada
13 RESPONDENTREQUEST FOR SUBMISSION
OF MOTION

14
15 It is requested that the Petition For Determination
16 of future WARDEN
17 which was filed on the 28 day of AUGUST, 2023, in
18 the above-entitled matter, be submitted to the Court for
19 decision.


20 Dated this 28 day of AUGUST, 2023.

21
22 FERRIE VOLPKE # 79624
23 Lovelock Correctional Center
24 1200 Prison Road
25 Lovelock, Nevada 89419
26 PETITIONER In Pro Se

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 28 day of August, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

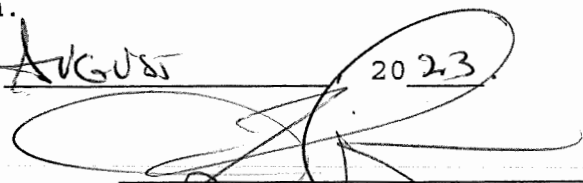
WASHOE COUNTY
DISTRICT ATTORNEY
RINO NEMO


Fern Volpe # 2980
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Fern Volpe In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 28 day of August, 2023.


Fern Volpe
Fern Volpe In Pro Se

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

FERRILL JOSEPH VOPICELLI,

Petitioner,

vs.

THE STATE OF NEVADA.,

Respondent.

Case No.: CR02-0147

Dept. No.: 10

ORDER DENYING REQUEST FOR THE COURT'S INDEPENDENT REVIEW

Pending before the Court is Petitioner Ferrill Joseph Vopicelli's ("Petitioner") *Request For the Court's Independent Review* ("Request") filed on August 29, 2023.

I. FINDINGS OF FACT

Petitioner was charged by Information with (1) Indecent Exposure, a violation of NRS 201.220, and (2) Open or Gross Lewdness, a violation of NRS 201.210. In the Request, the Petitioner asks for the Court's Independent Review of his Writ. Petitioner bases his request on the failure of the State to reply to this Court's Order filed on June 16, 2023.

II. CONCLUSIONS OF LAW

After reviewing the pleadings on file and the applicable law the Court finds good cause to deny the Request. As an initial matter, the Court notes the Request is improperly pled pursuant to W.D.C.R. 10(1)(a), which provides "documents for filing must be lined with numbers in the left margin or on legal pleading paper;". In addition, the Court previously

denied Petitioner's Petition. See *Amended Order Denying Petition* filed on May 3rd, 2023. Accordingly, all claims stemming from the Petition are moot.

IT IS HEREBY ORDERED *Request For the Court's Independent Review* is **DENIED**

IT IS SO ORDERED.

DATED this 9th day of October, 2023.

A handwritten signature in black ink, reading "Kathleen A. Sigurdson", written over a horizontal line.

HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 9th day of October, 2023, I electronically filed the foregoing **ORDER DENYING REQUEST FOR THE COURT'S INDEPENDENT REVIEW** with the Clerk of the Court by using the ECF system.

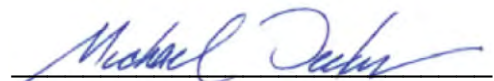
I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- JENNIFER NOBLE, ESQ. for STATE OF NEVADA
- ZACH YOUNG, ESQ.
- DIV. OF PAROLE & PROBATION

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

FERRILL JOSEPH VOLPICELLI #79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419


Michael Decker
Department 10 Judicial Assistant

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-10-09 14:54:40.991.

ZACH YOUNG, ESQ. - Notification received on 2023-10-09 14:54:48.961.

DIV. OF PAROLE & PROBATION - Notification received on 2023-10-09 14:54:43.085.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-10-09 14:54:46.335.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

10-09-2023:14:53:18

Clerk Accepted:

10-09-2023:14:54:11

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Ord Denying

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

2840

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

THE STATE OF NEVADA,

Defendant,

vs.

FERRILL JOSEPH VOLPICELLI.,

Defendant.

Case No.: CR02-0147

Dept. No.: 10

ORDER DENYING PETITION FOR DETERMINATION OF FACTUAL INNOCENCE

Pending before the Court is Defendant Ferrill Joseph Volpicelli's ("Defendant") *Petition for Determination of Factual Innocence*. ("Petition") filed on August 31, 2023. Petitioner previously filed this petition with the Court on October 18, 2022; the Court denied the subsequent petition for being illegible. Petitioner was charged by Information with (1) Indecent Exposure, a violation of NRS 201.220, and (2) Open or Gross Lewdness, a violation of NRS 201.210. On October 18, 2022.

I. FINDINGS OF FACT

In the Petition, Defendant asserts an evidentiary hearing is warranted based on newly discovered evidence proving factual innocence. Defendant claims at the time of the incident, he was treating a skin condition in his car; the officer mistakenly took the application of medical ointment to the groin for masturbation. The defendant also asserted there was "scientific evidence" to support his claims.

///

II. CONCLUSIONS OF LAW

After reviewing the applicable law and the pleading, the Court finds good cause to deny the Petition. As an initial matter, the Court notes the Petition is improperly pleaded pursuant to W.D.C.R. 10(1)(a), which provides “documents for filing must be Lined with numbers in the left margin or on legal pleading paper;” However, the Court will discuss the merits of the Petition.

NRS 34.960(2) provides A petition filed pursuant to subsection 1 must contain an assertion of factual innocence under oath by the petitioner and must aver, with supporting affidavits or other credible documents, that:

- (a) Newly discovered evidence exists that is specifically identified and, if credible, establishes a bona fide issue of factual innocence;
- (b) The newly discovered evidence identified by the petitioner:
 - (1) Establishes innocence and is material to the case and the determination of factual innocence;
 - (2) Is not merely cumulative of evidence that was known

In this case, the Court finds Petitioner has failed to prove the existence of his skin condition was newly discovered pursuant to NRS 34.960(3)(a) (requiring that the Petition include an assertion that the newly discovered evidence was unknown “at the time of trial or sentencing.) The medical document is undated and does not contain a diagnosis of a skin condition around the genitalia. Further, the Court finds Petitioner has failed to prove the existence of the skin condition clearly establishes a bona fide issue of factual innocence pursuant to NRS 34.910, providing a “Bona fide issue of factual innocence” means that newly discovered evidence presented by the petitioner, if credible, would clearly establish the factual innocence of the petitioner. If in fact Petitioner’s claim of application of medical ointment or cream is true, Petitioner would have known of this fact at the time of trial. This claim is not newly discovered. Rather, by Petitioner’s own pleading he knew of this condition at the time of arrest, charge and trial.

IT IS HEREBY ORDERED Defendant’s *Petition for Determination of Factual*

Innocence is **DENIED**.

IT IS SO ORDERED.

DATED this 12th day of October 2023.

A handwritten signature in black ink, reading "Kathleen A. Sigurdson". The signature is written in a cursive style with a horizontal line underneath the name.

HON. KATHLEEN A. SIGURDSON
DISTRICT JUDGE

CERTIFICATE OF SERVICE

CASE NO.: CR02-0147

I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 12th day of October 2023, I electronically filed the foregoing **ORDER DENYING PETITION FOR DETERMINATION OF FACTUAL INNOCENCE** with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below: **Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:**

- JENNIFER NOBLE, ESQ. for STATE OF NEVADA
- ZACH YOUNG, ESQ.
- DIV. OF PAROLE & PROBATION

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:

**FERRILL VOLPICELLI, #79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419**

/s/ Michael Decker
JUDICIAL ASSISTANT

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-10-12 09:40:46.658.

ZACH YOUNG, ESQ. - Notification received on 2023-10-12 09:40:48.536.

DIV. OF PAROLE & PROBATION - Notification received on 2023-10-12 09:40:47.064.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-10-12 09:40:48.13.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

10-12-2023:09:40:00

Clerk Accepted:

10-12-2023:09:40:26

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Ord Denying

Filed By:

Judicial Asst. MDecker

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

ZACH YOUNG, ESQ.

DIV. OF PAROLE & PROBATION

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

Case No. CRO2-0147Dept. No. 10

FILED

2023 OCT 23 PM 1:17

SPECIAL CLERK OF THE COURT
BY [Signature]

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

* * * * *

FERRIE VOLKMAN,
PETITIONER,

Ind Leaver

-vs-

WARDEN GREEN,
RESPONDENT

REQUEST FOR SUBMISSION
OF MOTION

It is requested that the Petition For Determination
OF ACTUAL INNOCENCE

which was filed on the 31 day of August, 2023, in
the above-entitled matter, be submitted to the Court for
decision.*

Dated this 16 day of October, 2023.

FERRIE VOLKMAN # 79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

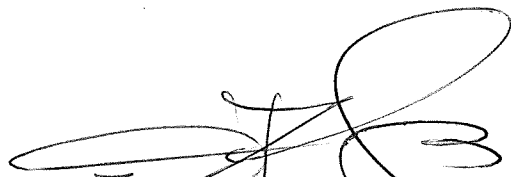
PETITIONER In Pro Se

* TO DATE, Respondent has failed to Answer.
Also, this is Not the Petition For Relief
Based on Actual Innocence Pursuant to
NRS 349.005 Filed on October 18, 2022.

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 16 day of October, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):

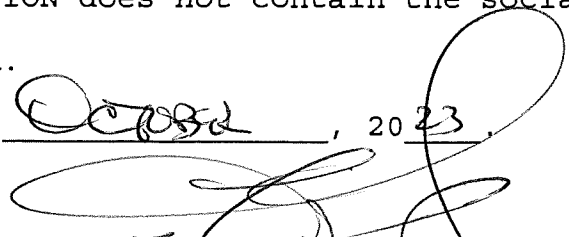
WASHOE COUNTY DISTRICT ATTORNEY
& NEVADA ATTORNEY GENERAL


Fernando #79965
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Fernando In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 16 day of October, 2023.


Fernando
Fernando In Pro Se

Case No. CP02-0147Dept. No. 10

FILED

OCT 23 PM 2:23

ANGEL L. LEE
CLERK OF THE COURT
BY [Signature]
DEPUTYIN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF Washoe

* * * * *

THE STATE OF NEVADA,)

Plaintiff,)

-vs-)

FERRIE VOLPKEW,)

Defendant.)

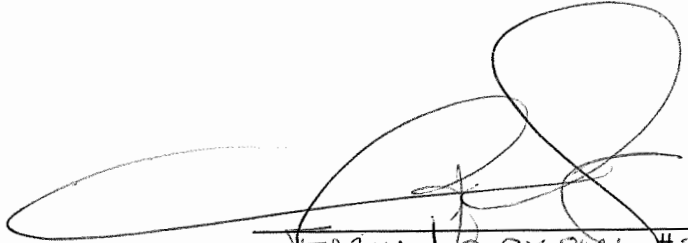
NOTICE OF APPEALNOTICE IS GIVEN that Defendant, FERRIE VOLPKEW,
in pro se, hereby appeals to the Nevada Supreme Court the
ORDER DENYING PETITION FOR DETERMINATION OF INNOCENCE
filed/entered on or about the 12 day of OCTOBER, 2023,
in the above-entitled Court.Dated this 18 day of OCTOBER, 2023.FERRIE VOLPKEW # 79501
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Defendant In Pro Se

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL to the below address(es) on this 18 day of OCTOBER, 2023, by placing same in the U.S. Mail via prison law library staff:

WASHOE COUNTY
DISTRICT ATTORNEY

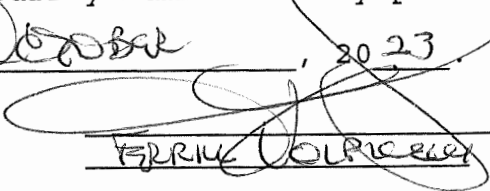

FERNÉ VOLPKE #7754
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

Defendant In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding NOTICE OF APPEAL filed in District Court Case No. CR2-0147 does not contain the social security number of any person.

Dated this 18 day of OCTOBER, 2023.


FERNÉ VOLPKE
Defendant In Pro Se

FERRER VOERER
79005 @ LEE
WAS PRISON
COWARD NV 8949

DEPUTY CLERK - ASSIGNED TO
INMATE CORRESPONDENCE

Second Texas District Court

CR02047

CLERK

75 COURT ST

RENO, NV 89601

OCT 23 2023

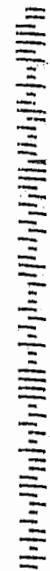
RECEIVED

MAIL ROOM

INMATE LEGAL

MAIL CONFIDENTIAL

8950131962



1 Case No. CR02-01472 Dept. No. 10

FILED

OCT 23 PM 2:23

APPROVED
CLERK OF THE COURT
BY [Signature]
DEPUTY3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

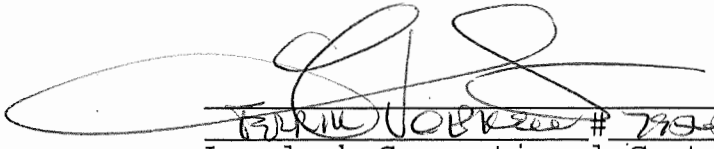
* * * * *

8
9 STATE OF NEVADA,)
10 Plaintiff,)
11 -vs-)
12 FERRIE VOLKMAN,)
13 Defendant.)
14REQUEST FOR SUBMISSION
OF MOTION15 It is requested that the VOICE & APPER
16 _____,
17 which was filed on the 18 day of October, 2023, in
18 the above-entitled matter, be submitted to the Court for
19 decision.20 Dated this 18 day of October, 202321
22 FERRIE VOLKMAN # 7752
23 Lovelock Correctional Center
24 1200 Prison Road
25 Lovelock, Nevada 89419
26 DEFENDANT In Pro Se
27
28

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing REQUEST FOR SUBMISSION OF MOTION to the below address(es) on this 18 day of OCTOBER, 2023, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCP 5(b):


WILKIE COUNTY
DISTRICT ATTORNEY


FERNANDO # 7994
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
Fernando In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding REQUEST FOR SUBMISSION OF MOTION does not contain the social security number of any person.

Dated this 18 day of OCTOBER, 2023.


Fernando
Fernando In Pro Se

Code 1310

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. CR02-0147

vs.

Dept. No. 10

FERRILL JOSEPH VOLPICELLI,

Defendant.

CASE APPEAL STATEMENT

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

1. Appellant is Ferrill Joseph Volpicelli.
2. This appeal is from an order entered by the Honorable Judge Kathleen A. Sigurdson.
3. Appellant is representing himself in Proper Person on appeal. The Appellant's address is:

Ferrill Volpicelli #79565
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419
4. Respondent is the State of Nevada. Respondent is represented by the Washoe County District Attorney's Office:

Jennifer P. Noble, Esq., SBN: 9446
P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: NA

6. Appellant is represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information on February 6th, 2002.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying Petition for Determination of Factual Innocence filed October 12th, 2023.
11. The case has been the subject of a previous appeal to the Supreme Court.
Supreme Court No.: 42603, 50595, 65192, 65786, 67563, 83553 and 84921
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 24th day of October, 2023.

Alicia L. Lerud
Clerk of the Court
By: /s/ Y.Viloria
Y.Viloria
Deputy Clerk

Code 1350

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

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR02-0147

Dept. No. 10

FERRILL JOSEPH VOLPICELLI,

Defendant.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 24th day of October, 2023, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

Dated this 24th day of October, 2023.

Alicia L. Lerud
Clerk of the Court
By /s/Y.Viloria
Y.Viloria
Deputy Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-10-24 08:59:13.891.

ZACH YOUNG, ESQ. - Notification received on 2023-10-24 08:59:16.25.

DIV. OF PAROLE & PROBATION - Notification received on 2023-10-24 08:59:14.485.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-10-24 08:59:15.783.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

10-24-2023:08:58:27

Clerk Accepted:

10-24-2023:08:58:47

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Case Appeal Statement

Certificate of Clerk

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

ZACH YOUNG, ESQ.

JENNIFER P. NOBLE, ESQ. for STATE OF
NEVADA

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

The following people have not been served electronically and must be served by traditional means (see Nevada Electronic Filing Rules.):

JOHN J. KADLIC, ESQ. for FERRILL JOSEPH
VOLPICELLI

Address: JOHN J. KADLIC, ESQ.
Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

IN THE SUPREME COURT OF THE STATE OF NEVADA
OFFICE OF THE CLERK

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 87505
District Court Case No. CR020147

DIO

RECEIPT FOR DOCUMENTS

TO: Alicia L. Lerud, Washoe District Court Clerk
Ferrill Joseph Volpicelli
Washoe County District Attorney \ Jennifer P. Noble

You are hereby notified that the Clerk of the Supreme Court has received and/or filed the following:

10/26/2023	Appeal Filing Fee Waived. Criminal. (SC)
10/26/2023	Filed Notice of Appeal/Proper Person. Appeal docketed in the Supreme Court this day.

DATE: October 26, 2023

Elizabeth A. Brown, Clerk of Court
bc

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-10-31 11:52:23.467.

ZACH YOUNG, ESQ. - Notification received on 2023-10-31 11:52:26.826.

DIV. OF PAROLE & PROBATION - Notification received on 2023-10-31 11:52:24.029.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-10-31 11:52:25.967.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

10-31-2023:11:51:18

Clerk Accepted:

10-31-2023:11:51:42

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Supreme Court Receipt for Doc

Filed By:

Deputy Clerk YViloria

You may review this filing by clicking on the following link to take you to your cases.

This notice was automatically generated by the courts auto-notification system.

-

If service is not required for this document (e.g., Minutes), please disregard the below language.

The following people were served electronically:

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NEVADA

DIV. OF PAROLE & PROBATION

NICKOLAS J. GRAHAM, ESQ. for STATE OF
NEVADA

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VOLPICELLI

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Reno City Attorney
P.O. Box 1900
Reno, NV 89505

FERRILL JOSEPH VOLPICELLI for FERRILL
JOSEPH VOLPICELLI

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501

IN THE SUPREME COURT OF THE STATE OF NEVADA

CR02-0147 DID

FERRILL JOSEPH VOLPICELLI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87505

FILED

NOV 07 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK*ORDER DIRECTING TRANSMISSION OF RECORD*

This court has concluded that its review of the complete record is warranted. See NRAP 10(a)(1). Accordingly, the clerk of the district court shall have 60 days from the date of this order to transmit to the clerk of this court a certified copy of the complete trial court record of this appeal. See NRAP 11(a)(2). The record shall include copies of documentary exhibits submitted in the district court proceedings, but shall not include any physical, non-documentary exhibits or the original documentary exhibits. The record shall also include any presentence investigation reports submitted in a sealed envelope identifying the contents and marked confidential. See NRS 176.156(5).

Appellant has filed a pro se opening brief. Respondent need not file a response to the brief unless ordered to do so by this court. NRAP 46A(c). This court generally will not grant relief without providing an opportunity to file a response. *Id.*

It is so ORDERED.

Shiglin, C.J.

cc: Ferrill Joseph Volpicelli
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

Return Of NEF**Recipients**

JENNIFER NOBLE, ESQ. - Notification received on 2023-11-14 10:55:26.018.

ZACH YOUNG, ESQ. - Notification received on 2023-11-14 10:55:29.034.

DIV. OF PAROLE & PROBATION - Notification received on 2023-11-14 10:55:26.971.

NICKOLAS GRAHAM, ESQ. - Notification received on 2023-11-14 10:55:28.315.

******* IMPORTANT NOTICE - READ THIS INFORMATION *******

PROOF OF SERVICE OF ELECTRONIC FILING

-

A filing has been submitted to the court RE: CR02-0147

Judge:

HONORABLE KATHLEEN SIGURDSON

Official File Stamp:

11-14-2023:10:54:48

Clerk Accepted:

11-14-2023:10:55:07

Court:

Second Judicial District Court - State of Nevada

Criminal

Case Title:

STATE VS FERRILL JOSEPH VOLPICELLI
(D10)

Document(s) Submitted:

Supreme Ct Order Directing

Filed By:

Deputy Clerk YViloria

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DIV. OF PAROLE & PROBATION

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JOSEPH VOLPICELLI

STATE OF NEVADA for STATE OF NEVADA

Address: STATE OF NEVADA
ONE SOUTH SIERRA
STREET
RENO, NV 89501