

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3  
4  
5 ALFRED P. CENTOFANTI III,

6 Petitioner,

7 vs.

8 EIGHTH JUDICIAL DISTRICT COURT  
9 IN AND FOR THE COUNTY OF CLARK,  
10 STATE OF NEVADA, AND THE  
11 HONORABLE DONALD M. MOSLEY,  
12 DISTRICT COURT JUDGE,

13 Respondents.

CASE NO. 43895

**FILED**

OCT 06 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY Coluccado  
DEPUTY CLERK

14 **MOTION TO ALLOW PETITIONER LEAVE TO FILE REPLY TO**  
15 **RESPONDENTS' ANSWER TO PETITION FOR WRIT OF MANDAMUS/FOR**  
16 **WRIT OF PROHIBITION**

17 COMES NOW Petitioner, ALFORD P. CENTOFANTI III, by and through his  
18 attorney, CARMINE J. COLUCCI, ESQ., of the law firm of CARMINE J. COLUCCI,  
19 CHTD., and moves this Honorable Court for leave for Petitioner to file a reply to  
20 respondents' Answer to Petition for Writ of Mandamus/for Writ of Prohibition.

21 This motion is made and based on the Points and Authorities submitted  
22 herewith and the Affidavit of Carmine J. Colucci, attached hereto, together with  
23 all pleadings and papers on file herein.

24 DATED this 5<sup>TH</sup> day of October, 2004.

25 CARMINE J. COLUCCI, CHTD.

26 Carmine J. Colucci  
27 CARMINE J. COLUCCI, ESQ.  
28 Nevada Bar No. 000881  
629 South Sixth Street  
Las Vegas, Nevada 89101  
(702) 384-1274  
Attorney for Petitioner

RECEIVED

OCT 06 2004

CLERK OF SUPREME COURT  
By \_\_\_\_\_  
DEPUTY CLERK

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0

Petitioner requests permission to file a Reply to the Respondents' answer to Petition for Writ of Mandamus/for Writ of Prohibition in order to address false and misleading statements of fact made by Respondents at page 16 of their reply. Petitioner seeks to show that these statements are clearly repelled by the record before this Court.

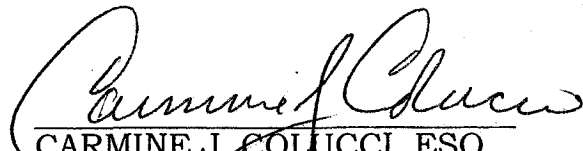
## Rule 27. Motions.

Petitioner seeks this opportunity in order to assist this Court in ascertaining from the record the true facts which are contained in the record and which have not been refuted by any evidence. Further, Petitioner seeks the opportunity to specifically show in the record that the state had the notice and opportunity to confirm the truth of Petitioner's allegations and that they chose to ignore the opportunity or made statements of fact in total disregard of their truthfulness in order to refute Petitioner's factual assertions which were verifiable by a couple of telephone calls which the state chose not to make.

1        This request is made solely in order to afford this Court with specific  
2 references to the record already before it and to correct the misleading statements  
3 of asserted fact which have been offered to it by the state.

4        DATED this 5<sup>TH</sup> day of October, 2004.

5                                CARMINE J. COLUCCI, CHTD.

6  
7  
8                                  
9                                CARMINE J. COLUCCI, ESQ.  
10                              Nevada Bar No. 000881  
11                              629 South Sixth Street  
12                              Las Vegas, Nevada 89101  
13                              Attorney for Petitioner  
14                              (702) 384-1274  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**AFFIDAVIT OF CARMINE J. COLUCCI**

STATE OF NEVADA )  
COUNTY OF CLARK ) ss:

CARMINE J. COLUCCI, being first duly sworn, deposes and says:

1. That your Affiant is an attorney duly licensed to practice law in the State of Nevada, is the attorney of record for petitioner, and has personal knowledge of the following facts except for those stated upon information and belief and is competent to testify thereon.

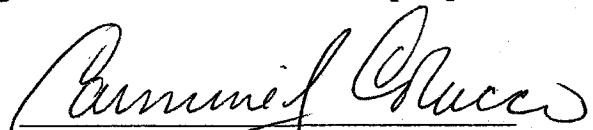
2. That the statements made at page 16, lines 22 through 25 by the state in their Answer to Petitioner for Writ of Mandamus/for Writ of Prohibition are false and affiant fears that these statements might mislead this Court.

3. That affiant painstakingly gathered the information and evidence which is contained in the record before this Court and has documented the proof contained therein.

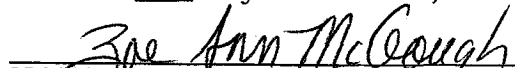
4. That affiant believes that the state could have easily verified the veracity of the information provided to the District Court and this Court by Petitioner but affiant believes that the Respondent's failed to do so.

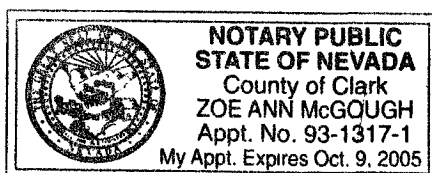
5. That affiant seeks the opportunity to set the record straight by being allowed to show in the record where the respondent's assertions are repelled and not merely contradicted.

6. That this motion is made in good faith and not for the purposes of delay.

  
CARMINE J. COLUCCI

SUBSCRIBED and SWORN to before  
me this 5th day of October, 2004.

  
NOTARY PUBLIC in and for said  
County and State



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

DAVID ROGER  
DISTRICT ATTORNEY  
200 South Third Street, Suite 701  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212

Attorneys for Respondent

Zoe McCough  
an employee  
of CARMINE J. COLUCCI, CHTD.