

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI, III.,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 44984

FILED

DEC 29 2005

**MOTION FOR ENLARGEMENT
OF TIME**

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY S. Jones
DEPUTY CLERK

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RECEIVED

DEC 29 2005

CLERK OF SUPREME COURT
JANETTE M. BLOOM

Counsel for Appellant

Counsel for Respondent

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

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5 ALFRED P. CENTOFANTI, III,

6 Appellant,

7 v.

Case No. 44984

8 THE STATE OF NEVADA,

9 Respondent.

10 **MOTION FOR ENLARGEMENT OF TIME**

11
12 COMES NOW the State of Nevada, by DAVID ROGER, Clark County District
13 Attorney, through his Chief Deputy, JAMES TUFTELAND, and moves for an
14 enlargement of time up to and including December 28, 2005 within which to file
15 Respondent's Answering Brief.

16 This motion is based on the following memorandum, declaration, and all papers
17 and pleadings on file herein.

18 Dated December 23, 2005.

19 Respectfully submitted,

20 DAVID ROGER
21 Clark County District Attorney
22 Nevada Bar # 002781

23 BY

24 
25 JAMES TUFTELAND
26 Chief Deputy District Attorney
27 Nevada Bar #000439
28 200 South Third Street
Las Vegas, Nevada 89155-2212
(702) 671-2750

Attorney for Respondent

1 MEMORANDUM

2 This is an appeal from a conviction for murder with use of a deadly weapon
3 Appellant's Opening Brief was received by the State on October 31, 2005.
4 Accompanying the brief was appellant's Motion for Leave to File Appellant's
5 Opening Brief in Excess of Thirty Pages.

6 This motion was put on the State's pending list with a notation that there was a
7 motion pending to exceed the page limitation. In reviewing the State's Appellate file,
8 undersigned counsel discovered that the State received a copy of Appellant's Motion
9 to Exceed the Page Limitation from the clerk of the Court on October 31, 2005. On
10 the cover page of the motion was a stamp by the clerk granting appellant's motion.
11 Unfortunately, no one noticed the stamp granting the motion to enlarge the page
12 limitation and the State labored under the impression that the appellant's motion was
13 still pending and that the opening brief had been received but not filed.

14 It came to the State's attention from a deputy clerk of the Nevada Supreme
15 Court that the State's Answering Brief was overdue and a motion to extend time was
16 necessary. The State's failure to timely file its brief was an oversight and not done
17 deliberately. The State regrets the mistake and pursuant to NRAP 26(b), moves to
18 enlarge the time to file Respondent's Answering Brief up to and including December
19 27, 2005.

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DECLARATION
53.045

I, James Tufteland, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

Appellant's Opening Brief in Centofani v. State, No. 44984 was received by the State on October 31, 2005. With said brief was appellant's motion to exceed the thirty page limit.

This appeal was added on the State's pending appeal list with a notation there was a motion pending seeking to exceed the page limitation.

Overlooked in the appellate mail for October 31, 2005, was a copy of appellant's motion from the office of the Nevada Supreme Court Clerk. On the cover page of that motion was the stamp of the clerk granting appellant's motion. I believe that in reviewing the mail received on October 31, 2005, it simply appeared that the State had received a second copy of the motion from appellant.

The State had assumed that the motion to exceed the page limitation was still pending and that the opening brief had been marked received but had not yet been filed. The State was anticipating an order from the court granting or denying the motion. In the event the motion was granted, as expected, the State assumed the Court would state that respondent's brief would be due thirty days from the date of the order.


On December 22, 2005, the State was advised that its brief was overdue and a motion seeking an enlargement of time would be necessary.

It was only after that call and a review of the State's appellate file was made that the State discovered that the Court had granted appellant's motion to exceed the page limitation back on October 31, 2005.

1 This was an oversight and not a deliberate tactic to prejudice the appellant. The
2 State regrets the error and any inconvenience this may cause for the Court.

3 I declare under penalty of perjury the foregoing is true and correct.
4

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6 Dated this 23rd day of December 2005.


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10 Attorney for Respondent
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Margie Engle
Employee, Clark County
District Attorney's Office