

FILED

APR 18 2005



In the Supreme Court of the State of Nevada

INDICATE FULL CAPTION:

ALFRED P. CENTOFANTI, III,
Appellant(s),
vs.
THE STATE OF NEVADA
Respondent(s).

No. 44984

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

DOCKETING STATEMENT
CRIMINAL APPEALS

(Including pretrial and post-conviction habeas corpus, and petitions for post-conviction relief)

GENERAL INFORMATION

1. Judicial District Eighth County Clark
Judge Donald M. Mosley District Ct. Docket No. C172534

2. If the defendant was given a sentence,
(a) what is the sentence? Life without the possibility of parole plus an equal and consecutive life sentence without the possibility of parole for use of a deadly weapon.
(b) has the sentence been stayed pending appeal? No
(c) was defendant admitted to bail pending appeal? No

3. Was trial or post-conviction counsel appointed or retained X?

4. Attorney filing this docketing statement:

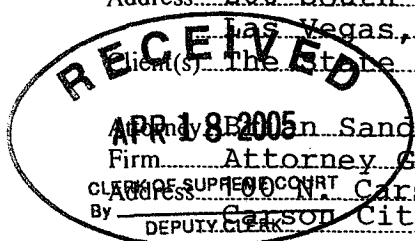
Attorney Carmine J. Colucci Telephone 702-384-1274
Firm Carmine J. Colucci, Chtd.
Address 629 South Sixth Street
Las Vegas, NV 89101
Client(s) Alfred P. Centofanti, III

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

5. Attorney(s) representing respondent(s):

Attorney David Roger, Clark County District Attorney Telephone 702-455-4711
Firm Clark County District Attorney's Office
Address 200 South Third Street
Las Vegas, NV 89155
Client(s) The State of Nevada

Attorney Brian Sandoval, Attorney General Telephone 775-684-1100
Firm Attorney General's Office
Address Carson Street
Carson City, NV 89701
Client(s) The State of Nevada



6. Nature of disposition below:

- Judgment after bench trial
- Judgment after jury verdict
- Judgment upon guilty plea
- Grant of pretrial motion to dismiss
- Parole/Probation revocation
- Motion for new trial
  - grant     denial
- Motion to withdraw guilty plea
  - grant     denial

- Grant of pretrial habeas
- Grant of motion to suppress evidence
- Post-conviction relief (NRS ch. 177)
  - grant     denial
- Post-conviction habeas (NRS ch. 34)
  - grant     denial
- Other disposition (specify).....
- .....
- .....

7. Does this appeal raise issues concerning any of the following: NO

- death sentence
- life sentence
- juvenile offender
- pretrial proceedings

8. Expedited appeals: The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes...XX...No.....

9. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g., separate appeals by co-defendants, appeal after post-conviction proceedings):

State v. District Court; docket number 38987

Alfred P. Centofanti, III v. District Court; docket number 43895

10. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

N/A

11. Nature of action. Briefly describe the nature of the action and the result below: Appellant was charged by way of Indictment filed on 1/10/01 with Murder with Use of a Deadly Weapon. A jury trial commenced on March 15, 2004. Appellant was found guilty of First Degree Murder with Use of a Deadly Weapon and sentenced on March 4, 2005.

12. No Merit Appeal. If appellant was the defendant below, does counsel intend to file an affidavit of no merit appeal pursuant to Anders v. California, 386 U.S. 738 (1967) and Sanchez v. State, 85 Nev. 95, 450 P.2d 793 (1969)?

N/A  
Yes.....No.....

13. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

See attached sheet.

14. **Constitutional issues.** If this appeal challenges the constitutionality of a statute, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A.  Yes.....No.....

If not, explain.....

15. **Issues of first-impression or of public interest.** Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes......No.....

Public interest: Yes......No.....

16. **Length of trial.** If this action proceeded to trial in the district court, how many days did the trial last?

...22.....days

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes......No.....

### TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from...March 4, 2005.....

19. Date of entry of written judgment or order appeal from...March 11, 2005.....

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

20. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served N/A

(a) Was service by delivery or by mail.....(specify).

21. If the time for filing the notice of appeal was tolled by a post-judgment motion, N/A

(a) Specify the type of motion, and the date of filing of the motion:

Arrest judgment.....Date filed.....

New trial.....Date filed.....

(newly discovered evidence)

New trial.....Date filed.....

(other grounds)

(b) Date of entry of written order resolving motion.....

22. Date notice of appeal filed March 24, 2005

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.710, NRS 34.815, NRS 177.015(2), or other NRAP 4(b)

### SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority which grants this court jurisdiction to review the judgment or order appealed from:

NRS 177.015(1)(b).....

NRS 177.015(2).....

NRS 177.055.....

NRS 177.385.....

NRS 34.710(3).....

NRS 34.710(4).....

NRS 34.815

Other (specify) 177.015(3)

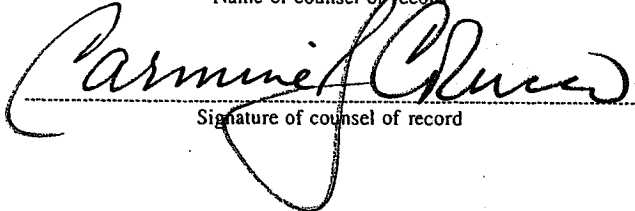
### VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

Alfred P. Centofanti, III  
Name of appellant

Carmine J. Colucci, Esq.  
Name of counsel of record

4/13/05  
Date

  
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 13th day of April, 2005, I served a copy of this completed docketing statement upon all counsel of record:

by personally serving it upon him/her; or

by mailing it by first class mail with sufficient postage prepaid to the following address(es):

David Roger  
Clark County District Attorney  
200 South Third Street  
Las Vegas, NV 89155

Brian Sandoval  
Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717

Dated this 13 day of April, 2005.

*Joe McCough*  
Signature

13. Issues on appeal. State concisely the principal issue(s) in this appeal:

A. Whether the defendant is entitled to a new trial based upon juror misconduct for not disclosing her prior involvement in the criminal justice process as a defendant which included a felony conviction which would have precluded her from meeting the statutory requirements in order to sit as a qualified juror in the instant case?

B. Whether the defendant is entitled to a new trial based upon juror misconduct because juror Joshua Wheeler performed his own firearm testing experiment during the trial?

C. Whether the defendant is entitled to a new trial based upon juror misconduct as a result of juror Chris Kelly coming to court and sitting on the jury while wearing a tee shirt that read "Do you know what a murderer looks like?"

D. Whether the defendant is entitled to a new trial based upon juror misconduct as a result of two or more jurors sleeping during the presentation of testimony during the trial in this case?