

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

**FILED**

**MAR 27 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

ALFRED P. CENTOFANTI, III.,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK, AND  
THE HONORABLE LEE A. GATES,  
DISTRICT JUDGE

Respondents,

And

THE STATE OF NEVADA,

Real Party in Interest.

Case No. 52994

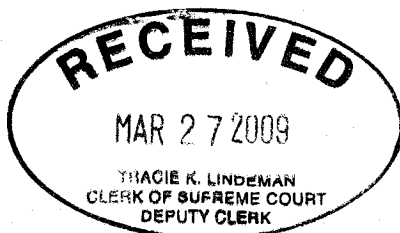
**RESPONDENT'S APPENDIX**

**ANSWER TO PETITION FOR WRIT OF MANDAMUS**

CARMINE COLUCCI, ESQ.  
Carmine J. Colucci, Chtd.  
Nevada Bar No. 000881  
629 South Sixth Street  
Las Vegas, Nevada 89101  
(702) 384-1274

DAVID ROGER  
Clark County District Attorney  
Nevada Bar #002781  
Post Office Box 552212  
Las Vegas, Nevada 89155-2212  
(702) 671-2500

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



Counsel for Petitioner

Counsel for Respondents

09-07832

## INDEX

### Document

### Page No.

District Case Inquiry – Minutes State’s Motion To Disqualify Counsel, States’ Motion In Limine Taken 10/01/01 .....	12-13
Motion To Associate Counsel Filed 9/18/01 .....	2-11
Order Admitting To Practice Filed 10/1/01 .....	1
Substitution Of Attorney Filed 5/25/04 .....	14-15

● ORIGINAL ●

(SPACE BELOW FOR FILING STAMP ONLY)

1 ORDR  
2 DANIEL J. ALBREGTS, ESQ  
3 NEVADA BAR NO. 004435  
4 DANIEL J. ALBREGTS, LTD.  
5 601 S. Tenth Street, Suite 202  
6 Las Vegas, Nevada 89101  
7 (702) 474-4004

FILED IN OPEN COURT  
OCT 01 2001

SHIRLEY B. PARRAGUIRRE, CLERK  
BY Tina Hurd  
TINA HURD DEPUTY

Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

CASE NO.

C172534

DEPT NO.

VII

Plaintiff

versus

ALFRED P. CENTOFANTI, III,

Defendant

ORDER ADMITTING TO PRACTICE

ALLEN BLOOM, ESQ., having filed his Verified Application for Association of Counsel  
under Nevada Supreme Court Rule 42, Nevada Bar having submitted its Statement dated Sept.  
14, 2001; said application having been noticed, no objections having been made, and the  
Court being fully apprised in the premises, and good cause appearing, it is hereby

ORDERED, that said application is hereby granted, and ALLEN BLOOM, ESQ., is  
hereby admitted to practice in the above entitled Court for the purposes for the above entitled  
matter only.

DATED this 1 day of October, 2001

[Signature]  
DISTRICT JUDGE

Submitted by:  
Daniel J. Albregts, Esq  
NV Bar #004435  
601 S. Tenth St., Suite 202  
Las Vegas, Nevada 89101

RECEIVED  
OCT 01 2001  
COUNTY CLERK

● ORIGINAL ●

(SPACE BELOW FOR FILING STAMP ONLY)

MAC

DANIEL J. ALBREGTS, ESQ

NEVADA BAR NO. 004435  
DANIEL J. ALBREGTS, LTD.  
601 S. Tenth Street, Suite 202  
Las Vegas, Nevada 89101  
(702) 474-4004

Attorney for Defendant

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff

versus

ALFRED P. CENTOFANTI, III,

Defendant

CASE NO. C172534  
DEPT NO. VII

MOTION TO ASSOCIATE COUNSEL

COMES NOW the Defendant, by and through his undersigned co-liaison counsel, Daniel Albregts, and hereby moves this court for an order permitting ALLEN BLOOM, Esq., to practice in this court for the purpose of this case only, pursuant to Nevada Supreme Court Rule 42 (SCR42). ALLEN BLOOM, Esq., having complied with the requirements as set forth by SCR42, hereby submits a "Verified Application for Association of Counsel" (attached hereto as Exhibit "A"), a "certificate of good standing" from the state of California (attached hereto as Exhibit "B") and the "State Bar Statement" (attached hereto as Exhibit C).

DATED this 14<sup>th</sup> day of September, 2001.

Submitted by:



Daniel J. Albregts, Esq  
NV Bar #004435  
601 S. Tenth St., Suite 202  
Las Vegas, Nevada 89101

COUNTY CLERK

SEP 18 2001

RECEIVED  
SEP 18 2001

FILED  
SEP 18 4 11 PM '01  
Shirley E. Rungius  
CLERK

EXHIBIT   A

VAPP

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff

versus

ALFRED P. CENTOFANTI, III,

Defendant

CASE NO.

C172534

DEPT NO.


VII

VERIFIED APPLICATION FOR ASSOCIATION  
OF COUNSEL UNDER NEVADA SUPREME COURT RULE 42

ALLEN ROBERT BLOOM, Petitioner, respectfully represents:

1. Petitioner resides at 4848 Bermuda Street, City of San Diego, County of San Diego, California, 92101. (Phone: 619-235-0508).
2. Petitioner is an attorney at law in private practice as a sole practitioner with offices at 1551 Fourth Avenue, Suite 801, City of San Diego, County of San Diego, California 92101. (Phone: 619-235-0508). His California Bar Number is 65235.
3. Petitioner has been retained personally by Alfred Centofanti, III, defendant, to provide legal representation in connection with the above entitled matter now pending before the above referenced court.

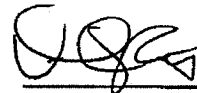
- 1 4. Since December 16, 1975, petitioner has been, and presently is, a member of good standing  
2 of the bar of the highest court of the State of California where petitioner regularly  
3 practices law.
- 4  
5 5. Petitioner was admitted to practice before the following United States District Courts,  
6 United States circuit Courts of Appeal, the Supreme Court of the United States and  
7 Courts of other States on the dates indicated for each, and is presently a member in good  
8 standing of the bars of said courts:
- 9 U.S. District Court of California, Southern District (Admitted January 26, 1976)  
10 U.S. Court of Appeals, 9<sup>th</sup> Circuit (Admitted June 11, 1999)  
11 U.S. District Court of California, Eastern District (Admitted November 8, 2000).
- 12  
13 6. Petitioner is not currently suspended or disbarred in any court except as hereinafter  
14 provided: NONE.
- 15  
16 7. Petitioner is not currently subject to any disciplinary proceedings by any organization  
17 with authority to discipline attorneys at law except as hereinafter provided: NONE.
- 18  
19 8. Petitioner has never received public discipline including, but not limited to, suspension  
20 or disbarment by any organization with authority to discipline attorneys at law except as  
21 hereinafter provided: On August 18, 1992, Petitioner was publicly reprimanded as a result of  
22 the fact that on November 5, 1991 he was found guilty of the charge of driving while  
23 under the influence (BA .11).
- 24  
25 9. Petitioner has never had any certificate or privilege to appear and practice before any  
26 regulatory administrative body suspended or revoked except as hereinafter provided:  
27 NONE.  
28

- 1 10. Petitioner, either by resignation, withdrawal, or otherwise, never has terminated or  
2 attempted to terminate Petitioner's office as an attorney in order to avoid administrative  
3 disciplinary, disbarment or suspension proceedings; except as hereinafter provided:  
4 NONE.  
5
- 6 11. Petitioner, a solo practitioner, has NEVER filed an application to appear as counsel under  
7 Supreme Court Rule 42 during the past three years in any matter.
- 8 12. Nevada Counsel of Record for Petition in this matter is:  
9 DANIEL J. ALBREGTS, who has offices at 601 S. Tenth Street, Suite 202, Las Vegas,  
10 Clark County, 89101, (Phone: 702-474-4004).  
11
- 12 13. The following accurately represents the names and addresses of each party in this matter,  
13 WHETHER OR NOT REPRESENTED BY COUNSEL, and the names and addresses  
14 of each counsel of record who appeared for said parties:  
15
- 16 A. State of Nevada, represented by Christopher Laurent, Deputy District Attorney,  
17 200 S. Third St., Las Vegas, Nevada, 89101;
- 18 B. Alfred Centofanti, III, represented by Daniel Albregts, 601 S. Tenth St., Suite 202,  
19 Las Vegas, Nevada, 89101.
- 20 14. Petitioner agrees to comply with the provisions of Nevada Supreme Court Rule 42(3) and  
21 (12) and Petitioner consents to the jurisdiction of the courts and disciplinary boards of the  
22 State of Nevada in accordance with provisions as set forth in SCR 42(3) and (12).  
23
- 24 15. Petitioner respectfully requests that Petitioner be admitted to practice in the above  
25 entitled court FOR THE PURPOSES OF THIS MATTER ONLY.
- 26 DATED this the 11<sup>th</sup> day of September, 2001.  
27  
28
-   
Petitioner



1 I hereby consent as Nevada Counsel of Record to the designation of Petitioner to  
2 associate in this case pursuant to SCR 42.

3 DATED this the 14<sup>th</sup> day of September, 2001.

4  
5 

6 Counsel of Record

7 STATE OF CALIFORNIA )  
8 ) ss  
9 COUNTY OF SAN DIEGO )

10 I, ALLEN BLOOM, do hereby swear/affirm under penalty of perjury that the assertions  
11 of this application are true:

12 That I am the Petitioner in the above entitled matter; that I have read the foregoing and  
13 know the contents thereof; that the same is true of my own knowledge except as to those matters  
14 therein stated on information and belief, and as to those matters I believe them to be true.

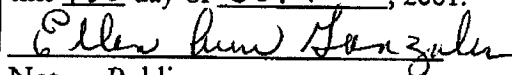
15 That I further certify that I am subject to the jurisdiction of the courts and disciplinary  
16 boards of this state with respect to the law of this state governing the conduct of attorneys to the  
17 same extent as a member of the State Bar of Nevada; that I understand and shall comply with the  
18 standards of professional conduct required by members of the State Bar of Nevada; and that I am  
19 subject to the disciplinary jurisdiction of the State Bar of Nevada with respect to any of my  
20 actions occurring in the course of such appearance.  
21  
22

23 

24 Affiant

25 Subscribed and sworn to before me

26 this 12 day of SEPT, 2001.

27 

28 Notary Public

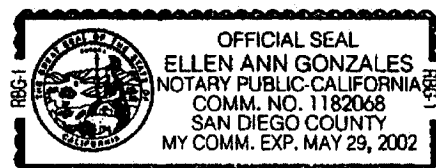


EXHIBIT B



THE  
STATE BAR  
OF CALIFORNIA

180 HOWARD STREET  
SAN FRANCISCO, CALIFORNIA 94105-1639  
TELEPHONE (415) 538-2000

September 5, 2001

TO WHOM IT MAY CONCERN:

This is to certify that according to the records of the State Bar, ALLEN ROBERT BLOOM was admitted to the practice of law in this state by the Supreme Court of California on December 16, 1975; that on June 22, 1989, there was a private reproof with public disclosure by the State Bar Court; that on March 12, 1992, a notice to show cause directed to the member was issued to commence formal disciplinary proceedings and hearings; that on August 18, 1992, he was publicly reproofed by State Bar Court; that the public record states that information has been provided pursuant to Business and Professions Code section 6086.1(c); and that he has been since the date of admission, and is at date hereof, an ACTIVE member of the State Bar of California.

THE STATE BAR OF CALIFORNIA

Charlotte Blackford  
Supervisor  
Membership Records

EXHIBIT   C

1 STAT

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4 Case No. C172534  
5 Dept. No. VII  
6 Docket

7 State Of Nevada

8 vs.

9 Alfred P. Centofanti, III  
10 \_\_\_\_\_ /

11 SUPREME COURT RULE 42  
STATEMENT

12 STATE BAR OF NEVADA, in response to the application of Petitioner, submits the following  
13 statement pursuant to SCR42:

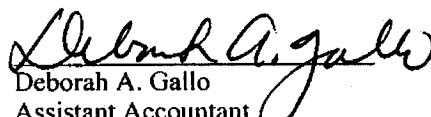
- 14 1. DATE OF APPLICATION: 9/14/01  
15 2. APPLYING ATTORNEY: Allen Robert Bloom, Esq.  
16 3. FIRM NAME AND ADDRESS: Law Offices of Allen Robert Bloom, 1551 Fourth Avenue, Suite 801, San  
Diego, CA 92101  
17 4. NEVADA COUNSEL OF RECORD: Daniel J Albregts, Esq., 601 So. 10th Street, Suite 202, Las Vegas,  
NV 89101

18  
19 ☒ No record of previous applications for appearance by petitioner or other attorney members of the  
20 petitioner's firm.

21 In addition to the present application, petitioner and /or other firm members made previous applications  
22 on the following date(s):

23 All previous applications by the petitioner were granted with the exception of those filed on the  
24 following dates:

25 DATED this September 14, 2001

26   
27 Deborah A. Gallo  
28 Assistant Accountant  
STATE BAR OF NEVADA

## District Case Inquiry - Minutes

Home	Case 01-C-172534-C	Just Ct. 00-GJ-00009	Status REOPENED
Summary	Case#		
Index	Plaintiff State of Nevada	Attorney Roger, David J.	
Calendar	Defendant Centofanti III, Alfred P	Attorney Colucci, Carmine J.	
Continuance	Judge CADISH, ELISSA	Dept. 6	
Minutes			
Parties			
Def. Detail	Event 10/01/2001 at 09:30 AM	ALL PENDING MOTIONS 10-1-01	
Next Co-Def.	Heard By Gibbons, Mark		
Charges	Officers Tina Hurd, Court Clerk		
Sentencing	Patsy Smith, Reporter/Recorder		
Bail Bond	Parties 0000 - State of Nevada	Yes	
Alias Detail	S1		
Crim. Detail	005043	Laurent, Christopher J.	Yes
Exhibits	006316	Goettsch, Becky S.	Yes
Judgments	0001 - Centofanti III, Alfred P	Yes	
	D1		
District Case	004435	Albregts, Daniel J.	Yes
Party Search	005103	Richards, Daren B.	Yes
Corp. Search			
Atty. Search			
Bar# Search			
ID Search			
Calendar Day	STATE'S MOTION TO DISQUALIFY COUNSEL...STATE'S MOTION IN LIMINE...FURTHER		
Cal. Month	PROCEEDINGS		
Holidays			
Logout	Allen Bloom, ESQ, counsel from California, present for Deft. also. Order		
Help	Admitting to Practice FILED IN OPEN COURT regarding Mr. Bloom. Court		
Legal Notice	advised the defense has not responded to the motion in limine. Mr. Bloom		
	advised he received it late Friday and does not believe he can address all		
	those matters now. Court stated he believes the State is going to file a		
	motion for other bad acts and he believes that motion will cross over. Mr.		
	Laurent advised he did not want to file the motion in limine but did at the		
	behest of the Court for the defense's benefit and he believes their excuse		
	is weak. Court advised he will not rule on the motion in limine today, but		
	will rule on the motion to disqualify. Mr. Laurent advised the Court set a		
	witness list date at 21 days before trial and Mr. Bloom wanted to consider		
	that. Mr. Bloom requested the time be the normal time frame as he is going		
	to need that amount of time to prepare and advised his trial in San Diego is		
	over but the jury is deliberating and he has not had much time to devote to		
	this case. As to the motion in limine, Mr. Bloom advised it did clarify for		
	the defense that Mr. Albregts will be a witness in this case and he believes		
	the Court has laid out the precedent and the State has cited numerous cases		
	that state an attorney cannot be a witness and an advocate at the same time.		
	Mr. Bloom advised he has made the argument that it would be a substantial		
	hardship to the defense to disqualify Mr. Albregts and why the exception		
	should be applied is set forth in the pleadings. Court suggested Mr.		
	Albregts continue with trial preparation, but not be allowed to sit at		
	counsel table during trial as the Court sees the real danger in Mr. Albregts		
	appearing as counsel in this case, then as a witness. However, the Court		
	does not see any danger in allowing Mr. Albregts to help prepare the case;		

then the Special Public Defender could sit as local counsel. Mr. Bloom advised they had not discussed that option. Off record conference between Mr. Bloom, Mr. Albregts and Mr. Richards. 10:06 a.m.—On the record, Mr. Bloom stated he believes the hybrid solution the Court suggested may be workable. Court advised what he would envision is Mr. Albregts continuing to work with Mr. Bloom, but could not sit at counsel table when the jury venire is brought in and cannot be present as counsel in any way during the trial. As to the Special Public Defender, Court advised there must be local counsel present with Mr. Bloom. Mr. Bloom stated he believes their office has that availability. Mr. Laurent advised he has no exception, however, he intends to invoke the exclusionary rule and advised the attorney/client privilege would not apply. Mr. Laurent advised he is concerned Mr. Albregts should not be in the courtroom as he is a witness. Mr. Bloom stated he believes the Court's suggestion is a wise one and advised Mr. Albregts would not be present in the courtroom as a witness. COURT ORDERED, motion to disqualify counsel is GRANTED with the exception that Mr. Albregts WILL BE ALLOWED to help Mr. Bloom in preparation of the case and Mr. Albregts WILL BE ALLOWED to testify in the guilt phase and the penalty phase, if there is one; Mr. Albregts will NOT be allowed in the courtroom and will NOT be allowed to sit at counsel table during trial. COURT FURTHER ORDERED, the Special Public Defender will continue as co-counsel for trial and that appointment is RE-AFFIRMED.

Colloquy regarding scheduling issues. Mr. Bloom requested a status check date for discovery issues about 30 days before trial that will take 1-2 hours. Mr. Bloom advised he has rescheduled other hearings, however, he has a Board of Parole hearing on November 26 pursuant to a Writ of Habeas Corpus and pleadings that were filed; the hearing was ordered by the Court and is in San Diego County. Mr. Bloom requested the trial start on the 27th or 28th. Colloquy. COURT ORDERED, trial date VACATED AND RESET to November 27 @ 1:30 p.m.; November 21 Calendar Call date STANDS. Colloquy regarding jury selection and the selection of alternates. Court advised he allows the jury to ask questions and provided the case citation to Mr. Bloom. Colloquy regarding guidelines as to witness disclosure. Mr. Laurent requested expedited disclosure. Mr. Bloom requested the statutory guidelines stand. Mr. Laurent advised the State's concern is character evidence. Further colloquy. Court advised he will not rule on that today. COURT ORDERED, matter set for further proceedings on October 29 and the motion in limine is CONTINUED to that same date.

BOND/H.A.

10-29-01 9:00 AM STATE'S MOTION IN LIMINE...FURTHER PROCEEDINGS

11-27-01 1:30 PM JURY TRIAL

---

**Due to time restraints and individual case loads, the above case record may not reflect all information to date.**

---

ORIGINAL

1 SUBT  
2 CARMINE J. COLUCCI, ESQ.  
3 CARMINE J. COLUCCI, CHTD.  
4 Nevada Bar #000881  
5 629 South Sixth Street  
6 Las Vegas, Nevada 89101  
7 (702) 384-1274

FILED

MAY 25 3 41 PM '04

*Shirley B. Langione*  
CLERK

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 STATE OF NEVADA,	) CASE NO. C172534
11 Plaintiff,	) DEPT NO. XIV
12 vs.	)
13 ALFRED CENTOFANTI,	)
14 Defendant.	)
15	)

SUBSTITUTION OF ATTORNEY

17 I, the undersigned, ALFRED CENTOFANTI, hereby consent to substitute CARMINE  
18 J. COLUCCI, ESQ., of the law firm of CARMINE J. COLUCCI, CHTD., as my attorney of  
19 record in the place of ALAN BLOOM, ESQ., and GLORIA M. NAVARRO, ESQ., in the  
20 above-entitled matter.

22 DATED this 22<sup>nd</sup> day of May, 2004.

  
ALFRED CENTOFANTI  
Defendant

26 I, CARMINE J. COLUCCI, ESQ., of the law firm of CARMINE J. COLUCCI, CHTD.,  
27 do hereby consent to being substituted in as attorney of record in place of ALAN BLOOM,

28 /////

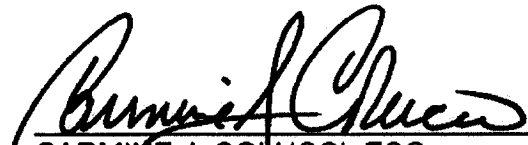
RECEIVED  
MAY 25 2004  
COUNTY CLERK



1 ESQ., and GLORIA M. NAVARRO, ESQ., in the above-entitled matter.


2 DATED this 19<sup>th</sup> day of May, 2004.

3 CARMINE J. COLUCCI, CHTD.

4  
5  
6   
7 CARMINE J. COLUCCI, ESQ.  
8 Nevada Bar No. 000881  
629 South Sixth Street  
Las Vegas, Nevada 89101

9 ~~I, ALAN BLOOM, ESQ.,~~ <sup>Allen</sup> do hereby consent that CARMINE J. COLUCCI, ESQ., may  
10 be substituted in my place in the above-entitled matter.


11 DATED this 24 of May, 2004.

12  
13   
14 ~~ALAN BLOOM, ESQ.~~ <sup>Allen</sup>  
15 1202 Kettner Blvd., Suite 4300  
San Diego, CA 92101

16 I, GLORIA M. NAVARRO, ESQ., do hereby consent that CARMINE J. COLUCCI,  
17 ESQ., may be substituted in my place in the above-entitled matter.

18 DATED this \_\_\_ of May, 2004.

19 CLARK COUNTY SPECIAL PUBLIC DEFENDER

20  
21   
22 GLORIA M. NAVARRO, ESQ.  
23 Nevada Bar No. 005434  
24 333 South Third Street, 2<sup>nd</sup> Floor  
25 Las Vegas, NV 89155  
26  
27  
28

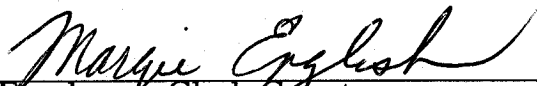
1  
2 **CERTIFICATE OF MAILING**

3 I HEREBY CERTIFY AND AFFIRM that on this 26<sup>th</sup> day of March 2009 I  
4 deposited in the United States Mail a true and correct copy of the foregoing  
5 Respondent's Appendix to Petition for Writ of Mandamus addressed to:

6  
7 Carmine Colucci, Esq.  
8 Carmine J. Colucci, Chtd.  
629 South Sixth Street  
Las Vegas, Nevada 89101

9 The Honorable Lee A. Gates  
10 Eighth Judicial District court  
Department VIII  
11 200 Lewis Avenue  
Regional Justice Center  
12 Las Vegas, Nevada 89155

13 Catherine Cortez Masto  
14 Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 89701-4717

15  
16   
17 Employee, Clark County  
18 District Attorney's Office  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

OWENS/english