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IN THE SUPREME COURT OF THE STATE OF NEVADA PM 3:24

INDICATE FULL CAPTION:

ALFRED P. CENTOFANTI, III.,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 58562

DOCKETING STATEMENT
CRIMINAL APPEALS

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

FILED

AUG 12 2011

GENERAL INFORMATION

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

1. Judicial District Eighth County Clark
Judge Elissa F. Cadish District Ct Case No. 01C172534

2. If the defendant was given a sentence,

(a) what is the sentence?

Life without the possibility of parole plus a consecutive sentence of life without the possibility of parole.

(b) has the sentence been stayed pending appeal?

No

(c) was defendant admitted to bail pending appeal?

No

3. Was counsel in the district court appointed ☒ or retained ☐ ?

4. Attorney filing this docketing statement:

Attorney Rochelle T. Nguyen Telephone (702) 383-3200

Firm: Nguyen & Lay

Address: 324 S. Third Street, Suite 1
Las Vegas, Nevada 89101

Client(s) Alfred P. Centofanti, III.

5. Is appellate counsel appointed ☒ or retained ☐ ?

AUG 12 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

11-24602

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.

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

Attorney Steven S. Owens, Chief Deputy District Attorney Telephone (702) 671-2500

Firm: Clark County District Attorney

Address: 200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155

Client(s) The State of Nevada

Attorney _____ Telephone _____

Firm: _____

Address: _____

Client(s) _____

(List additional counsel on separate sheet if necessary)

7. 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 habeas (NRS ch. 34)
 - ☐ grant ☒ denial
- ☐ Other disposition (specify)

8. Does this appeal raise issues concerning any of the following:

☐ death sentence

☒ life sentence

☐ juvenile offender

☐ pretrial proceedings

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

Yes ☐ No ☒

10. 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):

In re: Discipline of Centofanti, Docket Number: 43292

Centofanti v. District Court, Docket Number: 43895

Centofanti v. State, Docket Number: 44984

Centofanti v. District Court, Docket Number: 52994

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

State of Nevada v. Alfred P. Centofanti, III. Case Number: 01-C-172534 (Eighth Judicial District Court)

12. Nature of action. Briefly describe the nature of the action and the result below:

Appellant, Alfred P. Centofanti, III, was convicted of First Degree Murder with Use of a Deadly Weapon. He was subsequently sentenced to life without the possibility of parole with a consecutive sentence of life without the possibility of parole.

A timely Petition for Writ of Habeas Corpus (post-conviction) was filed in the Eighth Judicial District Court. The court heard argument by counsel on December 2, 2009. An evidentiary hearing was conducted on July 30, 2010. Final, argument by counsel was heard on September 24, 2010. The court issued a written Order Denying Petition for Writ of Habeas Corpus on May 9, 2011.

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

1. The District Court Committed Reversible Error by Denying the Appellant's Post-Conviction Petition for Writ of Habeas Corpus in Violation of the Appellants Rights under the Federal and Nevada Constitutions.
2. The District Court Erred by Allowing Counsel to Represent Appellant for Sentencing, Appeal, and Post-Conviction Writ of Habeas Corpus without Obtaining a Formal Waiver of the Conflict from the Appellant in Violation of the Appellants Rights under the Federal and Nevada Constitutions.

14. Constitutional issues. If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, 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

N/A

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 or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

1 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 5/9/11

19. Date of entry of written judgment or order appeal from 5/9/11

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

N/A

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 by the district court

(a) Was service by delivery ☐ or by mail ☒.

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

(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 6/10/2011

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other
NRS 34.575

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) <u>xx</u> _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) _____	Other (specify) _____
NRS 177.055 _____	

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

ROCHELLE T. NGUYEN

Name of appellant

Name of counsel of record

8/9/11

Date

Rochelle T. Nguyen
Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 9th day of August, 2011, 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):

Dated this 9th day of August, 2011.

Rochelle T. Nguyen
Signature