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

3 **ALFRED P. CENTOFANTI, III,**

4 **Appellant,**

5 **vs.**

6 **THE STATE OF NEVADA,**

7 **Respondent.**

No.: 58562

DC No.: C172534
Electronically Filed
Dec 19 2011 09:04 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

9
10 **APPELLANT'S MOTION TO EXPAND TIME TO FILE OPENING BRIEF**

11 COMES NOW, Appellant, Alfred P. Centofanti, III, by and through his attorney,
12 Rochelle T. Nguyen, Esq., of Nguyen & Lay, and respectfully requests this Court allow leave
13 to expand time to file opening brief by thirty (30) days for the reasons set forth in the points
14 and authorities therein and the attached declaration of counsel.

15 Dated this 19th day of December, 2011.

16 Respectfully Submitted,

17 NGUYEN & LAY

18 

19 ROCHELLE T. NGUYEN, ESQ.

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2 **POINTS AND AUTHORITES**

3 NRAP Rule 26(b)(1)(A) provides as follows:

4 For good cause, the court may extend the time prescribed by these Rules or by its
5 order to perform any act, or may permit an act to be done after that time expires.

6 **DECLARATION OF ROCHELLE T. NGUYEN, ESQ.**

7 ROCHELLE T. NGUYEN, ESQ., declares under penalty of perjury:

8 1. That I am a licensed attorney practicing law in the State of Nevada, and that I
9 have been appointed to represent the Appellant, ALFRED P. CENTOFANTI, III, in the
10 above-captioned case.

11 2. That the Appellant is making this request in good faith so that he be allowed
12 additional time to fully investigate, research and raise meritorious issues to this Honorable
13 Court.

14 3. That the Appellant's Opening Brief is currently due on December 23, 2011.

15 4. The Appellant previously requested and was granted an extension of time to
16 file an opening brief in this case.

17 5. That the Petition for Writ of Habeas Corpus (post-conviction) that this appeal
18 stems from was three hundred and thirty-four (334) pages in length, with approximately two
19 thousand (2,000) pages of exhibits.

20 6. That the district court conducted an evidentiary hearing, allowed for video-
21 taped deposition testimony and took the matter under advisement for nearly eight (8) months
22 before issuing a written Order.

23 7. That, due to the volume of the instant case, and the number and complexity of
24 the issues presented for appeal, the Declarant requires an additional time to file the
25 Appellant's Opening Brief.

26 8. That this second request for a brief extension of time comes for extraordinary
27 circumstances and extreme need.

28 9. First, because Mr. Centofanti has limited visiting days at the prison, it has

1 been difficult to schedule visitation because of the numerous holidays throughout November
2 and December, which coincide with his visitation days in prison.

3 10. Second, this honorable court recently reviewed and denied the Appellant's
4 Motion to Remand on November 18, 2011. This denial creates a significant legal issue in
5 this case and has changed the Appellant's legal strategy on appeal. This change necessitates
6 additional legal research and consultation with the client.

7 7. That the Declarant respectfully request that the Court allow for an additional
8 thirty (30) days to file the Appellant's Opening Brief.

9 Dated this 19th day of December, 2011.

10 
11 ROCHELLE T. NGUYEN, ESQ.

CERTIFICATE OF SERVICE

The undersigned hereby declares that on the 19th day of December, 2011, a true and correct copy of the foregoing Appellant's Motion to Expand time to File Opening Brief was sent via U.S. First-Class mail to the following:

Alfred P. Centofanti, III #85237
P.O. Box 650 (HDSP)
Indian Springs, NV 89018

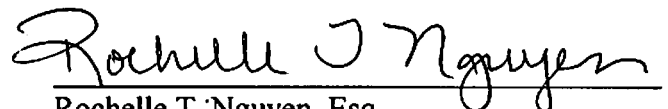

ROCHELLE T. NGUYEN, ESQ.

CERTIFICATE OF ELECTRONIC TRANSMISSION

The undersigned hereby declares that on December 19, 2011, an electronic copy of the foregoing Appellant's Motion to Expand time to File Opening Brief was sent via the master transmission list with the Nevada Supreme Court to the following:

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