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IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI, III,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No.: 58562

DC No.: C172534

Electronically Filed
Jan 24 2012 09:36 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPELLANT'S MOTION TO EXPAND LENGTH OF OPENING BRIEF

COMES NOW, Appellant, Alfred P. Centofanti, III, by and through his attorney, Rochelle T. Nguyen, Esq., of NGUYEN & LAY, and respectfully requests this Court allow leave to expand the length of the opening brief from thirty (30) pages to (81) pages for the reasons set forth in the points and authorities therein and the attached declaration of counsel.

Dated this 23rd day of January, 2012.

Respectfully Submitted,

NGUYEN & LAY



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2 **POINTS AND AUTHORITES**

3 NRAP 32(a)(7)

4 (A) Noncapital Cases. (i) Page Limitation. Unless it complies with Rule
5 32(a)(7)(A)(ii) or permission of the court is obtained under Rule 32(a)(7)(D), an
opening or answering brief shall not exceed 30 pages

6 NRAP 32(a)(7)(D)

- 7 (i) The court looks with disfavor on motions to exceed the applicable page limit
8 or type-volume limitation, and therefore, permission to exceed the page limit
9 or type-volume limitation will not be routinely granted. A motion to file a
10 brief that exceeds the applicable page limit or type-volume limitation will be
11 granted only upon a showing of diligence and good cause. The court will not
12 consider the cost of preparing and revising the brief in ruling on the motion.
13 (ii) A motion seeking an enlargement of the page limit or type-volume limitation
14 for a brief shall be filed on or before the brief's due date and shall be
15 accompanied by a declaration stating in detail the reasons for the motion and
16 the number of additional pages, words, or lines of text requested. A motion to
17 exceed the type-volume limitation shall be accompanied by a certification as
18 Required by Rule 32(a)(7)(C) as to the word count.
19

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

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

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

25 2. The facts in this case are such to require a lengthy statement of facts, issues,
26 law, evidence and argument.

27 3. That preliminary drafts of the statement of facts, statement of the case,
28 statement of the issues and argument, indicate that the issues included cannot be adequately
presented to the Court within the limitations of rule NRAP 32(a)(7).

4. That the Appellant is making this request in good faith so that he be allowed
to raise meritorious issues to this Honorable Court.

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

1 thousand (2,000) of exhibits.

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

5 7. NRAP 32(a)(7)(D) allows this Court discretion to permit Appellant to file a
6 brief in excess of thirty (30) pages in the prosecution of this action. This Court is so urged to
7 do so and act.

8 8. This case presented unique legal issue related to an attorney conflict that
9 added to the length of the opening brief. It is undersigned counsel's belief that this issue is
10 one of first impression with the Nevada Supreme Court.

11 9. In addition, to the legal issue related to the conflict, the issues related to trial
12 counsel's ineffective assistance encompassed over thirty-six (36) issues.

13 10. That counsel for Appellant makes this request based upon necessity, due
14 diligence and good cause and is confident that to reduce the length of this brief in any way
15 may lead to ineffective assistance of counsel and a violation of the Appellant's Due Process
16 rights under the Nevada and United States Constitutions.

17 Dated this 23rd day of January, 2012.

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19 ROCHELLE T. NGUYEN, ESQ.
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CERTIFICATE OF SERVICE

The undersigned hereby declares that on the 23rd day of January, 2012, a true and correct copy of the foregoing Appellant's Motion to Expand Length of Opening Brief was sent via U.S. First-Class mail to the following:

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