

Original

Electronically Filed  
2/20/2019 11:13 AM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

1 Alfred Centofanti #85237

2 Petitioner In Proper Person

3 P.O. Box 650 H.D.S.P.

4 Indian Springs, Nevada 89018

Electronically Filed  
Feb 27 2019 08:36 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

5 8th JUD. DISTRICT COURT

6 CLARK COUNTY NEVADA

7 ALFRED CENTOFANTI,

8 Petitioner,

Case No. 01-C-172534

9 -v-

Dept.No. \_\_\_\_\_

10 D.W. NEVEN, Warden HDSP,

Docket N/A

11 Respondent,

12  
13  
14 NOTICE OF APPEAL

15 Notice is hereby given that the Petitioner, Alfred

16 Centofanti,

by and through himself in proper person, does now appeal

17 to the Supreme Court of the State of Nevada, the decision of the District

18 Court Denying his Petition for writ of Habeas Corpus (Post-Conviction)

19 and Request for Evidentiary Hearing filed January 29, 2019

20 attached hereto as Exhibit "A".

21 Dated this date, February 13, 2019.

22  
23 Respectfully Submitted,

24 *Alfred Centofanti*  
25 In Proper Person  
26 Alfred Centofanti #85237

27  
28  
RECEIVED  
FEB 20 2019  
CLERK OF THE COURT

**CERTIFICATE OF SERVICE BY MAILING**

I, Alfred Centofanti, hereby certify, pursuant to NRCP 5(b), that on this 13<sup>th</sup>  
day of February, 2019, I mailed a true and correct copy of the foregoing, "Notice of Appeal"  
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,  
addressed as follows:

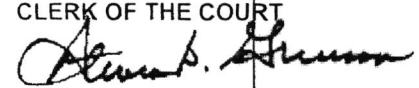
Clark County D.A.'s office  
200 Lewis Avenue  
Las Vegas, NV 89155  
Counsel for Respondent

DATED: this 13<sup>th</sup> day of February, 2019.

Alfred Centofanti # 85237  
Petitioner /In Propria Persona  
Post Office box 650 [HDSP]  
Indian Springs, Nevada 89018

Affirmation (Pursuant to NRS 239B.030)  
I, Alfred Centofanti, Petitioner in Pro Se, hereby affirm that the  
Notice of Appeal does not contain the Social Security Number of  
any person.

Alfred Centofanti # 85237  
Petitioner in Pro Per



1 NEO

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4 ALFRED P. CENTOFANTI III,

5  
6 Petitioner,

Case No: 01C172534

Dept No: VI

7 vs.

8 THE STATE OF NEVADA,

9 Respondent,

NOTICE OF ENTRY OF FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

10  
11 PLEASE TAKE NOTICE that on January 23, 2019, the court entered a decision or order in this matter,  
12 a true and correct copy of which is attached to this notice.

13 You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you  
14 must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is  
15 mailed to you. This notice was mailed on January 29, 2019.

16 STEVEN D. GRIERSON, CLERK OF THE COURT

17 /s/ Amber Lasby

18 Amber Lasby, Deputy Clerk

19 CERTIFICATE OF E-SERVICE / MAILING

20 I hereby certify that on this 29 day of January 2019, I served a copy of this Notice of Entry on the  
21 following:

22 ☒ By e-mail:

23 Clark County District Attorney's Office  
24 Attorney General's Office – Appellate Division-

25 ☒ The United States mail addressed as follows:

26 Alfred Centofanti # 85237  
27 P.O. Box 650  
28 Indian Springs, NV 89070

/s/ Amber Lasby

Amber Lasby, Deputy Clerk

**ORIGINAL**

Electronically Filed  
1/23/2019 2:36 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

**FCL**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JAMES R. SWEETIN**  
Chief Deputy District Attorney  
Nevada Bar #005144  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-vs-

**ALFRED CENTOFANTI,**  
**#1730535**

Defendant.

CASE NO: **01C172534**

DEPT NO: **VI**

**FINDINGS OF FACT, CONCLUSIONS OF**

**LAW AND ORDER**

DATE OF HEARING: **DECEMBER 26, 2018**  
TIME OF HEARING: **CHAMBERS**

THIS CAUSE having presented before the Honorable ELISSA F. CADISH, District Judge, on the 26th day of December, 2018; parties not present having submitted briefs; and having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, the Court makes the following Findings of Fact and Conclusions of Law:

//

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//

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1 Finally, Petitioner's request to do additional discovery about plea offers that might have  
2 been made is beyond the scope of this Petition which is limited to Colucci's part of the case,  
3 and which was only post-trial. Moreover, there are no facts presented which would warrant  
4 relief on this claim. Accordingly, Petitioner has not demonstrated ineffectiveness or prejudice  
5 as required by Strickland, nor is an evidentiary hearing warranted on this record.

6 For all of these reasons, this Court denies the instant second post-conviction Petition  
7 for Writ of Habeas Corpus and denies the request for an evidentiary hearing.

8 **ORDER**

9 THEREFORE, **IT IS HEREBY ORDERED** that the Petition for Writ of Habeas  
10 Corpus shall be, and is, denied.

11 DATED this 22 day of January, 2019.

12  
13   
DISTRICT JUDGE BU

14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
Nevada Bar #001565

16 BY

17   
18 JAMES R. SWEETIN  
Chief Deputy District Attorney  
Nevada Bar #005144

19  
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21  
22  
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24  
25  
26  
27  
28 hjc/SVU

LAS VEGAS, NV 89  
FEB 15

Clerk - 8th Judicial District Court  
200 Lewis Ave - 3rd Floor  
Las Vegas, NV 89155-1160

09-07-86



**RECEIVED**

**FEB 14 2019**

**HIGH DESERT STATE PRISON  
LAW LIBRARY**



1 ASTA

2  
3  
4  
5  
6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**

9 STATE OF NEVADA,

10 Plaintiff(s),

11 vs.

12 ALFRED P. CENTOFANTI, III,

13 Defendant(s),

Case No: 01C172534

Dept No: VI

14  
15  
16 **CASE APPEAL STATEMENT**

17  
18 1. Appellant(s): Alfred Centofanti

19 2. Judge: Joseph Bonaventure

20 3. Appellant(s): Alfred Centofanti

21 Counsel:

22 Alfred Centofanti #85237  
23 P.O. Box 650  
24 Indian Springs, NV 89070

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89101



(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: January 10, 2001

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Writ of Habeas Corpus

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 38987, 43895, 44984, 58562

12. Child Custody or Visitation: N/A

Dated This 22 day of February 2019.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Alfred Centofanti

**CASE SUMMARY****CASE No. 01C172534****The State of Nevada vs Alfred P Centofanti III**§  
§  
§  
§  
§  
§  
§  
§  
§

Location: **Department 6**  
 Judicial Officer: **Vacant, DC 6**  
 Filed on: **01/10/2001**  
 Case Number History:  
 Cross-Reference Case **C172534**  
 Number:  
 Defendant's Scope ID #: **1730535**  
 Lower Court Case Number: **00GJ00009**  
 Supreme Court No.: **58562**

**CASE INFORMATION**

|  |            |             |                   |                                 |
|--|------------|-------------|-------------------|---------------------------------|
| <b>Offense</b>                                     | <b>Deg</b> | <b>Date</b> | <b>Case Type:</b> | <b>Felony/Gross Misdemeanor</b> |
| 1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON | F          | 01/01/1900  | Case Status:      | <b>01/11/2012 Closed</b>        |

**Statistical Closures**

01/11/2012 Other Manner of Disposition - Criminal  
 08/27/2007 USJR Reporting Statistical Closure  
 03/16/2005 USJR Reporting Statistical Closure  
 06/16/2009 USJR Reporting Statistical Closure

**Warrants**

Bench Warrant - Centofanti III, Alfred P (Judicial Officer: Cadish, Elissa F. )

03/24/2004 Quashed  
 01/10/2001 Issued

Fine: \$0  
 Bond: \$0

**Bonds**

Converted Surety Bond #S999248597 \$250,000.00

4/11/2005 Exonerated  
 1/12/2001 Posted

Counts: 1  
 01/01/1900 Arrest Date

**DATE****CASE ASSIGNMENT****Current Case Assignment**

Case Number 01C172534  
 Court Department 6  
 Date Assigned 01/07/2019  
 Judicial Officer Vacant, DC 6

**PARTY INFORMATION****Defendant Centofanti III, Alfred P****Plaintiff State of Nevada**

**Wolfson, Steven B**  
 702-671-2700(W)

**DATE****EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

01/10/2001



Indictment

*(GRAND JURY) INDICTMENT Fee \$0.00*

01/10/2001

Hearing

*GRAND JURY INDICTMENT*

# CASE SUMMARY












CASE No. 01C172534

|            |  |
|------------|--|
| 01/10/2001 | Hearing<br><i>INITIAL ARRAIGNMENT</i>  |
| 01/10/2001 | Bench Warrant<br><i>BENCH WARRANT ISSUED</i>   |
| 01/10/2001 | Order<br><i>ORDER OF INTENT TO FORFEIT</i>   |
| 01/12/2001 | Hearing<br><i>MINUTE ORDER RE: BAIL SETTING</i>  |
| 01/12/2001 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER REGARDING BAIL BOND</i>  |
| 01/12/2001 |  Bond<br>Filed By: Defendant Centofanti III, Alfred P<br><i>BAIL BOND #S999 00248597 \$250,000.00</i>   |
| 01/17/2001 |  Request<br><i>MEDIA REQUEST</i>  |
| 01/17/2001 |  Order<br><i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>   |
| 01/25/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS - GRAND JURY</i>   |
| 02/13/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF STATE BAR OF NEVADAS MOTION TO QUASH SUBPOENA</i>  |
| 02/20/2001 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>STIPULATION AND ORDER TO CONTINUE TIME FOR FILING OF PETITION FOR WRIT OF HABEAS CORPUS HABEAS CORPUS</i>                          |
| 03/07/2001 |  Substitution of Attorney<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBSTITUTION OF ATTORNEY</i>  |
| 03/20/2001 |  Motion<br><i>DEFT'S MTN TO EXTEND TIME WITHIN WHICH TO FILE A WRIT OF HABEAS CORPUS</i>  |
| 03/26/2001 |  Opposition<br>Filed By: Defendant Centofanti III, Alfred P<br><i>STATE'S OPPOSITION TO DEFT'S MOTION TO EXTEND THE TIME WITHIN WHICH TO FILE A WRIT OF HABEAS CORPUS WRIT OF HABEAS CORPUS</i> |
| 04/17/2001 |  Petition<br><i>DEFT'S PETITION FOR WRIT OF HABEAS CORPUS</i>   |
| 05/01/2001 |  Writ   |

# CASE SUMMARY

CASE No. 01C172534












## RETURN TO WRIT OF HABEAS CORPUS

|            |  |
|------------|--|
| 05/23/2001 |  Order<br><i>ORDER DENYING DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS</i>  |
| 05/24/2001 |  Motion<br><i>DEFT'S MOTION TO CONTINUE TRIAL</i>   |
| 06/04/2001 |  Expert Witness List<br><i>NOTICE OF EXPERT WITNESSES</i>   |
| 06/04/2001 |  Response<br><i>RESPONSE TO MOTION TO CONTINUE</i>  |
| 06/04/2001 |  Filed Under Seal<br><i>FILED UNDER SEAL MOTION</i>   |
| 06/04/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>  |
| 06/05/2001 | Hearing<br><i>TRIAL SETTING VR 6-11-01</i>   |
| 06/05/2001 | Hearing<br><i>STATUS CHECK: EVIDENTIARY HEARING RE: STATE'S MOTION TO REVOKE BAIL VR 6-11-01</i>   |
| 06/11/2001 | Hearing<br><i>STATUS CHECK: EVIDENTIARY HEARING REGARDING STATE'S MOTION TO REVOKE BAIL</i>  |
| 06/11/2001 | Hearing<br><i>TRIAL SETTING</i>  |
| 06/12/2001 |  Notice of Entry of Decision and Order<br><i>NOTICE OF ENTRY OF DECISION AND ORDER</i>                              |
| 06/13/2001 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL DEFENDANT'S OPPOSITION</i> |
| 06/14/2001 | Motion<br><i>ALL PENDING MOTIONS 6-14-01</i>   |
| 06/18/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF DEFENDANT'S MOTION TO CONTINUE TRIAL</i>                       |
| 06/19/2001 |  Order<br><i>ORDER GRANTING PERMISSION OF MEDIA ENTRY</i>   |
| 06/19/2001 |  Request<br><i>MEDIA REQUEST</i>  |
| 06/20/2001 | Motion<br><i>ALL PENDING MOTIONS 6/18/01</i>   |
















# CASE SUMMARY

CASE No. 01C172534

|            |  |
|------------|--|
| 06/20/2001 | Motion<br><i>ALL PENDING MOTIONS 6/19/01</i>   |
| 06/25/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS</i>         |
| 06/26/2001 | Motion<br><i>ALL PENDING MOTIONS 6-26-01</i>   |
| 06/28/2001 | Receipt<br><i>RECEIPT</i>  |
| 07/17/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT</i>   |
| 08/01/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF STATUS CHECK: EVIDENTIARY HEARING</i>                      |
| 08/01/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF STATUS CHECK: EVIDENTIARY HEARING</i>                      |
| 08/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>            |
| 08/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>          |
| 08/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>          |
| 08/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>          |
| 08/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>          |
| 08/23/2001 |  Motion<br><i>DEFT'S MTN TO ASSOCIATE COUNSEL/CONTINUE TRIAL/21</i>   |
| 08/27/2001 |  Opposition<br><i>OPPOSITION TO DEFENDANTS MOTION TO ASSOCIATE COUNSEL AND CONTINUE TRIAL DATE TRIAL DATE</i> |
| 08/28/2001 | Hearing<br><i>STATE'S REQUEST: HEARING RE DEFT'S MTN TO ASSOCIATE CNSL/CONTINUE TRIAL DATE/22</i>  |
| 09/06/2001 |  |

# CASE SUMMARY


CASE No. 01C172534

|            |   |
|------------|---|
|            |  Expert Witness List<br><i>NOTICE OF WITNESSES</i>   |
| 09/06/2001 |  Expert Witness List<br><i>SUPPLEMENTAL NOTICE OF EXPERT WITNESSES</i>   |
| 09/11/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF STATUS CHECK</i>  |
| 09/13/2001 |  Supplement<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUPPLEMENT TO MOTION TO ASSOCIATE NEW COUNSEL AND TO CONTINUE TRIAL</i>  |
| 09/13/2001 |  Opposition<br><i>OPPOSITION TO DEFENDANTS SUPPLEMENT TO MOTION TO ASSOCIATE NEW COUNSEL AND TO CONTINUE TRIAL AND STATES MOTION IN LIMINE ADVOCATE WITNESS RULE AND TO CONTINUE TRIAL AND STATES MOTION IN LIMINE ADVOCATE WITNESS RULE</i> |
| 09/14/2001 | Hearing<br><i>FURTHER PROCEEDINGS</i>   |
| 09/14/2001 |  Addendum<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ADDENDUM DECLARATION #2 TO THE SUPPLEMENT MOTION TO ASSOCIATE COUNSEL AND CONTINUE TRIAL AND CONTINUE TRIAL</i>  |
| 09/18/2001 |  Motion<br><i>STATE'S MTN TO DISQUALIFY ATTORNEY /26</i>   |
| 09/18/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>MOTION TO ASSOCIATE COUNSEL</i>   |
| 09/19/2001 |  Motion<br><i>STATE'S MOTION IN LIMINE</i>   |
| 09/25/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 09/25/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 09/25/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 09/27/2001 |  Response<br>Filed by: Defendant Centofanti III, Alfred P<br><i>RESPONSE TO MOTION TO DISQUALIFY COUNSEL</i>   |
| 10/01/2001 | Motion  |

# CASE SUMMARY

CASE No. 01C172534

*ALL PENDING MOTIONS 10-1-01*

|            |   |
|------------|---|
| 10/01/2001 | Hearing<br><i>FURTHER PROCEEDINGS</i>   |
| 10/01/2001 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER ADMITTING TO PRACTICE</i>           |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>   |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>  |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/09/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/16/2001 |  Motion<br><i>STATE'S MTN TO ADMIT EVIDENCE OF OTHER BAD ACTS/31</i>                                 |
| 10/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P                                |

**CASE SUMMARY**

**CASE No. 01C172534**







*SUBPOENA DUCES TECUM*

|            |  |
|------------|--|
| 10/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>  |
| 10/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>  |
| 10/16/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>  |
| 10/17/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>  |
| 10/17/2001 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i>  |
| 10/18/2001 |  Motion<br><i>STATE'S MTN IN LIMINE TO DECLARE DEFT'S PARENTS ADVERSE WITNESSES/32</i>  |
| 10/18/2001 |  Motion<br><i>STATE'S MTN TO REQUIRE PARTIES TO DECLARE WITNESSES/33</i>  |
| 10/19/2001 |  Motion<br><i>STATE'S MTN TO COMPEL DISCOVERY/34</i>  |
| 10/22/2001 |  Order<br><i>ORDER FOR PAYMENT OF WITNESS FEES</i>  |
| 10/23/2001 |  Request<br><i>REQUEST FOR ATENDANCE OF OUT-OF-STATE WITNESS MARK SMITH</i>   |
| 10/23/2001 |  Certificate<br><i>CERTIFICATE FOR ATTENDANCE OF OUT-OF-STATE WITNESS CUSTODIAN OF RECORDS HARRIS ROTHENBERG INTERNATIONAL OF RECORDS HARRIS ROTHENBERG INTERNATIONAL</i> |
| 10/23/2001 |  Order<br><i>ORDER FOR PAYMENT OF WITNESS FEES</i>  |
| 10/23/2001 |  Certificate<br><i>CERTIFICATE FOR ATTENDANCE OF OUT-OF-STATE WITNESS MARK SMITH</i>  |
| 10/23/2001 |  Request<br><i>REQUEST FOR ATTENDANCE OF OUT-OF-STATE WITNESS CUSTODIAN OF RECORDS HARRIS ROTHENBERG INTERNATIONAL HARRIS ROTHENBERG INTERNATIONAL</i>                    |
| 10/23/2001 |  Request  |



**CASE SUMMARY**

**CASE No. 01C172534**

|            |  |
|------------|--|
|            | Filed by: Defendant Centofanti III, Alfred P<br><i>MOTION FOR ORDER FOR PRODUCTION OF RECORDS</i>  |
| 10/29/2001 | Motion<br><i>ALL PENDING MOTIONS 10-29-01</i>  |
| 10/29/2001 | Hearing<br><i>STATUS CHECK: TRIAL READINESS / SET PETROCELLI HEARING</i>   |
| 10/29/2001 |  Ex Parte Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EX PARTE ORDER FOR PRODUCTION OF RECORDS</i>  |
| 10/29/2001 |  Response<br>Filed by: Defendant Centofanti III, Alfred P<br><i>DEFENSE RESPONSE TO MOTIONS FILED BY THE PLAINTIFF</i>                                      |
| 10/31/2001 |  Expert Witness List<br><i>AMENDED NOTICE OF WITNESSES</i>  |
| 11/02/2001 |  Order<br><i>MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS</i>   |
| 11/06/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>MOTION TO CONTINUE THE TRIAL</i>   |
| 11/06/2001 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL EX PARTE MOTION</i>  |
| 11/07/2001 | Hearing<br><i>EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS</i>  |
| 11/13/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION AND ORDER REMOVING THE PREVIOUSLY FILED SUBPOENAS DUCES TECUM</i>          |
| 11/14/2001 |  Order<br><i>ORDER GRANTING PAYMENT OF FEES</i>   |
| 11/15/2001 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER GRANTING DEFENDANTS MOTION FOR PUBLIC FUNDS</i>  |
| 11/19/2001 |  Ex Parte Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EX PARTE ORDER DIRECTING CLERK TO REMOVE PREVIOUSLY FILED SUBPOENAS DUCES TECUM</i> |
| 11/27/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                   |













# CASE SUMMARY

CASE No. 01C172534

|            |   |
|------------|---|
| 11/27/2001 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATION OF OUT OF STATE WITNESS</i>   |
| 11/28/2001 |  Ex Parte Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>AMENDED EX PARTE ORDER</i>   |
| 11/29/2001 |  Request<br><i>REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS</i>  |
| 11/29/2001 |  Certificate<br><i>CERTIFICATE FOR ATTENDANCE OF OUT OF STATE WITNESS MARK SMITH</i>   |
| 11/29/2001 |  Order<br><i>ORDER FOR PAYMENT OF WITNESS FEES</i>   |
| 11/29/2001 |  Order<br><i>ORDER FOR PAYMENT OF WITNESS FEES</i>   |
| 11/29/2001 |  Request<br><i>REQUEST FOR ATTENDANCE OF OUT OF STATE WITNESS CUSTODIAN OF RECORDS HARRIS ROTHENBERG INTERNATIONAL ROTHENBERG INTERNATIONAL</i>                  |
| 11/29/2001 |  Certificate<br><i>CERTIFICATE FOR ATTENDANCE OF OUT OF STATE WITNESS CUSTODIAN OF RECORDS HARRIS ROTHENBERG INTERNATIONAL HARRIS ROTHENBERG INTERNATIONAL</i> |
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                        |
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                        |
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                        |
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                        |
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                        |
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>                        |

# CASE SUMMARY















CASE No. 01C172534

|            |  |
|------------|--|
| 12/03/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>   |
| 12/04/2001 |  Receipt<br><i>RECEIPT</i>  |
| 12/05/2001 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATION OF OUT OF STATE WITNESS</i>  |
| 12/05/2001 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATION OF OUT OF STATE WITNESS</i>  |
| 12/05/2001 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATION OF OUT OF STATE WITNESS</i>  |
| 12/05/2001 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATION OF OUT OF STATE WITNESS</i>  |
| 12/05/2001 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATION OF OUT OF STATE WITNESS</i>  |
| 12/05/2001 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION FOR CERTIFICATION UNDER SEAL OF OUT OF STATE WITNESS</i>   |
| 12/17/2001 |  Motion<br><i>STATE'S MTN TO STRIKE EXPERT WITNESS LIST/PROSCRIBE DEFT VR 12-19-01OS/40</i>   |
| 12/17/2001 |  Motion<br><i>STATE'S MTN TO COMPEL DISCOVERY OF EXPERT'S REPORTS,NOTES/ALL VR 12-19-01</i>   |
| 12/17/2001 |  Memorandum<br>Filed By: Defendant Centofanti III, Alfred P<br><i>MEMORANDUM OF FACTS AND LAW REGARDING THE DEFENSE DISCOVERY AND DELIVERY OF NEWLY DISCOVERED SHELL CASINGS NEWLY DISCOVERED SHELL CASINGS</i> |
| 12/19/2001 | Hearing<br><i>DEFT'S REQUEST ORDER TO PRODUCE CASSETTE TAPE/42 VR 12-19-01</i>   |
| 12/19/2001 | Motion<br><i>STATE'S MTN TO STRIKE EXPERT WITNESS LIST &amp; PROSCRIBE DEFT FROM CALLING THOSE</i>   |
| 12/19/2001 | Motion<br><i>STATE'S MTN TO COMPEL DISCOVERY OF EXPERTS' REPORTS, NOTES &amp; ALL ITEMS</i>  |
| 12/19/2001 |  Hearing  |

# CASE SUMMARY

CASE No. 01C172534

*DEFT'S MOTION REQUESTING ORDER TO PRODUCE CASSETTE TAPE/45*

|            |  |
|------------|--|
| 12/19/2001 |  Response<br>Filed by: Defendant Centofanti III, Alfred P<br><i>DEFENSE RESPONSE TO DISTRICT ATTORNEYS MOTIONS RE DISCOVERY AND SANCTIONS</i> |
| 12/20/2001 |  Motion<br><i>DEFT'S MTN TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT/46</i>  |
| 12/20/2001 |  Motion<br><i>DEFT'S MTN TO PERMIT COUNSEL TO REFER TO THIS BRIEF IN PLACE OF LENGTHY RECORD/47</i>   |
| 12/20/2001 |  Receipt of Copy<br>Filed by: Defendant Centofanti III, Alfred P<br><i>RECEIPT OF COPY</i>  |
| 12/20/2001 |  Receipt of Copy<br>Filed by: Defendant Centofanti III, Alfred P<br><i>RECEIPT OF COPY</i>  |
| 12/20/2001 |  Receipt of Copy<br>Filed by: Defendant Centofanti III, Alfred P<br><i>RECEIPT OF COPY</i>  |
| 12/20/2001 |  Expert Witness List<br><i>NOTICE OF WITNESS</i>  |
| 12/21/2001 |  Motion<br><i>STATE'S MTN IN LIMINE TO CONDUCT EVI HRG TO ESTABLISH EXTENT OF ATTY/CL/VJ 1-2-02</i>   |
| 12/21/2001 |  Motion<br><i>STATE'S MTN IN LIM TO PROHIBIT INTRO OF CHARACTER EVIDENCE ABSENT A PET HRG/49</i>  |
| 12/21/2001 | Motion<br><i>ALL PENDING MOTIONS 12-21-01</i>  |
| 12/21/2001 |  Expert Witness List<br><i>SECOND AMENDED NOTICE OF WITNESSES</i>   |
| 12/24/2001 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT CONDENSED TRANSCRIPT CONCORDANCE</i>  |
| 12/24/2001 |  Order<br><i>ORDER FOR TRANSCRIPT</i>   |
| 12/26/2001 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>STIPULATION AND ORDER TO RELEASE EVIDENCE IN THE EVIDENCE VAULT</i>            |
| 12/26/2001 |  Order  |



# CASE SUMMARY

CASE No. 01C172534

Filed By: Defendant Centofanti III, Alfred P  
STIPULATION AND ORDER TO RELEASE EVIDENCE IN THE EVIDENCE VAULT

12/26/2001

 Response

Filed by: Defendant Centofanti III, Alfred P  
DEFENSE RESPONSE TO THE PROSECUTIONS REQUEST THAT DEFENDANT BE  
CANVASSED BY THE COURT TO APPROVE OF PRESENTATION OF SELF DEFENSE  
EVIDENCE BY THE COURT TO APPROVE OF PRESENTATION OF SELF DEFENSE  
EVIDENCE

12/26/2001

 Request

Filed by: Defendant Centofanti III, Alfred P  
MOTION IN LIMINE TO SUPPRESS STATES REFERENCE TO DEFENDANTS ATTORNEY  
STATUS

12/27/2001

Motion

ALL PENDING MOTIONS 12-27-01

12/27/2001

 Response


Filed by: Defendant Centofanti III, Alfred P  
RESPONSE TO PROSECUTIONS ORAL REQUEST TO (1) REQUIRE THE DEFENDANT  
TO BE EXAMINED BY A PROSECUTION PSYCHIATRIC EXPERT IF HE WISHES TO  
PRESENT PSYCHOLOGICAL EVIDENCE IN HIS DEFENSE AND (2) REQUIRE  
DEFENDANT TO PROVIDE EXPERTS NOTES AND REPORTS EXAMINED BY A  
PROSECUTION PSYCHIATRIC EXPERT IF HE WISHES TO PRESENT PSYCHOLOGICAL  
EVIDENCE IN HIS DEFENSE AND (2) REQUIRE DEFENDANT TO PROVIDE EXPERTS  
NOTES AND REPORTS

12/27/2001

 Opposition

OPPOSITION TO DEFENDANTS MOTION TO DISMISS

12/27/2001

 Expert Witness List


SUPPLEMENTAL NOTICE OF EXPERT WITNESSES

12/27/2001

 Reply


REPLY TO PROSECUTIONS ORAL REQUEST TO 1- REQUIRE THE DEFENDANT TO  
BE EXAMINED BY A PROSECUTION PSYCHIATRIC EXPERT IF HE WISHES TO  
PRESENT PSYCHOLOGICAL EVIDENCE IN HIS DEFENSE AND 2- REQUIRE  
DEFENDANT TO PROVIDE EXPERTS NOTES AND REPORTS EXAMINED BY A  
PROSECUTION PSYCHIATRIC EXPERT IF HE WISHES TO PRESENT PSYCHOLOGICAL  
EVIDENCE IN HIS DEFENSE AND 2- REQUIRE DEFENDANT TO PROVIDE EXPERTS  
NOTES AND REPORTS

12/27/2001

 Expert Witness List

Filed By: Defendant Centofanti III, Alfred P  
SUPPLEMENTAL NOTICE OF EXPERT WITNESSES STATEMENT OF SUBJECT MATTER

12/28/2001

 Reporters Transcript

REPORTER'S TRANSCRIPT CONDENSED TRANSCRIPT CONCORDANCE MOTIONS  
HEARING

01/02/2002

Motion

ALL PENDING MOTIONS 1-2-02

01/02/2002

Hearing

STATUS CHECK: SUPREME COURT PROCEEDINGS












01/02/2002

Motion

# CASE SUMMARY












CASE No. 01C172534

*SET TIME CERTAIN: PRE-TRIAL MOTIONS*

|            |  |
|------------|--|
| 01/03/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>  |
| 01/03/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL EX PARTE MOTION</i>  |
| 01/03/2002 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER TO RELEASE EVIDENCE FROM THE EVIDENCE VAULT</i>  |
| 01/03/2002 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER TO RELEASE BLOOD SAMPLES</i>   |
| 01/04/2002 |  Notice<br>Filed By: Defendant Centofanti III, Alfred P<br><i>NOTICE OF ENTRY OF ORDER</i>  |
| 01/04/2002 |  Notice<br>Filed By: Defendant Centofanti III, Alfred P<br><i>NOTICE OF ENTRY OF ORDER</i>  |
| 01/09/2002 |  Order<br><i>MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS ORDER GRANTING</i>  |
| 02/14/2002 | Motion<br><i>ALL PENDING MOTIONS 2-14-02</i>   |
| 04/15/2002 |  Order<br><i>MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING</i>  |
| 04/18/2002 | Motion<br><i>ALL PENDING MOTIONS 4-18-02</i>   |
| 06/24/2002 |  Request<br>Filed by: Defendant Centofanti III, Alfred P<br><i>EX PARTE MOTION AND ORDER REMOVING THE PREVIOUSLY FILED ORDERS APPOINTING EXPERT AND GRANTING EXCESS FEES FOR PROFESSIONAL SERVICES TO BE FILED UNDER SEAL EXPERT AND GRANTING EXCESS FEES FOR PROFESSIONAL SERVICES TO BE FILED UNDER SEAL</i>                                |
| 06/26/2002 |  Supplement<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUPPLEMENT TO EXHIBIT "A" OF DEFENDANTS REPLY TO STATES RESPONSE TO MOTION TO EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL EXTEND TIME TO FILE MOTION FOR NEW TRIAL AND OPPOSITION TO DEFENDANTS MOTION FOR A NEW TRIAL</i> |
| 06/26/2002 |  Receipt<br><i>RECEIPT</i>  |




# CASE SUMMARY

CASE No. 01C172534

|            |   |
|------------|---|
| 08/01/2002 | Motion<br><i>ALL PENDING MOTIONS 8-1-02</i>   |
| 08/13/2002 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT STATUS CHECK</i>   |
| 08/19/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL</i>                 |
| 08/19/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL</i>                 |
| 08/19/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL</i>                 |
| 08/19/2002 |  Filed Under Seal<br><i>FILED UNDER SEAL</i>   |
| 08/19/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL</i>                 |
| 08/19/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL</i>               |
| 08/19/2002 |  Filed Under Seal<br><i>FILED UNDER SEAL</i>   |
| 08/19/2002 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |
| 08/30/2002 | Hearing<br><i>STATE'S REQUEST FOR STATUS CHECK ON TRIAL DATE /60</i>  |
| 09/05/2002 | Hearing<br><i>STATUS CHECK: SUPREME COURT APPEAL</i>  |
| 10/01/2002 |  Filed Under Seal<br><i>FILED UNDER SEAL ORDER</i>   |
| 10/01/2002 |  Filed Under Seal<br><i>FILED UNDER SEAL ORDER</i>   |
| 10/10/2002 | Hearing<br><i>STATUS CHECK: TRIAL DATE</i>  |
| 10/21/2002 | Hearing<br><i>TRIAL SETTING /65</i>   |


# CASE SUMMARY


CASE No. 01C172534

|            |  |
|------------|--|
| 11/04/2002 |  Notice of Department Reassignment<br><i>NOTICE OF DEPARTMENT REASSIGNMENT SPD FC SPD SPD</i>   |
| 11/20/2002 | Hearing<br><i>STATUS CHECK: READINESS</i>  |
| 11/27/2002 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT STATUS CHECK</i>  |
| 01/09/2003 | Hearing<br><i>MINUTE ORDER RE: POTENTIAL EVIDENCE</i>  |
| 01/09/2003 | Hearing<br><i>STATUS CHECK ON EVIDENCE-AGREED REQUEST</i>  |
| 01/22/2003 |  Ex Parte Order<br><i>EX PARTE ORDER TO LODGE POSSIBLE EVIDENCE WITH DISTRICT COURT</i>   |
| 01/28/2003 |  Order<br><i>MEDIA REQUEST TO PERMIT CAMERA ACCESS TO PROCEEDINGS AND ORDER GRANTING</i>  |
| 05/01/2003 |  Motion<br><i>STATE'S MTN TO PLACE ON CALENDAR RELEASE AND EXAM OF EVID/73</i>  |
| 05/01/2003 |  Hearing<br><i>STATE'S MTN FOR EVIDENTIARY HEARING RE ATTY/CLIENT PRIVLG/74</i>  |
| 05/27/2003 | Motion<br><i>ALL PENDING MOTIONS 5/27/03</i>   |
| 05/27/2003 | Hearing<br><i>EVIDENTIARY HEARING</i>  |
| 07/21/2003 | Hearing<br><i>STATUS CHECK: EVIDENTIARY HEARING</i>  |
| 07/24/2003 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER RE: EXAMINATION OF COMPUTER DISK (STIPULATED)</i>                        |
| 08/13/2003 | Hearing<br><i>EVIDENTIARY HEARING</i>  |
| 08/13/2003 |  Memorandum<br>Filed By: Defendant Centofanti III, Alfred P<br><i>MEMORANDUM OF LAW REGARDING ISSUES OF ATTORNEY CLIENT PRIVILEGE</i>       |
| 01/08/2004 |  Response<br><i>STATES RESPONSE TO DEFENDANTS MEMORANDUM OF LAW REGARDING ISSUES OF ATTORNEY CLIENT PRIVILEGE ATTORNEY CLIENT PRIVILEGE</i> |
| 01/22/2004 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER RE EXAMINATION OF COMPUTRER DISKS</i>                                    |


**CASE SUMMARY**

**CASE No. 01C172534**


02/06/2004  Expert Witness List  
*NOTICE OF WITNESSES AND OR EXPERT WITNESSES*


02/20/2004  Expert Witness List  
Filed By: Defendant Centofanti III, Alfred P  
*NOTICE OF WITNESSES AND EXPERT WITNESSES*


02/20/2004 Hearing  
*AT THE REQUEST OF THE COURT*


03/02/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*


03/05/2004 Hearing  
*STATUS CHECK: WITNESSES*


03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL EX PARTE MOTION*


03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*


03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*


03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*

03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*

03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*

03/05/2004  Filed Under Seal  
*FILED UNDER SEAL CERTIFICATION*














03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*

03/05/2004  Filed Under Seal  
Filed By: Defendant Centofanti III, Alfred P  
*FILED UNDER SEAL CERTIFICATION*

03/05/2004  Filed Under Seal












# CASE SUMMARY

CASE No. 01C172534

|            |   |
|------------|---|
|            | Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>   |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>   |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>   |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL EX PARTE MOTION</i> |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>   |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>   |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>   |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |
| 03/05/2004 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER TO FILE DOCUMENT UNDER SEAL</i>         |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i> |

# CASE SUMMARY










CASE No. 01C172534

|            |   |
|------------|---|
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>                                 |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>                                 |
| 03/05/2004 |  Filed Under Seal<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FILED UNDER SEAL CERTIFICATION</i>                                 |
| 03/05/2004 | Hearing<br><i>AT REQUEST OF COURT: PRETRIAL ISSUES</i>  |
| 03/08/2004 |  Expert Witness List<br><i>SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>  |
| 03/10/2004 |  Expert Witness List<br><i>SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i>  |
| 03/10/2004 |  Expert Witness List<br>Filed By: Defendant Centofanti III, Alfred P<br><i>FIRST SUPPLEMENTAL NOTICE OF WITNESSES AND EXPERT WITNESSES</i> |
| 03/11/2004 |  Motion<br><i>STATE'S MTN IN LIMINE ADMIT EVIDENCE RE: VICTIM'S STATE OF MIND/83</i>   |
| 03/11/2004 |  Motion<br><i>STATE'S MTN IN LIMINE PRECLUDE EVIDENCE RE: VICTIM'S ALLEGED PRIOR/84</i>  |
| 03/12/2004 |  Conversion Case Event Type<br><i>STATES PROPOSED VOIR DIRE</i>  |
| 03/12/2004 |  Filed Under Seal<br><i>FILED UNDER SEAL TRANSCRIPT</i>  |
| 03/12/2004 |  Filed Under Seal<br><i>FILED UNDER SEAL TRANSCRIPT</i>  |
| 03/15/2004 | Motion<br><i>ALL PENDING MOTIONS 3/12/04</i>  |
| 03/17/2004 |  Order<br><i>ORDER FOR TRANSCRIPT</i>  |
| 03/17/2004 |  Media Request and Order<br><i>MEDIA REQUEST AND ORDER</i>   |
| 03/17/2004 |  Jury List<br><i>DISTRICT COURT JURY LIST</i>  |



## CASE SUMMARY

CASE No. 01C172534

|            |   |
|------------|---|
| 03/17/2004 |  Response<br>Filed by: Defendant Centofanti III, Alfred P<br><i>RESPONSE TO DISTRICT ATTORNEYS MOTION TO INTRODUCE HEARSAY STATEMENTS OF VIRGINIA CENTOFANTI VIRGINIA CENTOFANTI</i> |
| 03/17/2004 |  Points and Authorities<br>Filed by: Defendant Centofanti III, Alfred P<br><i>MEMORANDUM OF POINTS AND AUTHORITIES</i>   |
| 03/23/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 03/24/2004 |  Order<br><i>ORDER FOR DAILY TRANSCRIPT</i>  |
| 03/24/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>   |
| 03/25/2004 |  Media Request and Order<br><i>MEDIA REQUEST AND ORDER</i>   |
| 03/25/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 03/26/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>  |
| 03/29/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 03/29/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT PROCEEDINGS</i>  |
| 03/30/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>   |
| 03/31/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 04/01/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>   |
| 04/02/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 04/05/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>   |
| 04/06/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>   |
| 04/07/2004 |  Reporters Transcript  |

# CASE SUMMARY

CASE No. 01C172534

## REPORTER'S TRANSCRIPT JURY TRIAL

|            |  |
|------------|--|
| 04/08/2004 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>SUBSEQUENT ORDER GRANTING DEFENDANTS MOTION FOR PUBLIC FUNDS</i> |
| 04/08/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>  |
| 04/09/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>  |
| 04/12/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>  |
| 04/13/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>  |
| 04/14/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>  |
| 04/15/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT JURY TRIAL</i>  |
| 04/16/2004 | Hearing<br><i>PENALTY HEARING VJ 4/16/04</i>   |
| 04/16/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>  |
| 04/16/2004 |  Judgment<br><i>VERDICT</i>   |
| 04/16/2004 |  Instructions to the Jury<br><i>INSTRUCTIONS TO THE JURY</i>  |
| 04/19/2004 | Hearing<br><i>STATUS CHECK: SET SENTENCING</i>   |
| 04/19/2004 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF VERDICT</i>  |
| 04/22/2004 | Conversion Case Event Type<br><i>SENTENCING</i>  |
| 04/23/2004 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>STIPULATION AND ORDER TO WAIVE JURY PENALTY HEARING</i>        |
| 05/24/2004 |  Memorandum<br><i>MEMORANDUM IN SUPPORT OF SENTENCING</i>   |
| 05/25/2004 |  Substitution of Attorney   |

# CASE SUMMARY

CASE No. 01C172534

Filed by: Defendant Centofanti III, Alfred P  
*SUBSTITUTION OF ATTORNEY*

05/25/2004



Order

Filed By: Defendant Centofanti III, Alfred P  
*STIPULATION AND ORDER TO CONTINUE SENTENCING DATE*

06/04/2004



Conversion Case Event Type

*LETTER IN SUPPORT OF SENTENCING*

06/18/2004



Reporters Transcript

*REPORTER'S TRANSCRIPT JURY TRIAL*

06/18/2004



Reporters Transcript

*REPORTER'S TRANSCRIPT JURY TRIAL*

06/25/2004



Reporters Transcript

*REPORTER'S TRANSCRIPT OPENING STATEMENT EXCERPTS*

06/28/2004



Request

Filed by: Defendant Centofanti III, Alfred P  
*MOTION FOR A NEW TRIAL*

06/29/2004



Receipt of Copy

Filed by: Defendant Centofanti III, Alfred P  
*RECEIPT OF COPY*

08/09/2004



Order

*EX PARTE MOTION AND ORDER TO JURY COMMISSIONER TO RELEASE JUROR INFORMATION FOR JUROR NUMBER THREE IN STATE OF NEVADA V ALFRED PAUL CENTOFANTI III INFORMATION FOR JUROR NUMBER THREE IN STATE OF NEVADA V ALFRED PAUL CENTOFANTI III*

08/10/2004



Memorandum

Filed By: Defendant Centofanti III, Alfred P  
*DEFENDANTS MEMORANDUM IN SUPPORT OF SENTENCING*

08/10/2004



Opposition

*STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL*

08/16/2004



Motion

*STATE'S MTN TO COMPEL AUDIO TAPED INTERVIEW/91*

08/20/2004



Request

Filed by: Defendant Centofanti III, Alfred P  
*DEFENDANTS EX PARTE MOTION AND ORDER TO JURY COMMISSIONER TO RELEASE JUROR INFORMATION FOR JUROR NUMBER THREE IN STATE OF NEVADA V ALFRED PAULCENTOFANTI III INFORMATION FOR JUROR NUMBER THREE IN STATE OF NEVADA V ALFRED PAULCENTOFANTI III*

08/24/2004



Receipt

*RECEIPT OF TAPE AND TRANSCRIPT*

08/24/2004



Notice

## CASE SUMMARY

CASE No. 01C172534

Filed By: Defendant Centofanti III, Alfred P  
*NOTICE OF CLERICAL ERROR AND/OR ERRATA*

08/24/2004



Reply

Filed by: Defendant Centofanti III, Alfred P  
*REPLY TO STATES OPPOSITION TO DEFENDANTS MOTION FOR NEW TRIAL*

08/26/2004

Motion

*ALL PENDING MOTIONS 8/26/04*

08/30/2004



Reporters Transcript

*REPORTER'S TRANSCRIPT STATES MOTION TO COMPEL AUDIO TAPED  
INTERVIEW/DEFENDANTS MOTION FOR A NEW TRIAL MOTION FOR A NEW TRIAL*

09/02/2004



Order

*ORDER DENYING DEFENDANTS MOTION FOR NEW TRIAL*

03/11/2005

Judgment

*ADMINISTRATION/ASSESSMENT FEE*

03/11/2005



Judgment

*JUDGMENT OF CONVICTION JURY TRIAL*

03/24/2005



Statement

Filed by: Defendant Centofanti III, Alfred P  
*CASE APPEAL STATEMENT*

03/24/2005



Notice of Appeal

Filed By: Defendant Centofanti III, Alfred P  
*NOTICE OF APPEAL*

04/22/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS*

05/02/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT OF SENTENCING*

05/05/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT*

05/05/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT*

05/05/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT*

06/06/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS*

06/06/2005



Reporters Transcript

*REPORTER'S TRANSCRIPT OF PROCEEDINGS*

06/06/2005

















Reporters Transcript

# CASE SUMMARY

CASE NO. 01C172534

## REPORTER'S TRANSCRIPT OF PROCEEDINGS

|            |   |
|------------|---|
| 06/06/2005 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>                                 |
| 06/10/2005 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT SPECIAL EX PARTE PROCEEDINGS</i>                   |
| 07/05/2005 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT MOTIONS HEARING</i>                                |
| 07/05/2005 |  Reporters Transcript<br><i>REPORTER'S TRANSCRIPT OF PROCEEDINGS</i>                                 |
| 08/21/2005 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/09/2005 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 10/09/2005 |  Subpoena Duces Tecum<br>Filed by: Defendant Centofanti III, Alfred P<br><i>SUBPOENA DUCES TECUM</i> |
| 04/14/2006 |  Affidavit<br>Filed By: Defendant Centofanti III, Alfred P<br><i>AFFIDAVIT OF MIKE PFRIENDER</i>   |
| 03/30/2007 |  Judgment<br><i>CLERK'S CERTIFICATE/JUDGMENT AFFIRMED</i>  |
| 03/30/2007 | Judgment<br><i>CLERK'S CERTIFICATE/REHEARING DENIED</i>   |
| 02/29/2008 |  Petition<br><i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /93</i>                                       |
| 02/29/2008 |  Exhibits<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EXHIBIT 12 VOLUME 5</i>            |
| 02/29/2008 |  Exhibits<br><i>EXHIBIT 12 VOLUME 6</i>  |
| 02/29/2008 |  Exhibits<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EXHIBIT 12 VOLUME 7</i>            |
| 02/29/2008 |  Exhibits<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EXHIBIT 12 VOLUME 8</i>            |

**CASE SUMMARY**

**CASE No. 01C172534**

02/29/2008



Exhibits

Filed By: Defendant Centofanti III, Alfred P  
*EXHIBITS 1 THROUGH 11 TO THE MEMORANDUM OF POINTS AND AUTHORITIES IN  
SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION  
PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION*

02/29/2008



Exhibits

Filed By: Defendant Centofanti III, Alfred P  
*EXHIBIT 12 VOLUME 3*

02/29/2008



Exhibits

Filed By: Defendant Centofanti III, Alfred P  
*EXHIBIT 12 TO MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF  
PETITION FOR WRIT OF HABEAS CORPUS POST CONVICTION WRIT OF HABEAS  
CORPUS POST CONVICTION*

02/29/2008



Exhibits

Filed By: Defendant Centofanti III, Alfred P  
*EXHIBIT 12 VOLUME 2*

02/29/2008



Exhibits

Filed By: Defendant Centofanti III, Alfred P  
*EXHIBIT 12 VOLUME 4*

02/29/2008



Points and Authorities

Filed by: Defendant Centofanti III, Alfred P  
*MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT  
OF HABEAS CORPUS POST CONVICTION CORPUS POST CONVICTION*

03/07/2008



Order

Filed By: Defendant Centofanti III, Alfred P  
*ORDER*

03/07/2008



Writ

Filed by: Defendant Centofanti III, Alfred P  
*WRIT OF HABEAS CORPUS*

03/07/2008



Receipt of Copy

Filed by: Defendant Centofanti III, Alfred P  
*RECEIPT OF COPY*

03/10/2008



Certificate

Filed By: Defendant Centofanti III, Alfred P  
*CERTIFICATE OF SERVICE BY MAIL*

04/08/2008



Opposition

*STATES OPPOSITION TO DEFENDANTS PETITION FOR WRIT OF HABEAS CORPUS  
POST CONVICTION POST CONVICTION*

04/21/2008



Notice of Department Reassignment

*NOTICE OF DEPARTMENT REASSIGNMENT 000881FC 000881 000881*

07/09/2008



Motion

**CASE SUMMARY**

**CASE No. 01C172534**

*DEFT'S MTN TO DISQUALIFY ATTORNEY /DISTRICT ATTY/94*

07/09/2008



Receipt of Copy

Filed by: Defendant Centofanti III, Alfred P

*RECEIPT OF COPY*

07/15/2008



Opposition

*STATES OPPOSITION TO DEFENDANTS MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEYS OFFICE DISTRICT ATTORNEYS OFFICE*

07/22/2008

Hearing

*MINUTE ORDER RE: DISQUALIFICATION OF ATTORNEY*

07/30/2008



Order

*ORDER DENYING DEFENDANTS MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEYS OFFICE DISTRICT ATTORNEYS OFFICE*

09/02/2008



Reporters Transcript

*REPORTER'S TRANSCRIPT OF DEFTS MTN TO DISQUALIFY ATTORNEY*

10/29/2009

Petition

*PTN FOR WRIT OF HABEAS CORPUS*

10/29/2009



Order

Filed By: Defendant Centofanti III, Alfred P

*STIPULATION AND ORDER TO ALLOW PETITIONER TO FILE REPLY TO RESPONDENTS ANSWER TO WRIT OF HABEAS CORPUS - POST CONVICTION ANSWER TO WRIT OF HABEAS CORPUS - POST CONVICTION*

11/03/2009



Reply

Filed by: Defendant Centofanti III, Alfred P

*PETITIONERS REPLY TO RESPONDENTS ANSWER TO WRIT OF HABEAS CORPUS POST CONVICTION*

12/02/2009

Hearing

*EVIDENTIARY HEARING*

01/08/2010



Motion

*DEFT'S MTN TO ALLOW DISCOVERY/098*

01/08/2010



Receipt of Copy

Filed by: Defendant Centofanti III, Alfred P

*RECEIPT OF COPY*

01/08/2010



Ex Parte

Filed By: Defendant Centofanti III, Alfred P

*EX PARTE APPLICATION FOR ORDER SHORTENING TIME*

01/12/2010



Certificate

Filed By: Defendant Centofanti III, Alfred P

*CERTIFICATE OF SERVICE BY MAIL*

01/14/2010



Opposition

*STATES OPPOSITION TO DEFTS MTN FOR DISCOVERY*



# CASE SUMMARY

CASE No. 01C172534

|            |   |
|------------|---|
| 02/03/2010 | Hearing<br><i>STATUS CHECK:</i>   |
| 02/03/2010 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER ALLOWING DISCOVERY</i>  |
| 02/05/2010 |  Application<br>Filed By: Defendant Centofanti III, Alfred P<br><i>APPLICATION FOR ISSUANCE OF COMMISSION TO TAKE DEPOSITION OUT OF STATE</i>        |
| 02/05/2010 |  Notice<br>Filed By: Defendant Centofanti III, Alfred P<br><i>NOTICE TO TAKE DEPOSITION OUTSIDE THE STATE OF NEVADA</i>                              |
| 02/26/2010 |  Proof<br>Filed by: Defendant Centofanti III, Alfred P<br><i>PROOF OF SERVICE - FOREIGN</i>  |
| 03/12/2010 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>ORDER</i>   |
| 03/23/2010 |  Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>STIPULATION AND ORDER FOR TELEPHONIC COMMUNICATION</i>                                  |
| 04/06/2010 |  Ex Parte<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EX PARTE APPLICATION FOR APPOINTMENT OF COUNSEL AND PAYMENT OF COSTS</i>           |
| 04/07/2010 |  Ex Parte Order<br>Filed By: Defendant Centofanti III, Alfred P<br><i>EX PARTE ORDER</i>   |
| 04/15/2010 |  Certificate<br>Filed By: Defendant Centofanti III, Alfred P<br><i>CERTIFICATE OF MAILING</i>  |
| 07/16/2010 |  Notice of Witnesses and/or Expert Witnesses<br>Filed By: Defendant Centofanti III, Alfred P<br><i>NOTICE OF WITNESSES AND/OR EXPERT WITNESSES</i> |
| 07/23/2010 |  Notice of Witnesses and/or Expert Witnesses<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Notice of Witnesses</i>                         |
| 07/27/2010 |  Order for Production of Inmate<br><i>Order for Production of Inmate - Alfred Paul Centofanti III BAC #85237</i>                                   |
| 07/28/2010 |  Motion to Strike<br>Filed By: Plaintiff State of Nevada   |

# CASE SUMMARY

CASE NO. 01C172534

*State's Motion to Strike Defendant's Expert*

08/30/2010



Transcript of Proceedings

*State's Motion to Strike Defendant's Expert Evidentiary Hearing Petition for Writ of Habeas Corpus*

10/19/2010



Transcript of Proceedings

Party: Plaintiff State of Nevada

*Evidentiary Hearing and Petition for Writ of Habeas Corpus - September 24, 2010*

05/09/2011



Order Denying

*Order Denying Petition for Writ of Habeas Corpus*

05/10/2011



Motion to Withdraw As Counsel

Filed By: Defendant Centofanti III, Alfred P

*Motion to Withdraw as Attorney of Record and Appointment of Counsel*

05/11/2011



Receipt of Copy

*Receipt of Copy*

05/11/2011



Certificate of Mailing

*Certificate of Mailing*

05/19/2011



Motion

Filed By: Defendant Centofanti III, Alfred P

05/19/2011



Motion

Filed By: Defendant Centofanti III, Alfred P

05/20/2011



Receipt of Copy

*Receipt of Copy*

05/25/2011



Opposition to Motion

*Motion for Reconsideration, Withdrawal and Appointment of Alternative Counsel, and Stay of Proceedings*

05/27/2011



Notice of Entry of Order

*Notice of Entry of Order*

05/27/2011



Order to Withdraw as Attorney of Record

Filed by: Defendant Centofanti III, Alfred P

*Order*

06/02/2011



Supplemental

Filed by: Defendant Centofanti III, Alfred P

*Petitioner's Supplemental Points and Authorities*

06/06/2011



Notice of Entry of Decision and Order

06/10/2011



Notice of Appeal (criminal)

Party: Defendant Centofanti III, Alfred P

06/13/2011

# CASE SUMMARY

CASE NO. 01C172534

|            |  |
|------------|--|
|            |  Case Appeal Statement  |
| 08/05/2011 |  Order Denying Motion<br>Filed By: Plaintiff State of Nevada<br><i>Order Denying Defendant's Motion for Consolidation and Other Relief and Defendant's Motion for Withdrawal and Appointment of Alternative Counsel, Stay of Proceedings and Other Relief</i> |
| 12/20/2011 |  Transcript of Proceedings<br><i>Transcript of Proceedings - Petition for Writ of Habeas Corpus - December 2, 2009</i>  |
| 01/06/2012 |  Order<br><i>Order For Transcripts</i>  |
| 01/11/2012 |  Criminal Order to Statistically Close Case<br>Filed By: Plaintiff State of Nevada<br><i>Criminal Order to Statistically Close Case</i>   |
| 04/24/2012 |  Petition for Writ of Habeas Corpus<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Petition for Writ of Habeas Corpus (Post-Conviction)</i>  |
| 04/24/2012 |  Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Petitioner's Motion to Have Application and Motion Heard Ex-Parte and Under Seal - Telephonically</i>   |
| 04/24/2012 |  Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Petitioner's Ex-Parte and Under Seal Motion to Appoint Counsel</i>  |
| 04/24/2012 |  Application to Proceed in Forma Pauperis<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Petitioner's Ex-Parte and Under Seal Application to Proceed in Forma Pauperis Petition for Writ of Habeas Corpus (Post-Conviction)</i>                      |
| 04/26/2012 |  Order for Petition for Writ of Habeas Corpus   |
| 05/21/2012 |  Notice of Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Pro Per Notice of Motion and Motion to Disqualify The Clark County District Attorney's Office</i>   |
| 05/22/2012 |  Supplemental<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Petitioner's Supplemental Memorandum of Points and Authorities in Support of Petition for Writ of Habeas Corpus</i>   |
| 05/31/2012 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>Opposition to Defendant's Motion to Disqualify the Clark County District Attorney's Office</i>   |
| 06/01/2012 |  Supplemental<br>Filed by: Defendant Centofanti III, Alfred P   |

# CASE SUMMARY

CASE NO. 01C172534

*Petitioner's Supplemental Memorandum of Points and Authorities in Support of Petition Writ of Habeas Corpus*

06/04/2012



Supplemental

Filed by: Defendant Centofanti III, Alfred P

*Petitioner's Supplemental Memorandum of Points and Authorities in Support of Motion for Disqualification*

06/08/2012



Order for Production of Inmate

*Order for Production of Inmate Alfred Paul Centofanti, III, BAC #85237*

06/13/2012



Notice

Filed By: Defendant Centofanti III, Alfred P

*Notice of Non-Opposition*

06/14/2012



Reply

*Petitioner's Reply to States's Opposition to Motion to Disqualify the Clark County District Attorney's Office Motion to Strike and other Relief.*

06/28/2012



Supplement

Filed by: Plaintiff State of Nevada

*Supplemental Points and Authorities to the State's Opposition to Defendant's Motion to Disqualify the Clark County District Attorney's Office filed June 4, 2012*

07/02/2012



Notice

Filed By: Defendant Centofanti III, Alfred P

*Notice of Compliance and Request for Judicial Review.*

07/13/2012



Recorders Transcript of Hearing

*Recorder's Transcript of Proceeding: Defendant's Pro Per Motion to Disqualify the Clark Court District Attorney's Office and Petition for Writ of Habeas Corpus*

07/13/2012



Motion

Filed By: Defendant Centofanti III, Alfred P

*Notice of Motion and Motion to Strike Supplement to State's Opposition*

07/17/2012



Opposition to Motion

Filed By: Plaintiff State of Nevada

*State's Supplemental Opposition to Defendant's Motion to Disqualify the Clark County District Attorney's Office*

07/18/2012



Notice of Department Reassignment

08/07/2012



Reply

Filed by: Defendant Centofanti III, Alfred P

*Petitioner's Reply to State's July 17, 2012 Filed Supplement*

08/09/2012



Opposition to Motion

Filed By: Plaintiff State of Nevada

*Opposition to Defendant's Motion to Strike the State's June 28, 2012 Supplemental Brief*

08/22/2012



Reply

Filed by: Defendant Centofanti III, Alfred P

*Reply to Opposition to Motion to Strike*

# CASE SUMMARY

CASE NO. 01C172534

|            |   |
|------------|---|
| 08/30/2012 |  Order for Production of Inmate  |
| 09/06/2012 |  Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Notice Of Motion And Motion For Transcript Of Proceeding And Other Relief</i>  |
| 09/26/2012 |  Opposition to Motion<br>Filed By: Plaintiff State of Nevada<br><i>Opposition to Defendant's Motion for Transcripts</i>  |
| 09/26/2012 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus and Opposition to Defendant's Motion to Appoint Counsel</i>   |
| 10/05/2012 |  Order<br>Filed By: Plaintiff State of Nevada<br><i>Order Regarding Motions of August 27, 2012</i>   |
| 12/07/2012 |  Reply<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Petitioner's Reply and Opposition to State's Response and Motion to Dismiss Petition for Writ of Habeas Corpus and Opposition to Motion to Appoint Counsel</i>                      |
| 01/28/2013 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Hearing: State's Motion to Strike Supplement to State's Opposition and Defendant's Pro Se Motion to Disqualify the Clark County District Attorney's Office, August 27, 2012</i> |
| 01/28/2013 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Hearing: Defendant's Petition for Writ of Habeas Corpus and Defendant's Motion for Appointment of Counsel, January 16, 2013</i>  |
| 08/19/2013 |  Stipulation and Order<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Stipulation and Order for an Extended Briefing Schedule</i>   |
| 08/20/2013 |  Certificate of Service<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Certificate of Service</i>   |
| 08/30/2013 |  Notice of Rescheduling<br><i>Notice of Rescheduling of Hearing</i>  |
| 09/10/2013 |  Order for Production of Inmate<br>Party: Plaintiff State of Nevada<br><i>Order for Production of Inmate Alfred Paul Centofanti, III, BAC #85237</i>   |
| 10/16/2013 |  Ex Parte<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Ex Parte Request for Reproduction and Release of Sealed Document</i>   |
| 10/22/2013 |  Ex Parte Order  |

# CASE SUMMARY

CASE NO. 01C172534

*Ex Parte Order*

11/22/2013



Ex Parte

Filed By: Plaintiff State of Nevada

*Ex Parte Request for Reproduction and Release of Sealed Document Filed June 13, 2001*

11/27/2013



Ex Parte Order

Filed By: Defendant Centofanti III, Alfred P

*Ex Parte Order*

12/02/2013



Motion

Filed By: Defendant Centofanti III, Alfred P

*Motion Requesting An Additional 30-Days to File Supplement to The Petition Writ of Habeas Corpus (Post Conviction)*

12/03/2013



Certificate of Service

Filed by: Defendant Centofanti III, Alfred P

*Certificate of Service*

12/05/2013



NV Supreme Court Clerks Certificate/Judgment - Affirmed

*Nevada Supreme Court Clerk's Certificate Judgment - Affirmed; Rehearing Denied; Petition Denied*

01/03/2014



Supplemental

Filed by: Defendant Centofanti III, Alfred P

*Supplement to Petition for Writ of Habeas Corpus*

03/12/2014



Response

Filed by: Plaintiff State of Nevada

*State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Supplement to Petition for Writ of Habeas Corpus*

04/21/2014



Reply

Filed by: Defendant Centofanti III, Alfred P

*Reply to State's Response and Motion to Dismiss Defendants Petition for Writ of Habeas Corpus and Supplement to Petition for Writ of Habeas Corpus*

05/05/2014



Stipulation and Order

Filed by: Defendant Centofanti III, Alfred P

*Stipulation and Order to Continue Hearing*

05/06/2014



Certificate of Service

Filed by: Defendant Centofanti III, Alfred P

*Certificate of Service*

07/11/2014



Notice of Hearing

*Notice of Hearing Scheduling Status Check*

07/18/2014



Stipulation and Order

Filed by: Defendant Centofanti III, Alfred P

*Stipulation and Order to Continue Status Check: Resetting of Evidentiary Hearing*

11/14/2014
















Supplement

Filed by: Defendant Centofanti III, Alfred P

# CASE SUMMARY

CASE NO. 01C172534

## *Slip Opinions Submittal*

|            |   |
|------------|---|
| 11/14/2014 |  Supplemental<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Additional Supplemental Authorities to Petition for Writ of Habeas Corpus</i>  |
| 12/04/2014 |  Order for Production of Inmate<br>Party: Plaintiff State of Nevada<br><i>Order for Production of Inmate Alfred Paul Centofanti III BAC #85237</i>   |
| 02/18/2015 |  Brief<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Supplemental Brief</i>  |
| 05/12/2015 |  Addendum<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Addendum to Supplemental Brief</i>   |
| 07/29/2015 |  Finding of Fact and Conclusions of Law<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Findings of Fact and Conclusions of Law</i>  |
| 07/29/2015 |  Certificate of Service<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Certificate of Service</i>   |
| 07/29/2015 |  Amended Certificate of Mailing<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Amended Certificate of Service</i>   |
| 11/23/2015 |  Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Motion Requesting an Additional 120-Days to File a Supplement to the Petition for Writ of Habeas Corpus (Post Conviction)</i>  |
| 12/30/2015 |  Order for Production of Inmate<br>Party: Plaintiff State of Nevada<br><i>Order for Production of Inmate</i>   |
| 03/22/2016 |  Supplement<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Second Supplement to Successive Petition for Writ of Habeas Corpus</i>   |
| 05/19/2016 |  Response<br>Filed by: Plaintiff State of Nevada<br><i>Response to Defendant's Second Supplement to Successive Post-Conviction Petition for Writ of Habeas Corpus</i>                        |
| 06/21/2016 |  Reply<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Reply to State's Response to Defendant's Second Supplement to Successive Post-Conviction Petition for Writ of Habeas Corpus</i> |
| 08/18/2016 |  Filed Under Seal  |

# CASE SUMMARY

CASE NO. 01C172534

Filed By: Defendant Centofanti III, Alfred P  
*Petitioner's Ex Parte Motion (Under Seal) for Leave to Proceed in Propria Persona, and Other Relief, on an Order Shortening Time Pursuant to EDJC 7.40*

|            |  |
|------------|--|
| 10/13/2016 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Hearing: Hearing, August 3, 2016</i>  |
| 11/01/2016 |  Receipt of Copy<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Receipt of Copy</i>  |
| 12/16/2016 |  Notice of Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Notice of Motion On An Order Shortening Time</i>  |
| 12/16/2016 |  Motion<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Motion For Leave To Conduct Discovery And Other Relief On An Order Shortening Time</i>  |
| 01/09/2017 |  Opposition<br>Filed By: Plaintiff State of Nevada<br><i>State's Opposition to Defendant's Motion for Limited Discovery and Other Relief</i>  |
| 01/18/2017 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Hearing: Petitioner's Pro Per Ex Parte Motion (Under Seal) for Leave to Proceed in Propria Persona, and Other Relief on an Order Shortening Time Pursuant to EJDC 7.40, October 5, 2016</i> |
| 01/18/2017 |  Recorders Transcript of Hearing<br><i>Recorder's Transcript of Hearing: Defendant's Motion for Leave to Conduct Discovery and Other Relief on an Order Shortening Time, January 9, 2017</i>  |
| 01/31/2017 |  Receipt of Copy<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Receipt of Copy</i>  |
| 02/15/2017 |  Notice<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Notice of Non-Compliance</i>  |
| 02/16/2017 |  Certificate of Mailing<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Certificate of Mailing</i>  |
| 02/24/2017 |  Response<br>Filed by: Defendant Centofanti III, Alfred P<br><i>Receipt of Copy in Response to Notice of Non-Compliance</i>   |
| 05/01/2017 |  Brief<br>Filed By: Defendant Centofanti III, Alfred P<br><i>Petitioner's in propria Persona Brief in Support of his Request for an Evidentiary Hearing</i>   |
| 07/05/2017 |  Motion<br>Filed By: Defendant Centofanti III, Alfred P   |



# CASE SUMMARY

CASE NO. 01C172534

*Motion for Transcript of November 20, 2014 Hearing and Other Relief*

07/10/2017



Motion to Strike

Filed By: Defendant Centofanti III, Alfred P  
*Petitioner's Motion to Strike and other Relief*

08/15/2017



Recorders Transcript of Hearing

*Recorders Transcript of Hearing Re: Evidentiary Hearing, November 20, 2014*

08/24/2017



Response

*Response to Petitioner's In Propria Persona Brief in Support of His Request for an Evidentiary Hearing*

08/30/2017



Filed Under Seal

*Defendant's Pro Per Widdis Motion (Under Seal and ExParte)*

05/24/2018



Supplemental Brief

Filed By: Defendant Centofanti III, Alfred P  
*Petitioners Supplemental Brief*

01/08/2019



Motion to Reconsider

Filed By: Defendant Centofanti III, Alfred P  
*Motion for Reconsideration*

01/23/2019



Response

*State's Response to Defendant s Motion to Reconsider*

01/23/2019



Findings of Fact, Conclusions of Law and Order

01/29/2019



Notice of Entry

Filed By: Defendant Centofanti III, Alfred P  
*Notice of Entry of Findings of Fact, Conclusions of Law and Order*

02/20/2019



Notice of Appeal (criminal)

Party: Defendant Centofanti III, Alfred P  
*Notice of Appeal*

02/22/2019

Case Appeal Statement

Filed By: Defendant Centofanti III, Alfred P  
*Case Appeal Statement*

## **DISPOSITIONS**

01/01/1900

**Plea** (Judicial Officer: User, Conversion)

1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON  
Not Guilty  
PCN: Sequence:

03/04/2005

**Disposition** (Judicial Officer: User, Conversion)

1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON  
Guilty  
PCN: Sequence:

03/04/2005

**Disposition** (Judicial Officer: User, Conversion)

# CASE SUMMARY

CASE No. 01C172534

03/04/2005

**Adult Adjudication** (Judicial Officer: User, Conversion)

1. FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON

01/01/1900 (F) 200.010 (200.010)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITHOUT POSSIBILITY OF PAROLE

Converted Disposition:

Sentence# 0002: LIFE WITHOUT POSSIBILITY OF PAROLE

Converted Disposition:

Sentence# 0003: CREDIT FOR TIME SERVED

Minimum 374 Days to Maximum 374 Days

Converted Disposition:

Sentence# 0004: ADMINISTRATION FEE

Amount: \$25.00

## HEARINGS

01/10/2001

**Grand Jury Indictment** (11:30 AM)

*GRAND JURY INDICTMENT Court Clerk: TINA HURD Relief Clerk: GEORGETTE*

*BYRD/GB Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons*

Bench Warrant Issued; GRAND JURY INDICTMENT Court Clerk: TINA HURD Relief Clerk: GEORGETTE BYRD/GB Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons

Journal Entry Details:

*Grand Jury Foreperson Bob Blankenship stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 00BGJ009X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C172534, Department VII. State requested a warrant be issued and bail set in the amount of \$250,000 cash or \$500,000 surety. COURT SO ORDERED. Ms. Goettsch stated Defendant's attorney is Peter Christiansen Jr.; Steve Wolfson is Defendant's former attorney. Exhibits 1 thru 3, 5 thru 8, 11, 17 thru 21 & 23 thru 27 lodged with Clerk of District Court. Exhibits 4, 9, 10, 12 thru 16, & 22 withdrawn. COURT ORDERED, matter set for Initial Arraignment. B.W. (CUSTODY) 1/17/01 9:00 AM INITIAL ARRAIGNMENT (DEPT VII) ;*

01/12/2001

**Minute Order** (2:25 PM)

*MINUTE ORDER RE: BAIL SETTING Court Clerk: TINA HURD Heard By: Mark Gibbons*

Matter Heard; MINUTE ORDER RE: BAIL SETTING Court Clerk: TINA HURD Heard By: Mark Gibbons

Journal Entry Details:

*Court met with attorneys Christopher Laurent, DDA, and Peter S. Christiansen, ESQ, in chambers to clarify the bail set by Judge Cherry at the time of the Grand Jury Indictment Return. COURT ORDERED, BAIL IS SET AT \$250,000.00 CASH OR SURETY WITH HOUSE ARREST as a condition. Court advised this is WITHOUT PREJUDICE to the State or defense to seek modification by written motion. CUSTODY ;*

01/17/2001

**Initial Arraignment** (9:00 AM)

Events: 01/10/2001 Hearing

*INITIAL ARRAIGNMENT Court Clerk: TINA HURD Relief Clerk: GEORGETTE BYRD/GB*

*Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons*

Matter Heard; INITIAL ARRAIGNMENT Court Clerk: TINA HURD Relief Clerk:

GEORGETTE BYRD/GB Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons

Journal Entry Details:

*Mr. Christiansen stated he previously filed his substitution as counsel. DEFENDANT CENTOFANTI ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. Mr. Christiansen stated the defendant will ultimately be released on a bond with house arrest. COURT FURTHER ORDERED, Mr. Christiansen has 21 days after filing of the preliminary hearing transcript to file any writs. CUSTODY 07/05/01 9:00 AM CALENDAR CALL 07/09/01 1:30 PM TRIAL BY JURY ;*

04/03/2001

**Motion** (9:00 AM)

Events: 03/20/2001 Motion

# CASE SUMMARY

CASE No. 01C172534

DEFT'S MTN TO EXTEND TIME WITHIN WHICH TO FILE A WRIT OF HABEAS CORPUS Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons  
Granted; DEFT'S MTN TO EXTEND TIME WITHIN WHICH TO FILE A WRIT OF HABEAS CORPUS Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons

Journal Entry Details:

COURT ORDERED, deft's presence WAIVED for today. Court advised the transcript was filed January 25 according to Mr. Laurent. Mr. Albregts advised he received a file from Mr. Christiansen but he did not receive the transcript and the time for the Writ was extended to March 7, but he did not find out until after. Mr. Albregts advised he requested an extension from Mr. Laurent who refused and he received the transcript a few days after that, however, there were 10-12 pages missing and some pages copied in such a way that he cannot read them. Mr. Albregts advised there are issues he wants to raise and requested two weeks. State advised they have always had a copy of the transcript since January 25; one extension was granted and deft. Centofanti keeps changing counsel. State argued there is no reason to extend time. COURT ORDERED, motion GRANTED for two weeks considering the magnitude of the charge; Mr. Albregts to obtain a copy of the transcript from Ms. Goettsch; Writ to be filed by April 17. BOND ;

05/02/2001

**Petition for Writ of Habeas Corpus (9:00 AM)**

Events: 04/17/2001 Petition

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Heard By: Mark Gibbons

05/03/2001

**Petition for Writ of Habeas Corpus (9:00 AM)**

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: AMBER FARLEY/AF Relief Clerk: APRIL WATKINS Reporter/Recorder: CINDY MAGNUSSEN Heard By: Gibbons, Mark

Matter Continued; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: AMBER FARLEY/AF Relief Clerk: APRIL WATKINS Reporter/Recorder: CINDY MAGNUSSEN Heard By: Gibbons, Mark

Journal Entry Details:

Defendant's presence WAIVED for the purposes of this hearing. Ms. Kappenman stated Mr. Albregts is requesting the matter be continued. There being no objection, COURT SO ORDERED. BOND ;

05/15/2001

**Petition for Writ of Habeas Corpus (9:00 AM)**

DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: TINA HURD/th Relief Clerk: Keith Reed Reporter/Recorder: PATSY SMITH Heard By: Michael Gibbons  
Denied; DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Court Clerk: TINA HURD/th Relief Clerk: Keith Reed Reporter/Recorder: PATSY SMITH Heard By: Michael Gibbons

Journal Entry Details:

Mr. Albregts requested the trial judge hear the Writ and advised Ms. Goettsch had to leave as she is picking a jury in another case, however, she will return if the Court wants to hear the Writ today. Colloquy. COURT ORDERED, continuance DENIED and the Court will hear argument as soon as Ms. Goettsch is available. LATER: Matter recalled. Becky Goettsch, DDA, present for the State. Court advised he has discussed this case with Judge Mark Gibbons and has reviewed the case also. Ms. Goettsch advised, if Deft. Centofanti wants evidence of the Battery Domestic Violence in December in the record, they need to put on witnesses and advised her witnesses say something different than Deft. says. Mr. Albregts advised, if other officers had been called at the Grand Jury hearing, they would have testified to other things that happened that night and that alcohol was found in the victim's vehicle as well as statements regarding other domestic violence incidents. The officer that testified was allowed to testify to inflammatory statements made by the victim at the prior incident. Ms. Goettsch advised the outcome of that incident was that MRS. Centofanti was arrested; the officer also testified that her statements could not be corroborated but they could corroborate that she was hitting Mr. Centofanti and she was arrested. Further arguments by counsel. Court stated his findings and advised there was ample evidence to support the decision and it was NOT an unfair hearing. COURT ORDERED, petition DENIED. BOND ;

06/05/2001

**Motion to Continue (9:00 AM)**

Events: 05/24/2001 Motion

DEFT'S MOTION TO CONTINUE TRIAL Court Clerk: AMBER FARLEY Reporter/Recorder: DIANN PROCK Heard By: Mark Gibbons

Granted; DEFT'S MOTION TO CONTINUE TRIAL Court Clerk: AMBER FARLEY

# CASE SUMMARY

CASE No. 01C172534

Reporter/Recorder: DIANN PROCK Heard By: Mark Gibbons

Journal Entry Details:

*Court stated the State has no opposition, as this is the Defense's first request, conditioned upon trial being reset within a reasonable amount of time. COURT ORDERED, Motion GRANTED; trial date VACATED. Mr. Albregts requested the Court seal the State's Motion to revoke bail, and his response. COURT ORDERED, STATE'S MOTION and Mr. Albregts RESPONSE SEALED. Matter set for trial setting and status check an evidentiary hearing on the State's motion to revoke bail. BOND 6/12/01 9:00 AM TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING ON STATE'S MOTION TO REVOKE BAIL ;*

06/12/2001 **CANCELED Conversion Hearing Type (11:00 AM)**  
Events: 06/05/2001 Hearing  
*Vacated*

06/12/2001 **CANCELED Status Check (11:00 AM)**  
Events: 06/05/2001 Hearing  
*Vacated*

06/14/2001 **All Pending Motions (9:00 AM)**  
*ALL PENDING MOTIONS 6-14-01 Court Clerk: TINA HURD Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons*  
Matter Heard; ALL PENDING MOTIONS 6-14-01 Court Clerk: TINA HURD  
Reporter/Recorder: PATSY SMITH Heard By: Mark Gibbons  
Journal Entry Details:  
*TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE STATE'S MOTION TO REVOKE BAIL Mr. Albregts requested matter be sealed and advised the divorce decree was sealed by Family Court and he filed his response under seal. Mr. Laurent advised the divorce was sealed the day after the homicide and he does not understand why the defense is concerned about the information. COURT ORDERED, the divorce decree, the motion to revoke bail and Mr. Albregts' response are SEALED; the remainder of the proceedings are not. Court advised he is only sealing the divorce decree because of the Family Court decision and Mr. Laurent may refer to whatever he needs to. Mr. Laurent argued the attorney/client privilege is waived on several issues and would make Mr. Albregts a witness in these proceedings and others because Deft. authorized him to file these pleadings. Mr. Albregts advised the State has complained all along that he is Deft's third attorney. Arguments by counsel regarding attorney/client privilege. Mr. Laurent argued Deft. Centofanti is a considerable flight risk and he is concerned about the fraud that Deft. has perpetrated on the Court so far. Further arguments. Conference at the bench. Court advised he is inclined to continue this matter to Monday. Mr. Laurent objected and argued the State holds Deft. has perpetrated a fraud on the Court at least twice while out on bail. The day after the murder, Deft. moved ex parte to seal the divorce decree; the house in California is only half his and he posted it as bail and told the bondsman it was his. Deft. then began sales proceedings in April of this year as a joint tenant and signed an affidavit as a widower; Deft. never disclosed information about his ex-wife. Deft. attempted to keep the money immediately after the sale of the property and did not disclose it to the estate and State believes Deft. had the decree sealed so it would not show up on the title search. COURT ORDERED, matter CONTINUED to Monday at 11:00 a.m.; HOUSE ARREST WILL CONTINUE. Mr. Laurent requested the Special Public Defender be present if Mr. Albregts is relieved as counsel. Court advised his office will contact the Special PD to be here. Deft. advised he has been served a subpoena for Family Court for Monday morning and he is trying to get it quashed. Court advised he expects Deft. to be HERE on Monday morning and will advise Family Court. BOND/H.A. CONTINUE TO: 6-18-01 11:00 AM ;*

06/14/2001 **Status Check (11:00 AM)**  
Events: 06/11/2001 Hearing  
*STATUS CHECK: EVIDENTIARY HEARING REGARDING STATE'S MOTION TO REVOKE BAIL Heard By: Mark Gibbons*

06/14/2001 **Conversion Hearing Type (11:00 AM)**  
Events: 06/11/2001 Hearing  
*TRIAL SETTING*

06/18/2001 **Status Check (9:00 AM)**  
*STATUS CHECK: EVIDENTIARY HEARING REGARDING STATE'S MOTION TO REVOKE*

# CASE SUMMARY

CASE No. 01C172534

BAIL Heard By: Mark Gibbons

06/18/2001

## All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 6/18/01 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons

Matter Heard; ALL PENDING MOTIONS 6/18/01 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons

Journal Entry Details:

TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE: STATE'S MOTION TO REVOKE BAIL Court stated it did some research and concurs with the point of having another attorney present. As such, the Court has requested Mr. Kohn be present today. Mr. Albregts stated that if he cannot continue on as counsel, he doesn't feel he can argue the bond issue. Mr. Albregts argued the State is trying to get over the first hurdle of the attorney-client privilege, and the Defendant has never waived that privilege. Mr. Albregts stated that under the affidavits nothing has been disclosed that would bring up the issue of the attorney-client privilege. Upon Court's inquiry regarding striking the affidavit, Mr. Albregts stated he doesn't think it is necessary. Mr. Albregts argued the 6th Amendment. Arguments regarding the sealing of the divorce proceedings after the murder. Mr. Albregts stated that was done by the Defendant's divorce attorneys without them discussing it with the Defendant. Mr. Laurent argued regarding the fraudulent transfer of the property which was held in joint tenancy in common. Mr. Laurent argued the sale of the property in San Diego can be used in either/or the State's case in chief or in the penalty phase. Further colloquy regarding Mr. Albregts knowledge of the transfer of the property into the Defendant's name prior to him doing it and whether that knowledge would necessitate Mr. Albregts' testimony at trial. COURT ORDERED, Phil Kohn is APPOINTED as co-counsel. Motion to disqualify Mr. Albregts is DISMISSED without prejudice. The hearing on the bond issue will go forward. Court stated the Defense is now aware of some of what Mr. Laurent will be arguing before the Jury, and as such, may make a motion in limine. Court stated that by the appointment of co-counsel, it gives the Defendant of the right of affective assistance of counsel should Mr. Albregts have to disqualify from the case should he have to become a witness. Mr. Laurent argued that once counsel has notice that s/he may be called as a witness, that person would have to withdraw. Mr. Laurent moved to strike the affidavit and exhibits. COURT ORDERED, Motion DENIED, however, the State may object to anything that is hearsay. Court stated it needs to know the net proceeds on the sale of the San Diego property, what the Defendant did with the money from the sale of the property above and beyond the \$40,000 posted for bail. State requested that the source of any other collateral posted with the bail bondsman be disclosed. COURT ORDERED, matter CONTINUED. BOND ;

06/18/2001

## Conversion Hearing Type (11:00 AM)

TRIAL SETTING

06/19/2001

## Status Check (9:00 AM)

STATUS CHECK: EVIDENTIARY HEARING REGARDING STATE'S MOTION TO REVOKE BAIL Heard By: Mark Gibbons

06/19/2001

## Conversion Hearing Type (9:00 AM)

TRIAL SETTING

06/19/2001

## All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 6/19/01 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons

Matter Heard; ALL PENDING MOTIONS 6/19/01 Court Clerk: AMBER FARLEY Reporter/Recorder: RENEE SILVAGGIO Heard By: Mark Gibbons

Journal Entry Details:

TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE: STATE'S MOTION TO REVOKE BAIL Court inquired as to the location of the property in San Diego. Mr. Albregts advised the Court that \$40,000 of the sale proceeds of that property went to the bond company as collateral, and the Defendant paid a 3% transaction fee. Mr. Albregts further stated he has a check drawn from the Defendant's family for payment of his services. Testimony and exhibits per worksheets. Mr. Laurent argued the bond should be revoked. Argument by Mr. Albregts. Court stated the divorce decree specifically states that the San Diego property would be held in joint tenancy in common, and the affidavit of the surviving tenant by the Defendant was improper, and thinks the Defendant knew better than that. COURT FINDS Mr. Shaner's actions to marshal the funds from the sale of the property were proper. COURT ORDERED, 1/2 of the gross proceeds (which equals \$20,567.47) and 1/2 of the checks that Mr. Albregts is

# CASE SUMMARY

CASE No. 01C172534

holding shall be delivered to Mr. Shaner forthwith, who will deposit those funds into his trust account pending further order from District Court to transfer to the Special Administrator. Mr. Albregts to further provide copies of the checks he is holding to Mr. Shaner. All monies shall be delivered within ONE WEEK. If there is non-compliance, this Court will revoke the Defendant's bail. The Court will allow the State to re-address the amount of the bail next date. MATTER CONTINUED. Mr. Albregts stated it is not confirmed that Mr. Kohn will be co-counsel, and he is looking into other co-counsel. BOND CONTINUED TO: 6/26/01 9:00 AM ;

|            |   |
|------------|---|
| 06/26/2001 | <p><b>Status Check (9:00 AM)</b><br/> STATUS CHECK: EVIDENTIARY HEARING REGARDING STATE'S MOTION TO REVOKE BAIL Heard By: Mark Gibbons</p>  |
| 06/26/2001 | <p><b>Conversion Hearing Type (9:00 AM)</b><br/> TRIAL SETTING</p>  |
| 06/26/2001 | <p><b>All Pending Motions (9:00 AM)</b><br/> ALL PENDING MOTIONS 6-26-01 Court Clerk: TINA HURD Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons</p> <p><b>MINUTES</b><br/> Motion<br/> ALL PENDING MOTIONS 6-26-01<br/> Matter Heard; ALL PENDING MOTIONS 6-26-01 Court Clerk: TINA HURD Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons<br/> Journal Entry Details:<br/> TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE STATE'S MOTION TO REVOKE BAIL Court advised he did receive a letter from Mr. Albregts regarding substitute collateral on the bond. Mr. Albregts stated he believes Deft. has complied and notice was sent to everyone and he has not heard from anybody. State advised she believes everything went through the way the Court ordered. Mr. Albregts advised the only other issue he would like the Court to correct is the minutes show there was a check drawn from the family to pay his fees. Court stated about \$1,300.00. Mr. Albregts advised that was for photographs. State advised no decision has been made whether they can have an increased bail; Deft. has paid the money back that he took fraudulently, which is a crime, and she believes the State is entitled to increase bail. Court stated he does not know if the State is going to elect to file a motion as he had indicated the State could. Deft. has complied with house arrest and with the Court's order, therefore, COURT ORDERED, motion to revoke bail is DENIED, however the State may file a new motion if they feel it is appropriate. Colloquy regarding a trial date. Court advised he is going to keep this case after he assumes Chief Judge and will set the trial in early October. Colloquy. COURT ORDERED, matter set for trial on October 1. BOND/H.A. 9-27-01 9:00 AM CALENDAR CALL 10-1-01 1:30 PM JURY TRIAL ;</p> |
| 07/05/2001 | <p><b>CANCELED Calendar Call (9:00 AM)</b><br/> Vacated</p>   |
| 07/09/2001 | <p><b>CANCELED Jury Trial (1:30 PM)</b><br/> Vacated</p>  |
| 08/31/2001 | <p><b>Request (10:00 AM)</b><br/> Events: 08/28/2001 Hearing<br/> STATE'S REQUEST: HEARING RE DEFT'S MTN TO ASSOCIATE CNSL/CONTINUE TRIAL DATE/22 Court Clerk: Tina Hurd Reporter/Recorder: Patsy Smith Heard By: Mark Gibbons Off Calendar; STATE'S REQUEST: HEARING RE DEFT'S MTN TO ASSOCIATE CNSL/CONTINUE TRIAL DATE/22 Court Clerk: Tina Hurd Reporter/Recorder: Patsy Smith Heard By: Mark Gibbons<br/> Journal Entry Details:<br/> COURT ORDERED, Deft's presence WAIVED. Court advised this is the State's request to move up the hearing, however, he is not going to rule on the motion today. Court advised he is disturbed that there is an out-of-state attorney who wants to come in, but says he is too busy to do it until December; Court appointed Philip Kohn, SPD, to assist in case there was a conflict and inquired why Mr. Kohn cannot do it. Mr. Albregts advised there were apparently representations to the Court that he approved moving this up to today and he did not; Mr. Bloom is out of the country until next week and the Court is not available next week. Mr. Albregts advised he wants to have a hearing on this issue. Court advised the State can go ahead and subpoena the case and have it ready to go. State advised he does not know why Mr.</p>   |

**CASE SUMMARY****CASE No. 01C172534**

*Albregts needs to have another attorney as they have already indicated they do not intend to call Mr. Albregts; if he intends to call himself, he cannot be a witness and an advocate. Mr. Albregts advised he received the transcripts regarding the San Diego property and the State clearly indicated he was a potential witness. Mr. Albregts advised he has addressed this as diligently as he can while still trying to prepare for trial. Mr. Albregts advised the 14th is a good day for Mr. Bloom considering another matter he is involved in that week. State inquired if Mr. Albregts intends to call himself as a witness and advised he would have to give the State notice 5 days before trial anyway. Mr. Albregts advised he has not had an opportunity to sit down with Mr. Bloom and discuss it. Deft. Centofanti appeared at this time and Court advised him of the proceedings. Court advised, as of now, his decision is to go forward with the trial on October 1 and ORDERED, matter OFF CALENDAR and the motion will be heard on the date originally set, September 14th. BOND/H.A. ;*

09/14/2001

**Motion to Associate Counsel (9:00 AM)**

Events: 08/23/2001 Motion

*DEFT'S MTN TO ASSOCIATE COUNSEL/CONTINUETRIAL/21 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons*

*Granted; DEFT'S MTN TO ASSOCIATE COUNSEL/CONTINUETRIAL/21 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons*

Journal Entry Details:

*Allen Bloom, ESQ, from California present also. Upon Court's inquiry, Mr. Albregts advised he has the verified application and the check that has to go through the State Bar and he expects it to be approved; after Court today, he will hand-deliver it to the State Bar and have it expedited. Mr. Albregts requested the Court allow Mr. Bloom to appear today pro hac vice to argue the motion. Mr. Laurent submitted it to the Court's discretion. COURT ORDERED, Mr. Bloom will be allowed to argue today. Mr. Bloom advised he is currently in trial in California and expects to finish by Thursday of next week; he could do this trial on October 1 but does not think it can be competently prepared by then. Mr. Bloom advised, if the sale of property in San Diego comes up, the defense will ask the Court to review it in limine as to its admissibility; it is entirely possible the transaction will not come up in the State's case-in-chief, but may be raised on rebuttal if Deft. Centofanti testifies. If it comes in in any form, Mr. Albregts will definitely be a witness. Mr. Bloom advised the State may raise the transaction to question Deft's credibility. Court advised he saw this possible conflict months ago and appointed Mr. Kohn to assist Mr. Albregts and the defense should not have missed a beat. Mr. Bloom advised Mr. Kohn is not prepared to assist Mr. Albregts and will address the Court on that matter; further, Deft. has the right to choose counsel. Mr. Bloom advised 60 days would be sufficient for Mr. Albregts and himself to prepare the case, however, it would be much longer if Mr. Albregts is removed from the case. Court inquired if Mr. Bloom is prepared to be in this case for the duration of the trial. Mr. Bloom advised there is no question he is and he cannot see any prejudice in this matter being continued as it would still only be 11 months from the date of the incident. Further, Deft's state of mind is a crucial issue and is not anywhere near ready for trial as there is considerable evidence of the decedent's violent history which must be developed and goes back to Deft's state of mind. Mr. Bloom advised he believes the December 1 date to be a very firm date. Upon Court's inquiry, Mr. Kohn advised it was clear to him Deft. wanted to hire private counsel and had the means to do so; his role was never well-defined and he never saw himself taking over a role in this case. Mr. Laurent advised the defense puts the State in a box with their representations of unpreparedness and stated he does not know why these things have not been done. When the State suggested Mr. Albregts might be a witness, the defense categorically denied it, now they are saying he will be a witness. Mr. Laurent advised Mr. Albregts is definitely in conflict and there is a long-standing standard of jurisprudence that an advocate cannot be a witness; the State does not want a continuance, but it appears the Court must grant a continuance to preserve the integrity of the trial as counsel have already set their record of ineffective assistance of counsel. Mr. Laurent stated he believes it is wrong to let Mr. Albregts remain as counsel if he is going to be a witness. Upon Court's inquiry, Mr. Laurent advised they do not intend to bring up the San Diego transaction in their case-in-chief, but it could come up in rebuttal or in the penalty phase; further, it was also his impression that Mr. Kohn was to have a very limited role. State anticipates being ready to go forward. Court suggested December 10 and stated he believes he will have to remove Mr. Albregts from the case. Mr. Bloom advised he would be ready to go in December, and that is very firm, but is contingent on Mr. Albregts and himself working together. Court advised the issue of Mr. Albregts being a witness must be resolved prior to trial. Mr. Bloom stated he believes that will be a fairly small point and the State's representation that Mr. Albregts would only testify on rebuttal makes it an even smaller issue; further, there will be a motion in limine regarding whether the San Diego transaction will come in at all. Further arguments by counsel. COURT ORDERED, motion to associate counsel GRANTED contingent on the application being approved by the State Bar; continuance GRANTED and trial date VACATED AND RESET on November 26; matter set for*

# CASE SUMMARY

CASE No. 01C172534

hearing on counsel issues on October 1. Mr. Bloom advised, on October 1, they will need to know how crucial a witness Mr. Albregts will be and what the State intends to present and requested a briefing schedule. Colloquy. COURT ORDERED, the State's Opening Brief to be filed by September 19, 2001; Deft's Responding Brief to be filed by September 26; State's Reply Brief to be filed by September 28. Court directed all counsel to provide courtesy copies to the Court. BOND/H.A. 10-1-01 9:30 AM FURTHER PROCEEDINGS 11-21-01 9:00 AM CALENDAR CALL 11-26-01 1:30 PM JURY TRIAL ;

09/27/2001 **CANCELED Calendar Call (9:00 AM)**  
Vacated

10/01/2001 **Further Proceedings (9:30 AM)**  
Events: 09/14/2001 Hearing  
FURTHER PROCEEDINGS

10/01/2001 **Motion to Disqualify Attorney (9:30 AM)**  
Events: 09/18/2001 Motion  
STATE'S MTN TO DISQUALIFY ATTORNEY /26 Heard By: Mark Gibbons

## MINUTES



Motion

STATE'S MTN TO DISQUALIFY ATTORNEY /26

Granted; STATE'S MTN TO DISQUALIFY ATTORNEY /26 Heard By: Mark Gibbons

10/01/2001 **Motion in Limine (9:30 AM)**  
Events: 09/19/2001 Motion  
STATE'S MOTION IN LIMINE Heard By: Mark Gibbons

10/01/2001 **All Pending Motions (9:30 AM)**  
ALL PENDING MOTIONS 10-1-01 Court Clerk: Tina Hurd Reporter/Recorder: Patsy Smith  
Heard By: Mark Gibbons

## MINUTES

Motion

ALL PENDING MOTIONS 10-1-01

Matter Heard; ALL PENDING MOTIONS 10-1-01 Court Clerk: Tina Hurd  
Reporter/Recorder: Patsy Smith Heard By: Mark Gibbons

Journal Entry Details:

STATE'S MOTION TO DISQUALIFY COUNSEL...STATE'S MOTION IN LIMINE...FURTHER PROCEEDINGS Allen Bloom, ESQ, counsel from California, present for Deft. also. Order Admitting to Practice FILED IN OPEN COURT regarding Mr. Bloom. Court 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



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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. Albrechts 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. Albrechts would not be present in the courtroom as a witness. COURT ORDERED, motion to disqualify counsel is GRANTED with the exception that Mr. Albrechts WILL BE ALLOWED to help Mr. Bloom in preparation of the case and Mr. Albrechts WILL BE ALLOWED to testify in the guilt phase and the penalty phase, if there is one; Mr. Albrechts 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 ;

10/01/2001 **CANCELED Jury Trial (1:30 PM)**  
Vacated

10/29/2001 **Motion in Limine (9:30 AM)**  
STATE'S MOTION IN LIMINE Heard By: Mark Gibbons

10/29/2001 **Further Proceedings (9:30 AM)**  
Events: 10/01/2001 Hearing  
FURTHER PROCEEDINGS

10/29/2001 **Motion (9:30 AM)**  
Events: 10/16/2001 Motion  
STATE'S MTN TO ADMIT EVIDENCE OF OTHER BAD ACTS/31 Heard By: Mark Gibbons

10/29/2001 **Motion in Limine (9:30 AM)**  
Events: 10/18/2001 Motion  
STATE'S MTN IN LIMINE TO DECLARE DEFT'S PARENTS ADVERSE WITNESSES/32  
Heard By: Mark Gibbons

10/29/2001 **Motion (9:30 AM)**  
Events: 10/18/2001 Motion  
STATE'S MTN TO REQUIRE PARTIES TO DECLARE WITNESSES/33 Heard By: Mark Gibbons

10/29/2001 **Motion to Compel (9:30 AM)**  
Events: 10/19/2001 Motion  
STATE'S MTN TO COMPEL DISCOVERY/34 Heard By: Mark Gibbons

10/29/2001 **All Pending Motions (9:30 AM)**  
ALL PENDING MOTIONS 10-29-01 Court Clerk: Tina Hurd Reporter/Recorder: Patsy Smith  
Heard By: Mark Gibbons

## MINUTES

Motion  
ALL PENDING MOTIONS 10-29-01

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Matter Heard; ALL PENDING MOTIONS 10-29-01 Court Clerk: Tina Hurd  
Reporter/Recorder: Patsy Smith Heard By: Mark Gibbons

Journal Entry Details:

*Allen Bloom, out-of-state counsel for Deft. Centofanti, present also. STATE'S MOTION TO COMPEL DISCOVERY...Court stated he understands the defense has no objection. Mr. Bloom concurred. COURT ORDERED, motion GRANTED. Upon Court's inquiry, Mr. Laurent advised they want any photographs, books, papers that are not attorney/client privilege so they can inspect that prior to trial. Mr. Bloom stated his understanding is anything the defense is going to use at trial must be provided and they will do so, whatever form it is in, and advised they have continued to provide discovery and are giving it to the State as soon as it is available. Court acknowledged. STATE'S MOTION TO REQUIRE PARTIES TO DECLARE WITNESSES...Court stated he understands the defense is still going through the process of determining witnesses. Mr. Bloom concurred and advised Mr. Albrechts is continuing to help them prepare in a limited fashion and Ms. Navarro has a professional conflict wherein she will not be able to participate in trial. COURT ORDERED, motion GRANTED and the witnesses are to be disclosed by 21 days before trial, however, the defense may continue to do preparation and see what comes out of it. Mr. Laurent advised Mr. Albrechts was to participate fully in the preparation, but cannot participate in trial. Court concurred. Mr. Laurent advised Mr. Bloom has indicated he does not have all of his expert witnesses, however, this trial has been continued twice and the experts should be known. Mr. Bloom advised this may be a third trial call on this case, but it is the first trial call for him. Court advised he would request Mr. Albrechts continue to participate fully in trial preparation at this time. Mr. Bloom advised there is no bad faith. Court advised Mr. Bloom to continue to move preparation along. STATE'S MOTION IN LIMINE TO DECLARE DEFT'S PARENTS ADVERSE WITNESSES...Court advised the defense believes this motion is premature. Colloquy. COURT ORDERED, motion GRANTED and Deft's parents may be asked leading questions by the State. STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...Court advised this motion is regarding the December 5 incident between Deft. and his wife, the domestic violence incident, and he believes it is something the defense intends to go into anyway. Mr. Bloom concurred and advised there may be some foundational issues to be taken up by the Court and he believes there should be a Petrocelli Hearing. Court advised incident #2 is that Deft. Centofanti said he would kill his wife before he would agree to a divorce and there must be a Petrocelli Hearing on that. Court advised incident #3 is the alleged fact that Deft. went into a public relations campaign to paint the victim as a bad mother, alcoholic, etc., and a hearing is needed on that. The last issue is the allegation that when Deft. attempted to get a Temporary Protective Order, he lied about ownership of the gun and Court advised they will need a Petrocelli Hearing on that issue. Colloquy regarding Dr. Smith in New York and doctor/patient privilege. Mr. Laurent advised they have submitted discovery and inquired regarding billing; Deft. has hired private counsel and he does not believe the Court intended to circumvent that by appointing the Special Public Defender. Court advised that is correct and the defense is responsible for the cost of discovery. Mr. Laurent advised it appears the defense will be requesting a continuance and he would like to settle that now. Court advised he has set a trial date and expects to go forward with it and will only address a continuance by formal motion. Mr. Bloom requested a status conference for a week from tomorrow and a Petrocelli Hearing just prior to trial. Colloquy. COURT ORDERED, matter set for status check on November 7 and he will set the Petrocelli Hearing at that time. Colloquy regarding a Widdis motion. COURT ORDERED, Widdis motion to be filed under seal. Colloquy regarding a credit bureau report of the victim. Court advised he does not want to violate any Federal credit reporting guidelines. Ms. Navarro advised the credit bureau will provide the report with a court order and she does not believe it will violate any guidelines. Mr. Laurent advised he was out of town and cannot address this issue. COURT ORDERED, request GRANTED and, if the credit reporting agency has a problem, they can bring it to court. STATE'S MOTION IN LIMINE...Court stated he believes he has dealt with all the issues. Mr. Laurent concurred and advised this motion was filed at the request of the defense. COURT ORDERED, OFF CALENDAR. BOND/H.A. 11-7-01 9:00 AM STATUS CHECK: TRIAL READINESS / SET PETROCELLI HEARING ;*

11/07/2001

## Status Check (9:00 AM)

Events: 10/29/2001 Hearing

STATUS CHECK: TRIAL READINESS / SET PETROCELLI HEARING Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons

Matter Heard; STATUS CHECK: TRIAL READINESS / SET PETROCELLI HEARING Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons

Journal Entry Details:

*Allen Bloom, out-of-state counsel for Deft. Centofanti, present also. Court advised he received a motion to continue from the defense yesterday which he read. Affidavit of Robert Larson*

**CASE SUMMARY****CASE No. 01C172534**

marked and admitted as Deft's exhibit A. Mr. Bloom advised the motion also regards Ms. Navarro's schedule. State advised the defense alleges they are interviewing 40 witnesses but there are not 40 percipient witnesses to this case; the defense has also indicated they have not been able to get Deft. to a psychologist because he cannot travel, however, they can do it here. State advised they anticipate being ready for trial, though they do not have all of their subpoenas in yet. State advised it is their opinion Deft. has perpetrated fraud after fraud and their position is Deft. should not be out of custody. Mr. Bloom argued there would be no prejudice to the State if this trial is continued and he cannot see how Deft's custody status figures in at all and advised Deft. is under very rigorous control with house arrest. Court stated he does not believe custody status is relevant. Court inquired why the defense needs ballistics tests. Mr. Bloom advised the state has alleged Deft. shot the victim with malice and the tests would be done on stippling and what shots were fatal and which were not; there would be a focus on the question of what the scene tells as to where the 2 people were in relation to each other as self defense is an aspect of this case; there would be ballistics, pathological and criminalist testing. Colloquy regarding the work done on the case before Mr. Bloom took over. Mr. Bloom advised there is circumstantial evidence as to where the victim was before the shooting. Mr. Bloom advised a lot of the time before he came into the case was spent on bail hearings and whether Mr. Albrechts would be a witness; what he asks is necessary. Colloquy regarding scheduling. Mr. Bloom advised Ms. Navarro is second chair on a Murder case starting next Tuesday. Ms. Navarro advised her trial is before Judge Vega; that Deft. is in custody and has invoked and they are definitely going to trial. Upon Court's inquiry, Ms. Navarro advised there is a substantial defense case as well. Ms. Navarro advised she has an old track case going in December, then she has a capital case in March. State advised, if this case is continued to January, they would like to start on January 2. **COURT ORDERED**, defense motion to continue is **GRANTED**; trial date **VACATED AND RESET**. Court advised Ms. Navarro may appear at Calendar call and Mr. Bloom's presence may be waived. Colloquy regarding a Petrocelli Hearing. State advised he intends to submit an offer of proof. Court advised he will accept it if defense counsel stipulates. **COURT ORDERED**, matter set for hearing. State requested the 21-day notice continue. **COURT ORDERED**, the 21-day witness notice is **CONTINUED** to 21 days before trial. Colloquy regarding witnesses. State advised they copied the tapes and the billing is \$65.00. **COURT ORDERED**, the court will pay the \$65.00. State provided the tapes to Mr. Bloom in open court. Mr. Bloom advised case P45451 is the probate case of Virginia Centofanti and shows assigned to this Court. Colloquy regarding probate procedure. Court advised he does not know if he has signed any orders or heard any matters in that case, however, he will recuse himself to avoid any appearance of impropriety. **BOND/H.A. 12-19-01 10:00 AM EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS 12-27-01 9:00 AM CALENDAR CALL 1-2-02 1:30 PM JURY TRIAL ;**

11/07/2001

**Hearing (10:30 AM)** (Judicial Officer: Gibbons, Mark)

Matter Heard;

Journal Entry Details:

Also present: Allen Bloom, out-of-state counsel for Deft. Centofanti. **WIDDIS HEARING--COURT ORDERED**, this hearing is **UNDER SEAL**. Counsel for the State was not present. Court advised it appears Deft. Centofanti has made a proper showing for some assistance, the question is how much, and advised he believes over \$30,000.00 has been requested. Court stated he does not believe that much has ever been awarded in Clark County, even in a capital case and this is a non-capital case. Mr. Bloom argued for ancillary support. As to the psychological report, Mr. Bloom advised he has spoken with 8 different attorneys and there is no confidence in local psychiatrists and psychologists. Ms. Navarro stated she believes the total they are asking for is \$23,000.00 and those numbers are based on her prior experience. Colloquy regarding fees and the budget in the Special Public Defender's office. Ms. Navarro advised they spend as much as \$30,000.00 or more per case on non-capital cases and she believes it is not unreasonable. **COURT ORDERED**, \$20,000.00 is **APPROVED** and Mr. Bloom may make the allocations as he sees fit. Colloquy regarding the voucher procedure. Mr. Bloom to submit the Order.;

11/21/2001

**CANCELED Calendar Call (9:00 AM)**

Vacated

11/26/2001

**CANCELED Jury Trial (1:30 PM)**

Vacated

11/27/2001

**CANCELED Jury Trial (1:30 PM)**

Vacated

# CASE SUMMARY

CASE No. 01C172534

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| 12/19/2001 | <p><b>Evidentiary Hearing (10:00 AM)</b><br/> Events: 11/07/2001 Hearing<br/> <i>EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS</i> Heard By: Mark Gibbons</p> <p><b>MINUTES</b><br/> Hearing<br/> <i>EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS</i><br/> Matter Continued; EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS Heard By: Mark Gibbons</p>   |
| 12/21/2001 | <p><b>Evidentiary Hearing (9:00 AM)</b><br/> <i>EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS</i> Heard By: Mark Gibbons</p>   |
| 12/21/2001 | <p><b>Motion to Strike (9:00 AM)</b><br/> Events: 12/19/2001 Motion<br/> <i>STATE'S MTN TO STRIKE EXPERT WITNESS LIST &amp; PROSCRIBE DEFT FROM CALLING THOSE</i> Heard By: Mark Gibbons</p>   |
| 12/21/2001 | <p><b>Motion to Compel (9:00 AM)</b><br/> Events: 12/19/2001 Motion<br/> <i>STATE'S MTN TO COMPEL DISCOVERY OF EXPERTS' REPORTS, NOTES &amp; ALL ITEMS</i> Heard By: Mark Gibbons</p>  |
| 12/21/2001 | <p><b>Request (9:00 AM)</b><br/> Events: 12/19/2001 Hearing<br/> <i>DEFT'S MOTION REQUESTING ORDER TO PRODUCE CASSETTE TAPE/45</i> Heard By: Mark Gibbons</p>  |
| 12/21/2001 | <p><b>All Pending Motions (9:00 AM)</b><br/> <i>ALL PENDING MOTIONS 12-21-01</i> Relief Clerk: Kristen Brown Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons</p> <p><b>MINUTES</b><br/> Motion<br/> <i>ALL PENDING MOTIONS 12-21-01</i><br/> Matter Heard; ALL PENDING MOTIONS 12-21-01 Relief Clerk: Kristen Brown Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons<br/> Journal Entry Details:<br/> <i>EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT FROM CALLING THOSE EXPERTS...STATE'S MOTION TO COMPEL DISCOVERY OF EXPERT'S REPORTS, NOTES AND ALL ITEMS CONSIDERED BY EXPERTS IN FORMING AN OPINION...DEFT'S REQUEST FOR ORDER TO PRODUCE CASSETTE TAPE</i> Also present, Allen Bloom, out-of-state counsel for Deft. Centofanti and Lou Brandon on behalf of Eva Cisneros. Secon Amended Notice of Witnesses FILED IN OPEN COURT. Notice of Motion and Motion in Limine to Prohibit the Introduction of Character Evidence of the Victim or any State's Witness Absent a Petroccelli Hearing and Notice of Motion and Motion in Limine to Conduct an Evidentiary Hearing to Establish to What Extent Ms. Cisneros has an Obligation of Attorney Client Privilege FILED IN OPEN COURT and set for December 27, 2001 at 9:00. Arguments by counsel regarding serving Ms. Cisneros and having her present for today's hearing. Mr. Laurent requested a material witness warrant be issued for Ms. Cisneros. COURT ORDERED, Mr. Laurent's request DENIED; subpoena will continue and Mr. Brandon is to contact Ms. Cisneros to have her present at the Calendar Call. RECALLED: Mr. Brandon stated he is waiting for a call back from Ms. Cisneros' office. Following a conference in chambers, COURT ORDERED, State's Motion in Limine to Conduct an Evidentiary Hearing to Establish to What Extent Ms. Cisneros has an Obligation of Attorney Client Privilege RESET to January 8, 2002. Arguments by counsel regarding the shell casings that were found in Defendant's house after incident. Mr. Bloom advised those were turned over to the police. Further arguments by counsel regarding the lack of reports by parties experts. COURT ORDERED, parties are to provide summaries that will comply with the statute by 4:00 pm on December 26, 2002. State's Motion to Admit Evidence of Other Bad Acts: Ms. Goettsch advised</p> |

# CASE SUMMARY

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she will not proceed with the third bad act; it may be brought in rebuttle but will not be in her case in chief. Arguments by counsel regarding the December 5, 2000 incident and misrepresentations by the Deft. regarding the ownership of the gun when filing the TPO. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented. (See worksheets.) Regarding the December 5, 2000 incident, Court stated that there is some confusion with the testimony of the victim's son regarding certain statements by the Defendant and under NRS 51.085, 51.095, or 51.105 they could possibly come in but there needs to be some testimony from the officer; regarding the TPO, COURT FINDS that the State has presented its case. Arguments by counsel regarding the competence of the victim's son. COURT FINDS the victim's son to be competent to testify about the gun subject to cross examination and impeachment. COURT ORDERED, Evidentiary Hearing CONTINUED for the testimony of the officer. Mr. Bloom requested the other officer, Officer Lawrence be present as well. COURT FURTHER ORDERED, Mr. Bloom to subpoena Officer Lawrence and the State is to subpoena the other officer. Mr. Bloom requested to withdraw his "no objection" to State's exhibit #2. Colloquy between Court and counsel regarding exhibit #2. Court stated it will order the original file from Family Court and counsel may review it at the next hearing. Ms. Navarro requested an order for the actual lab packet and to retest the samples. Mr. Laurent stated he would like the same thing from Defendant's experts. Mr. Bloom requested that if experts did not prepare a report, he will tell the State the items they relied upon and will get any notes they have with regards to it. COURT ORDERED, Defendant's allowed to do testing by an independent lab and counsel to provide the underlying data, work product, and notes the experts relied upon. Mr. Laurent requested Defendant be made available for a psychological evaluation. Mr. Bloom argued the State is required to show that they have the right to have an evaluation of the Defendant done. COURT ORDERED, State to let Court and counsel know what they are going to do from a psychological stand point and if State is going to do what is permitted under the law. Mr. Bloom inquired if the search warrant of the Defendant's house is filed with the Court. Ms. Goettsch advised it was a telephonic search warrant and the certification is not with the Clerk's office. Mr. Bloom argued the tape recording must be present. Upon Court's inquiry, Ms. Goettsch stated the judge signed the certification. COURT ORDERED, matter CONTINUED for the State to locate the original certification signed by the judge. COURT FURTHER ORDERED, all matters set on today's calendar CONTINUED. CONTINUED TO: 12/27/01 9:00 ;

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| 12/27/2001 | <b>Evidentiary Hearing (9:00 AM)</b><br><i>EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS</i><br><i>Heard By: Mark Gibbons</i> |
| 12/27/2001 | <b>Calendar Call (9:00 AM)</b><br><i>CALENDAR CALL</i>  |
| 12/27/2001 | <b>CANCELED Motion to Strike (9:00 AM)</b><br><i>Events: 12/17/2001 Motion</i><br><i>Vacated</i>  |
| 12/27/2001 | <b>CANCELED Motion to Compel (9:00 AM)</b><br><i>Events: 12/17/2001 Motion</i><br><i>Vacated</i>  |
| 12/27/2001 | <b>CANCELED Request (9:00 AM)</b><br><i>Events: 12/19/2001 Hearing</i><br><i>Vacated</i>  |
| 12/27/2001 | <b>Motion to Compel (9:00 AM)</b><br><i>STATE'S MTN TO COMPEL DISCOVERY OF EXPERTS' REPORTS, NOTES &amp; ALL ITEMS</i><br><i>Heard By: Mark Gibbons</i> |
| 12/27/2001 | <b>Request (9:00 AM)</b><br><i>DEFT'S MOTION REQUESTING ORDER TO PRODUCE CASSETTE TAPE/45</i><br><i>Heard By: Mark Gibbons</i>                          |
| 12/27/2001 | <b>Motion to Exclude (9:00 AM)</b><br><i>Events: 12/20/2001 Motion</i><br><i>DEFT'S MTN TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT/46</i>     |

# CASE SUMMARY

CASE No. 01C172534

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| 12/27/2001 | <p><b>Motion (9:00 AM)</b><br/> Events: 12/20/2001 Motion<br/> <b>DEFT'S MTN TO PERMIT COUNSEL TO REFER TO THIS BRIEF IN PLACE OF LENGTHY RECORD/47</b> Heard By: Mark Gibbons</p>  |
| 12/27/2001 | <p><b>Motion in Limine (9:00 AM)</b><br/> Events: 12/21/2001 Motion<br/> <b>STATE'S MTN IN LIM TO PROHIBIT INTRO OF CHARACTER EVIDENCE ABSENT A PET HRG/49</b> Heard By: Mark Gibbons</p>   |
| 12/27/2001 | <p><b>All Pending Motions (9:00 AM)</b><br/> <b>ALL PENDING MOTIONS 12-27-01</b> Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons</p> <p><b>MINUTES</b><br/> Motion<br/> <b>ALL PENDING MOTIONS 12-27-01</b><br/> Matter Heard; ALL PENDING MOTIONS 12-27-01 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons<br/> Journal Entry Details:</p> <p><i>Allen Bloom, out-of-state counsel for Deft. Centofanti, present also. The following motions were FILED IN OPEN COURT: State's Opposition to Deft's Motion to Dismiss...State's Supplemental Notice of Expert Witnesses...Deft's Reply to Prosecution's Oral Request to 1) Require the Deft. to be Examined by a Prosecution Psychiatric Expert if He Wishes to Present Psychological Evidence in His Defense and 2) Require Deft. to Provide Experts' Notes and Reports...Deft's Supplemental Notice of Expert Witnesses/Statement of Subject Matter. Court advised the State has indicated they served Deft's parents with subpoenas to appear for trial and the Court understands, through a conference at the bench, that the State will not contact them directly, but will contact Mr. Bloom and he will have them present in Court when it is time for them to testify. Court advised the State has requested to pre-trial these witnesses, however, it is not required for them to speak with the State and the witnesses may speak with Mr. Bloom and decide what they want to do. Court stated he has advised the parties they need to decide if there will be penalty phase by the jury if there is a conviction of First Degree Murder; if the penalty phase is waived, it must be in writing and signed by both sides. Colloquy regarding the remaining issues. EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...As to the Temporary Protective Order (TPO) issue, Ms. Goettsch advised, when she received the TPO copy, the gun registration records were attached; if they were not, they were not, but if it comes up later that they were attached, she would reserve the right to move them in at a later time. Court acknowledged and ORDERED, the last two pages of exhibit #1, the gun registrations, are REDACTED from that exhibit. Testimony and exhibits presented. (See worksheets.) Arguments by Ms. Goettsch and Mr. Bloom regarding the statements, oral and written, made by Virginia Centofanti at the time of the December 5 domestic violence incident. Court stated, when Ms. Centofanti was interviewed, she said things that were bad for her and ORDERED, the conversation she had with the officers is ADMISSIBLE under NRS 51.075 and 51.095, excited utterance; it also may be admissible under present sense impression, but the Court will allow it under the prior two statutes. COURT ORDERED, what Deft. said to the officers WILL ALSO BE ALLOWED under NRS 51.075. Ms. Goettsch advised the testimony is Deft. was cool, calm and collected, so it was not excited utterance. Court advised it will be allowed under 51.075 as Deft. can be cross-examined. COURT FURTHER ORDERED, he WILL NOT ADMIT the conversations of the next day or Sgt. Winslow's conclusions. COURT ORDERED, State's motion to admit evidence of other bad acts is GRANTED as what happened that evening will come in. Mr. Bloom inquired as to the observations by Quito. COURT ORDERED, Quito WILL BE ALLOWED to testify and Mr. Bloom can bring out any prior inconsistencies in cross-examination. STATE'S MOTION IN LIMINE TO PROHIBIT THE INTRODUCTION OF CHARACTER EVIDENCE OF THE VICTIM OR ANY STATE'S WITNESS ABSENT A PETROCELLI HEARING... Mr. Bloom stated he does not believe he has to offer it as the State has no right to reduce their burden regarding presentation of information. Court referred Mr. Bloom to the Coleman case and stated he believes counsel may be splitting hairs as the Court believes the main evidence Mr. Bloom is concerned with is the picture frame and that is coming in; further, Mr. Bloom can offer the evidence that the victim knew Karate. Mr. Bloom advised he has not formed a full response to that at this time. Mr. Laurent advised admission of other crimes, wrongs or acts is not admissible as character evidence and if it is intended to be offered for the purposes stated under statute, a Petrocelli Hearing must be had. Mr. Bloom advised this does not go to the victim's character, it would go to Deft's state of mind. Colloquy. COURT ORDERED a brief recess at this time. Back on the record, Mr. Bloom objected to any ruling or requirement that</i></p> |

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the defense reveal any information regarding the defense under these circumstances and stated he does not believe the statute cited was meant for discovery purposes. Mr. Bloom discussed the Coleman case and cited the Petty case and argued that conviction was reversed and the Court advised the prior bad acts of the victim can be presented without that person testifying. Court advised he did the re-trial of Petty and the opinion evidence was allowed as to whether the victim was violent. Mr. Bloom argued the Nevada Supreme Court did not make a ruling that it was only as to opinion evidence and argued, whether opinion or acts which support the element of self-defense, it is allowed to come in. Court advised the law in Petty and Shoels speak for themselves as to what they permit and what they do not and advised statute is Mr. Bloom's problem as it tells counsel when they can offer specific acts. Court advised, if counsel has specific acts of the victim that he wants to get in under NRS 48.045, he has to tell the Court so he can rule whether they come in. Mr. Bloom argued Coleman was the Deft. claiming a third party committed the crime and advised Deft. is not claiming a third party, he is claiming the victim had conduct that justified his conduct. COURT ORDERED, State's motion to prohibit character evidence absent a Petrocelli hearing is GRANTED. Mr. Bloom advised his concerns is, if these observations came from the mind of the Deft., he does not believe there is law that states Deft. has to testify regarding those. Court advised the only way to put it at issue is for Deft. to testify, it would not be admissible at trial. Mr. Laurent stated he believes these are statements that are coming from the Deft. regarding what he believes has to come in and his concern is proving it through other people; the State wants the opportunity to have a Petrocelli Hearing to prove these things through other people. Court advised Deft. can testify to his perceptions without a Petrocelli Hearing. Mr. Bloom stated, for example, Ms. Centofanti had gang tattoos and there are pictures of them and Deft. had concerns about that history. Court advised those are the issues they need to flesh out. Mr. Laurent advised, if the defense intends to present pictures of gang tattoos, the State should have been provided with those and they have not and advised any tattoos the victim had were removed by laser; further, if anyone else is going to testify regarding those, they need a Petrocelli Hearing. COURT ORDERED, a Petrocelli Hearing will NOT be required if it is testimony from Deft.; if it is by third parties, a hearing WILL BE REQUIRED. Mr. Bloom advised his other concern is the State has indicated Deft. has set out on a campaign to paint the victim in a negative light. Court stated he does not believe that would come in in the State's case-in-chief but rather during cross-examination IF Deft. testifies. As to the jury questionnaire, Court advised he ordered the jury during the break, 50 people, and has requested they come in early to fill out questionnaires, however, if counsel cannot agree to the questionnaires, they will not be used. Court suggested the State and the defense sit down together after court today and go through this and, if they can agree, make them up and have them copied and to the Jury Commissioner by Wednesday morning. Mr. Bloom requested the Court look at it and make a ruling if counsel cannot agree. Court advised counsel to have it to him by Monday morning if they cannot agree. Court advised there will be two alternates and counsel will have eight peremptory challenges apiece and one each on the alternates. Colloquy regarding whether or not to have the alternates selected at the beginning or at the end of trial. Court advised counsel may think about it and let him know. As to the autopsy photographs, Court advised they are relevant for identification purposes, however, he will not allow them to be cumulative. Court requested the State to be selective as to what they need for identity purposes and would ask the State to pick out the pictures they intend to use and advise the defense before Wednesday morning and Mr. Bloom can make his objections. Mr. Bloom advised he is concerned about the prejudicial effect as there are not many pictures after the victim was cleaned up, most still have blood dripping. Mr. Laurent advised they would not be able to make that decision until they speak with Dr. Simms, but will let Mr. Bloom know as soon as possible. As to hearsay issues of the statements by the victim and Deft. on the December 5 incident, Court advised he wants to know what they are and will present a balanced picture to the jury. Mr. Bloom advised, technically, he wants to consider this and revisit it before opening statements. As to whether Deft. has to submit to a psychological evaluation by the State, Mr. Laurent advised he received Deft.'s response this morning when he got in and advised, over the years, the Courts have held that a psychiatric examination does not violate the 5th or 6th Amendment rights and cited case law. Court inquired if there is any authority that requires Deft. Centofanti to submit to a psychological evaluation before trial. Mr. Laurent advised there is no State case, but the 9th Circuit has held the Court can order it when the defense asserts an insanity defense or a state-of-mind defense and argued the State is entitled to that information. State advised the Deft. becomes a piece of physical evidence and is being examined and argued the defense puts this kind of evidence at issue and the attorney/client privilege does not pertain. Court stated he believes, under the Constitution, Deft. cannot be compelled to testing by the State and ORDERED, motion DENIED; if the defense puts this kind of evidence at issue, if the psychologist testifies, the State may have an expert in the courtroom to hear the testimony and rebut it. Mr. Laurent requested a stay to do an interlocutory appeal. Colloquy. COURT ORDERED, STAY DENIED and either side may file a Writ. Mr. Laurent advised the defense has declared an expert and he cannot adequately prepare his cross-examination as he does not know what testing has been done. Court advised,

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if that person testifies, he will give the State a break to review that information with their expert. Mr. Laurent requested the transcript from today's hearing. COURT ORDERED, the Court Reporter is to prepare today's transcript and provide it to both counsel. As to the canvass of Deft., Mr. Laurent advised he never said it was required, however, he believes it is prudent under the Beets case and advised it is a cautionary measure to make sure the record is clean. Mr. Laurent advised he wants to make sure defense counsel is authorized to argue what he does. COURT ORDERED, motion DENIED WITHOUT PREJUDICE. Court advised he will see how things develop. Court advised the defense has requested the weapon be released for testing. Mr. Laurent advised he would object due to the late date as the State needs to be provided the results. COURT ORDERED, the weapon will be RELEASED to the defense expert. Mr. Bloom advised the test is for rapidity of fire. Mr. Laurent objected as the defense expert is well-trained in operation of the weapon. COURT ORDERED, the weapon WILL BE RELEASED, however, that does not mean the test results are admissible. As to the release of juvenile records in California, Mr. Laurent objected as juvenile records are sacrosanct and are protected all the time and can only be reviewed in camera. Mr. Bloom advised that is what is being done in California and he is only asking this Court to say the theory of self-defense makes them necessary. COURT ORDERED, this Court has no objection to the Judge in California inspecting the records in camera and making a ruling under California law on whether there is anything in the record that could possibly relate to the defense theory of self-defense. DEFT'S MOTION REQUESTING ORDER TO PRODUCE CASSETTE TAPE...As to the search warrant issue, Mr. Laurent stated he believes the document was filed under a different District Court case number. Mr. Bloom stated he believes the law states the cassette tape is to be made available to the defense. COURT ORDERED, the defense objection is OVERRULED and the motion is DENIED. Court advised the search warrant is an exact transcription of the tape recording and, when the Judge signed the written search warrant, that was written certification of the transcription. Mr. Laurent advised he will make a copy of the document and provide it to the defense. As to the TPO issue, Mr. Laurent advised the State is not offering it at this time. Mr. Bloom stated he believes portions will come in on the defense side. Court advised, if either side wants to offer it with or without redactions, he will consider it at that time. DEFT'S MOTION TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT.... COURT ORDERED, motion CONTINUED to Wednesday at 10:00 a.m. STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT. FROM CALLING THOSE EXPERTS...Mr. Bloom advised there was a requirement to provide a list of experts and subject matter. Ms. Goettsch advised what she received is the same thing she received before and advised she needs to know what the opinions are or it is impossible for her to hire an expert to rebut; she received a 6-page designation of who the experts are and very general statements of the subject matter. Ms. Goettsch advised she still does not have the reports. Mr. Bloom advised he would invite the Court to read the 2-page document he received from the State. COURT ORDERED, matter CONTINUED to Wednesday at 10:00 a.m. and the Court will look at the documents. Ms. Goettsch advised she has provided the reports. DEFT'S MOTION TO PERMIT COUNSEL TO REFER TO THIS BRIEF IN PLACE OF LENGTHY, RECORD-MAKING OBJECTIONS...Court stated his understanding is either side reserves their objections for appellate purposes and can object in two words. Mr. Bloom advised he wants to avoid having to make a record on each objection and advised this preserves the federalization of the objections. Mr. Laurent argued, if the defense can just refer to a document, the State cannot fix it at the time and argued contemporaneous objections need to be made. Mr. Bloom argued this document does not create objections, it just states that when he makes his objections under State and Federal authority and that the document is incorporated. Mr. Laurent advised he needs to have the opportunity to respond to specific objections as there are exceptions to every rule. COURT ORDERED, motion DENIED; counsel will have to state the grounds for their objections. MOTION TO REQUEST THAT COMPLAINING WITNESSES AND THE DEFT. SHOULD BE ADDRESSED BY THEIR NAMES AND NOT BY CONCLUSORY AND ARGUMENTATIVE LABELS WHICH ASSUME FACTS NOT IN EVIDENCE AND UNDERMINE THE PRESUMPTION OF INNOCENCE...Court requested counsel refer to the victim by her name or by "decedent", but not use the word "victim". MOTION TO INSURE THAT THE PROSECUTION DOES NOT TELL THE JURY IT REPRESENTS THE "PEOPLE" IN A MANNER THAT IMPLIES THAT HE/SHE REPRESENTS THE JURORS AGAINST THE DEFT... COURT ORDERED, the prosecution can tell the jury they represent the State of Nevada and that the District Attorney is a duly-elected official. MOTION TO INCLUDE THE NECESSARY LEVEL OF CERTITUDE TO THE REASONABLE DOUBT INSTRUCTION TO PREVENT UNDERMINING DEFT'S DUE PROCESS AND SIXTH AMENDMENT RIGHT TO A JURY DECISION BASED UPON SUFFICIENT EVIDENCE OF EVIDENTIARY CERTAINTY... COURT ORDERED, the reasonable doubt instruction that the defense wants is DENIED as there is a statutory definition of reasonable doubt and that is what the Court will use. Court adjourned at 12:13 p.m. BOND/H.A. 1-2-02 10:00 AM STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT. FROM CALLING THOSE EXPERTS...DEFT'S MOTION TO



# CASE SUMMARY

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*EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT. ;*

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| 12/27/2001 | <b>Motion to Strike</b> (10:00 AM)<br><i>STATE'S MTN TO STRIKE EXPERT WITNESS LIST &amp; PROSCRIBE DEFT FROM CALLING THOSE Heard By: Mark Gibbons</i>   |
| 01/02/2002 | <b>CANCELED Jury Trial</b> (1:30 PM)<br><i>Vacated</i>  |
| 01/02/2002 | <b>Motion to Strike</b> (1:30 PM)<br><i>STATE'S MTN TO STRIKE EXPERT WITNESS LIST &amp; PROSCRIBE DEFT FROM CALLING THOSE Heard By: Mark Gibbons</i>  |
| 01/02/2002 | <b>Motion to Exclude</b> (1:30 PM)<br><i>DEFT'S MTN TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT/46</i>   |
| 01/02/2002 | <b>All Pending Motions</b> (1:30 PM)<br><i>ALL PENDING MOTIONS 1-2-02 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons</i>  |
|            | <b>MINUTES</b><br>Motion<br><i>ALL PENDING MOTIONS 1-2-02</i><br>Matter Heard; ALL PENDING MOTIONS 1-2-02 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons<br>Journal Entry Details:<br><i>STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT. FROM CALLING THOSE EXPERTS...DEFT'S MOTION TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT. 1:30 P.M.--Court advised this matter is on to see where they are at as the Supreme Court has issued a stay of all proceedings and this Court does not believe he has jurisdiction to rule on any motions at this time. State concurred. Court advised the parties may be able to do a stipulation to proceed with other matters and submit it to the Supreme Court. State advised she believes the State would prefer to wait. COURT ORDERED, matter STAYED, however, ministerial matters may go forward. Court advised he is considering setting a tentative date, possibly April 15. Ms. Navarro stated she believes the State and herself both have a problem with that date as she is starting a trial on April 29. State advised she has a murder trial starting on April 22 and would prefer a date after early May. Court inquired if counsel would prefer to set a tentative trial date after May. State advised she would prefer May as she will be on maternity leave in March. Court advised he has a trial coming down from up North that will take about a month and may be using this courtroom and advised he will be gone to the Bar convention in June. Colloquy. Court advised he will set a tentative date of June 17, but will not put it in the computer yet because of the stay. Colloquy regarding a status check. COURT ORDERED, matter set for status check on February 14. BOND/H.A. 2-14-02 9:00 AM STATUS CHECK: SUPREME COURT PROCEEDINGS...SET TIME CERTAIN: PRE-TRIAL MOTIONS ;</i> |
| 01/08/2002 | <b>CANCELED Motion in Limine</b> (9:00 AM)<br>Events: 12/21/2001 Motion<br><i>Vacated</i>   |
| 02/14/2002 | <b>Status Check</b> (9:00 AM)<br>Events: 01/02/2002 Hearing<br><i>STATUS CHECK: SUPREME COURT PROCEEDINGS</i>   |
| 02/14/2002 | <b>Hearing</b> (9:00 AM)<br>Events: 01/02/2002 Motion<br><i>SET TIME CERTAIN: PRE-TRIAL MOTIONS</i>   |
| 02/14/2002 | <b>All Pending Motions</b> (9:00 AM)<br><i>ALL PENDING MOTIONS 2-14-02 Court Clerk: Tina Hurd Reporter/Recorder: Dina Dalton Heard By: Mark Gibbons</i><br>Matter Heard; ALL PENDING MOTIONS 2-14-02 Court Clerk: Tina Hurd Reporter/Recorder: Dina Dalton Heard By: Mark Gibbons   |

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|            | <p>Journal Entry Details:</p> <p><i>STATUS CHECK: SUPREME COURT PROCEEDINGS...SET TIME CERTAIN: PRE-TRIAL MOTIONS Counsel advised they have not heard anything from the Supreme Court. Court advised there is a tentative trial date in June. Colloquy. COURT ORDERED, matter CONTINUED 60 days. BOND/H.A. CONTINUED TO: 4-18-02 9:00 AM ;</i></p>   |
| 04/18/2002 | <p><b>Status Check (9:00 AM)</b></p> <p><i>STATUS CHECK: SUPREME COURT PROCEEDINGS</i></p>   |
| 04/18/2002 | <p><b>Hearing (9:00 AM)</b></p> <p><i>SET TIME CERTAIN: PRE-TRIAL MOTIONS</i></p>  |
| 04/18/2002 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS 4-18-02 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons</i></p> <p>Matter Heard; ALL PENDING MOTIONS 4-18-02 Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons</p> <p>Journal Entry Details:</p> <p><i>STATUS CHECK: SUPREME COURT PROCEEDINGS...SET TIME CERTAIN: PRE-TRIAL MOTIONS Court advised he received a copy of the order from the Supreme Court indicating they have set this matter for oral argument at the end of June. Court suggested a status check in late July or early August. Counsel concurred. COURT ORDERED, matter CONTINUED to August 1. Court advised, once the Supreme Court rules, he intends to set the trial quickly so Mr. Bloom needs to remain flexible. Ms. Navarro advised the only problem she foresees is they have out-of-state witnesses. Court acknowledged. BOND/H.A. CONTINUED TO: 8-1-02 9:00 AM ;</i></p>  |
| 08/01/2002 | <p><b>Status Check (9:00 AM)</b></p> <p><i>STATUS CHECK: SUPREME COURT PROCEEDINGS</i></p>   |
| 08/01/2002 | <p><b>Hearing (9:00 AM)</b></p> <p><i>SET TIME CERTAIN: PRE-TRIAL MOTIONS</i></p>  |
| 08/01/2002 | <p><b>All Pending Motions (9:00 AM)</b></p> <p><i>ALL PENDING MOTIONS 8-1-02 Court Clerk: Tina Hurd Reporter/Recorder: Diann Prock Heard By: Mark Gibbons</i></p> <p>Matter Heard; ALL PENDING MOTIONS 8-1-02 Court Clerk: Tina Hurd Reporter/Recorder: Diann Prock Heard By: Mark Gibbons</p> <p>Journal Entry Details:</p> <p><i>Court stated he understands the Supreme Court has not ruled so this matter is still in limbo, however, they need to discuss a trial date as this Court's time is getting limited. Court advised he has September 30 in mind. Ms. Navarro advised she has a number to reach Mr. Bloom today and he wanted her to remind the Court that they have out-of-state witnesses and need a little extra time. Court advised his schedule is pretty full for the rest of the year and he may have to transfer this case to another Court. Court at ease for Ms. Navarro to call Mr. Bloom. Ms. Navarro advised Mr. Bloom indicates the certification process in California cannot start until there is a trial date and to go ahead and set the September date. State advised she does not think they should set the date as, if the Supreme Court rules in the State's favor, they would be entitled to an independent psychological exam which would take time. Colloquy regarding the certification process in California. Ms. Navarro advised there is also an individual in another state. Court advised the clock is going to run out on him being able to do this case. Ms. Navarro advised the defense is okay with the September 30 date. State advised she has another trial set for September 30 and stated she foresees a problem with setting a trial date as things will go forward as if there was no stay. Colloquy regarding the trial date. Upon Court's inquiry, State advised she will stipulate only to setting the trial date so the subpoena process can begin. COURT ORDERED, matter set for trial ONLY for the issuing of subpoenas subject to the approval of the Nevada Supreme Court and further subject to any substantive decision made by the Nevada Supreme Court. Ms. Navarro to prepare the stipulation. BOND/H.A. 10-4-02 9:00 AM CALENDAR CALL 10-7-02 1:30 PM JURY TRIAL ;</i></p> |
| 09/05/2002 | <p><b>Request (9:00 AM)</b></p> <p>Events: 08/30/2002 Hearing</p> <p><i>STATE'S REQUEST FOR STATUS CHECK ON TRIAL DATE /60 Court Clerk: Tina Hurd Reporter/Recorder: Julie Lever Heard By: Mark Gibbons</i></p>  |

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Matter Heard; STATE'S REQUEST FOR STATUS CHECK ON TRIAL DATE /60 Court Clerk: Tina Hurd Reporter/Recorder: Julie Lever Heard By: Mark Gibbons

Journal Entry Details:

*Court stated it is his understanding there has been no ruling from the Supreme Court. Counsel concurred. Court advised the trial is set in October and he understands counsel have agreed to move the trial date to mid-November. Counsel concurred. Court stated he understands the parties stipulate he may set the trial subject to the Supreme Court's stay order. Counsel concurred. COURT ORDERED, trial date VACATED AND RESET to November 18. Ms. Navarro advised she does have another case set for trial on November 18 that is a double homicide and she does not know what is going to happen with that case. State suggested a status check. Colloquy. COURT ORDERED, matter set for status check regarding the Supreme Court appeal. BOND/H.A. 10-10-02 9:00 AM STATUS CHECK: SUPREME COURT APPEAL 11-14-02 9:00 AM CALENDAR CALL 11-18-02 1:30 PM JURY TRIAL ;*

10/04/2002 **CANCELED Calendar Call (9:00 AM)**  
*Vacated*

10/07/2002 **CANCELED Jury Trial (1:30 PM)**  
*Vacated*

10/10/2002 **Status Check (9:00 AM)**  
Events: 09/05/2002 Hearing  
*STATUS CHECK: SUPREME COURT APPEAL Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons*  
Matter Heard; STATUS CHECK: SUPREME COURT APPEAL Court Clerk: Tina Hurd Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons  
Journal Entry Details:  
*Court advised he has heard nothing from the Supreme Court. Counsel concurred. Court advised he inquired of the staff at the Supreme Court and they suggested the parties do a motion requesting a decision and include the November trial date. State advised her concerns are it is time for her to start subpoenaing witnesses and she does not want to go through all that work if they still do not have a decision. Court advised, if the November trial date is vacated, he will not be able to hear the trial. Ms. Navarro advised she would like to do the suggested motion and see if they get a response. Colloquy. COURT ORDERED, matter CONTINUED one week for status check regarding the trial date. BOND/H.A. 10-21-02 9:00 AM STATUS CHECK: TRIAL DATE ;*

10/21/2002 **Status Check (9:00 AM)**  
Events: 10/10/2002 Hearing  
*STATUS CHECK: TRIAL DATE Relief Clerk: Cindy Lory/CNL Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons*  
Matter Heard; STATUS CHECK: TRIAL DATE Relief Clerk: Cindy Lory/CNL Reporter/Recorder: Renee Silvaggio Heard By: Mark Gibbons  
Journal Entry Details:  
*Colloquy between the Court and counsel regarding selection of judge. Ms. Goettsch stated she will be filing a motion to the Supreme Court for a decision. COURT ORDERED, matter CONTINUED for Status Check. Court directed counsel to set matter back on calendar when they find a judge to hear the trial. FURTHER, trial date VACATED. BOND/H.A. 11-04-02 9:00 AM STATUS CHECK ;*

11/04/2002 **Status Check (9:00 AM)**  
Events: 10/21/2002 Hearing  
*TRIAL SETTING /65 Court Clerk: Carole D'Aloia Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark*  
Matter Continued; TRIAL SETTING /65 Court Clerk: Carole D'Aloia Reporter/Recorder: Renee Silvaggio Heard By: Gibbons, Mark  
Journal Entry Details:  
*Upon Court's inquiry, counsel advised they have not been able to agree upon Judge and Ms. Goettsch requested matter be randomly reassigned. Statements by Ms. Navarro regarding the e-mails received from both Ms. Goettsch and Mr. Laurent regarding selection of a Judge to hear this matter and Ms. Navarro requested the e-mail marked as Court Exhibits. Ms. Goettsch stated her objections. FOLLOWING CONFERENCE AT THE BENCH, COURT ORDERED, Ms. Navarro's request DENIED and matter sent to MASTER CALENDAR FOR RANDOM REASSIGNMENT with today's STATUS CHECK date CONTINUED for TWO*

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WEEKS. Court further instructed Clerk to notify counsel of the new date and Department. Regarding the e-mails, Court instructed Ms. Navarro to prepare an Affidavit with the appropriate information contained therein. BOND/H.A. ;

11/14/2002 **CANCELED Calendar Call (9:00 AM)**  
Vacated

11/18/2002 **Status Check (9:00 AM)**  
TRIAL SETTING /65 Court Clerk: Linda Skinner Relief Clerk: Carole D'Aloia/CD  
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley

11/18/2002 **CANCELED Jury Trial (1:30 PM)**  
Vacated

11/20/2002 **Status Check (9:00 AM)**  
TRIAL SETTING /65 Court Clerk: Linda Skinner Relief Clerk: Carole D'Aloia/CD  
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Matter Continued; TRIAL SETTING /65 Court Clerk: Linda Skinner Relief Clerk: Carole D'Aloia/CD Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Journal Entry Details:  
Mr. Allen Bloom Pro Hoc Vice, lead counsel from San Diego, California, also present. Court inquired if this case were a capital matter and counsel advised it is not. Ms. Navarro advised Mr. Albrechts was originally retained by the Defendant and the Special Public Defender was appointed co-counsel at that time and will now remain co-counsel and local counsel since Defendant has now retained Mr. Bloom. Mr. Albrechts advised a complicated issue arose and that is whether or not he will be called as a witness. Mr. Albrechts further advised he will remain on the case, in the background, to provide support to defense counsel. Mr. Bloom requested matter be set for trial and advised he already discussed dates with Court's Clerk, who suggested a dual trial setting since the first date given this matter would be #2 on the stack. COURT ORDERED, matter set for JURY TRIAL (dual setting) and STATUS CHECK. BOND/H.A. 5/5/03 9:00 AM STATUS CHECK: TRIAL READINESS 7/1/03 9:00 AM CALENDAR CALL (#2 ON STACK) 7/7/03 1:30 PM JURY TRIAL (#2 ON STACK) 11/25/03 9:00 AM CALENDAR CALL (#1 ON STACK) 12/1/03 1:30 PM JURY TRIAL (#1 ON STACK) ;

01/09/2003 **Minute Order (2:16 PM)**  
MINUTE ORDER RE: POTENTIAL EVIDENCE Relief Clerk: Connie Kalski Heard By: Donald Mosley  
Matter Heard; MINUTE ORDER RE: POTENTIAL EVIDENCE Relief Clerk: Connie Kalski Heard By: Donald Mosley  
Journal Entry Details:  
MINUTE ORDER CONCERNING POSSIBLE EVIDENCE... At 2:16 PM, today's date, this Clerk was notified by chambers to type the minute order reflected below. This minute order was dictated over the telephone from the department secretary and is to be placed into the case as soon as possible. Judge Donald Mosley conducted a conference call with the following parties: 1) Ms. Becky Goettsch, Deputy District Attorney, Criminal Division; 2) Ms. Gloria Navarro, Special Public Defender, Criminal Division; 3) Mr. Bloom, out of state counsel involved with the case. The following is a summary of the conversation and the Court's Order: A conference call occurred at approximately 2:10 PM, this date, involving the above-noted parties. It has been agreed that the Court will assume custody of an envelope alleged to contain a floppy disk with possible evidentiary value to this case. This Court will maintain the item in a safe place with the status of the contents to be decided at a later time. Above-noted counsel is to work together to arrange this matter be placed on the Court's calendar at counsel's convenience. Mr. John Moran is to deliver the subject envelope to the Court as early as possible./ck ;

01/16/2003 **Request (9:00 AM)**  
Events: 01/09/2003 Hearing  
STATUS CHECK ON EVIDENCE-AGREED REQUEST Court Clerk: Linda Skinner  
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Matter Resolved; STATUS CHECK ON EVIDENCE-AGREED REQUEST Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Journal Entry Details:  
Mr. Allen Bloom, lead counsel from San Diego, California present. Court noted this matter

# CASE SUMMARY

CASE No. 01C172534

was discussed in chambers and stated this Court has taken into evidence an envelope containing a disk. Counsel concurred. Mr. Laurent stated the disk will be checked for fingerprints and then sent to an expert. COURT ORDERED, matter RESOLVED. BOND/H.A. ;

05/05/2003

**Status Check (9:00 AM)**

Events: 11/20/2002 Hearing

STATUS CHECK: READINESS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Heard; STATUS CHECK: READINESS Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

Mr. Bloom, counsel from San Diego present. Ms. Goettsch advised this matter is no longer stayed as a decision has come down from the Supreme Court and she will be ready for trial in July. Mr. Bloom advised he will not be ready; that they are second on the July stack and because of the out of state witnesses and experts, he has scheduled another trial with multiple attorneys in July and requested to utilize the December date when he will be ready. Objections by Ms. Goettsch. Following arguments by counsel, COURT ORDERED, trial date of 7/7/03 is VACATED and date of 12/1/03 for trial will be maintained and this Court expects to go forward. Mr. Bloom advised that an expert has been found to review the disk. Court so noted. Further, Mr. Bloom advised the State has filed motions to be heard on 5/12/03 and he would request they be moved to 5/27/03. There being no objection, COURT SO ORDERED. BOND/H.A. 5/27/03 9:00 AM STATE'S MOTION TO PLACE ON CALENDAR, RELEASE AND EXAMINATION OF EVIDENCE...STATE'S MOTION FOR EVIDENTIARY HEARING RE: ATTORNEY/CLIENT PRIVILEGE 5/27/03 9:00 AM ;

05/12/2003

**Motion (9:00 AM)**

Events: 05/01/2003 Motion

STATE'S MTN TO PLACE ON CALENDAR RELEASEAND EXAM OF EVID/73 Heard By: Donald Mosley

05/12/2003

**Evidentiary Hearing (9:00 AM)**

Events: 05/01/2003 Hearing

STATE'S MTN FOR EVIDENTIARY HEARING RE ATTY/CLIENT PRIVLG/74 Heard By: Donald Mosley

05/27/2003

**Motion (9:00 AM)**

STATE'S MTN TO PLACE ON CALENDAR RELEASEAND EXAM OF EVID/73 Heard By: Donald Mosley

05/27/2003

**Evidentiary Hearing (9:00 AM)**

STATE'S MTN FOR EVIDENTIARY HEARING RE ATTY/CLIENT PRIVLG/74 Heard By: Donald Mosley

05/27/2003

**All Pending Motions (9:00 AM)**

ALL PENDING MOTIONS 5/27/03 Court Clerk: Linda Skinner/ls Relief Clerk: Melissa Davis Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Heard; ALL PENDING MOTIONS 5/27/03 Court Clerk: Linda Skinner/ls Relief Clerk: Melissa Davis Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

STATE'S MOTION TO PLACE ON CALENDAR FOR RELEASE AND EXAMINATION OF EVIDENCE...STATE'S MOTION FOR EVIDENTIARY HEARING REGARDING ATTORNEY-CLIENT PRIVILEGE Alan Bloom, lead counsel from San Diego, present. As to State's Motion for Release and Examination of Evidence: Ms. Goettsch advised they are very close to having this resolved. COURT SO ORDERED. As to State's Motion for Evidentiary Hearing: Mr. Bloom agrees there should be a hearing. Ms. Goettsch advised there are 2 other attorneys involved. Upon review of schedules, COURT ORDERED, matter set for hearing. BOND/H.A. 7/18/03 9:00 AM EVIDENTIARY HEARING ;

07/01/2003

**CANCELED Calendar Call (9:00 AM)**

Vacated

07/07/2003

**CANCELED Jury Trial (1:30 PM)**

Vacated

# CASE SUMMARY

CASE No. 01C172534

|            |  |
|------------|--|
| 07/18/2003 | <p><b>Hearing (9:00 AM)</b><br/> Events: 05/27/2003 Hearing<br/> <i>EVIDENTIARY HEARING Heard By: Donald Mosley</i></p>  |
| 08/01/2003 | <p><b>Hearing (9:00 AM)</b><br/> <i>EVIDENTIARY HEARING Heard By: Donald Mosley</i></p>  |
| 08/13/2003 | <p><b>Status Check (9:00 AM)</b><br/> Events: 07/21/2003 Hearing<br/> <i>STATUS CHECK: EVIDENTIARY HEARING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br/> Matter Heard; STATUS CHECK: EVIDENTIARY HEARING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>Alan Bloom, lead counsel from San Diego, present. Court noted Mr. Laurent, Mr. Bloom, Mr. Moran and Mr. Richards were in chambers prior to calendar. Pursuant to discussion in chambers, COURT ORDERED, trial set for 12/1/03 is VACATED and RESET, Evidentiary Hearing set in January and blind briefs to be supplied by counsel. BOND/H.A. 1/9/04 9:00 AM EVIDENTIARY HEARING 3/9/04 9:00 AM CALENDAR CALL (#1 ON STACK) 3/15/04 1:30 PM JURY TRIAL (#1 ON STACK) ;</i></p>  |
| 11/25/2003 | <p><b>CANCELED Calendar Call (9:00 AM)</b><br/> <i>Vacated</i></p>   |
| 12/01/2003 | <p><b>CANCELED Jury Trial (1:30 PM)</b><br/> <i>Vacated</i></p>  |
| 01/09/2004 | <p><b>Hearing (9:00 AM)</b><br/> Events: 08/13/2003 Hearing<br/> <i>EVIDENTIARY HEARING Heard By: Donald Mosley</i></p>  |
| 01/16/2004 | <p><b>Hearing (9:00 AM)</b><br/> <i>EVIDENTIARY HEARING Heard By: Donald Mosley</i></p>  |
| 01/23/2004 | <p><b>Hearing (9:00 AM)</b><br/> <i>EVIDENTIARY HEARING Relief Clerk: April Watkins Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.</i><br/> Matter Continued; EVIDENTIARY HEARING Relief Clerk: April Watkins Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>COURT ORDERED, matter CONTINUED at request of interested parties. BOND/H.A. ;</i></p>   |
| 02/20/2004 | <p><b>Hearing (9:00 AM)</b><br/> <i>EVIDENTIARY HEARING Heard By: Donald Mosley</i></p>  |
| 02/20/2004 | <p><b>Request of Court (9:00 AM)</b><br/> <i>AT THE REQUEST OF THE COURT Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br/> Matter Heard; AT THE REQUEST OF THE COURT Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>Mr. Allen R. Bloom, defense counsel from California also present. Mr. John Moran Jr. and Mr. Brandon present with Eva Cisneros and Janeen Isaacson. Colloquy between Court and counsel regarding original floppy disc and copies. Mr. Bloom to review within 10 days regarding attorney/client privilege. If there appears to be none, then they can be turned over to Metropolitan Police Department. Additionally, Mr. Bloom requested original not be opened to maintain authenticity. COURT ORDERED, Transcript of the testimony of Ms. Cisneros and Ms. Isaacson SEALED and COURTROOM CLEARED but for necessary staff, Mr. Moran, Mr. Brandon and Defense counsel. Testimony by Ms. Cisneros and Ms. Isaacson. ALL PARTIES PRESENT: Arguments by counsel. Court FINDS that Ms. Cisneros was merely a conduit and that Defendant aired concerns. Further, no legal advice was given and therefore, nothing to protect. However as to Ms. Isaacson, Court FINDS that she was involved and the</i></p> |

# CASE SUMMARY

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attorney/client privilege WILL BE PROTECTED. Mr. Moran requested that the State not have investigators contact Ms. Isaacson or Ms. Cisneros prior to trial as they are not interested in speaking with investigators. Court sees no reason for them to be contacted, however it is not a blanket order absent some abuse. Mr. Peterson requested Ms. Cisneros testimony be unsealed and COURT SO ORDERED. Colloquy between counsel regarding expert witnesses and the lack of reports. Mr. Bloom advised that papers filed will have reports and CV's attached. Court directed parties to work together to have matter prepared for trial. FURTHER, all motions to be filed by 2/27/04 and if filed, will be heard one week thereafter. BOND ;

03/05/2004

## Hearing (9:00 AM)

AT REQUEST OF COURT: PRETRIAL ISSUES Relief Clerk: Melissa Swinn  
Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley  
Matter Heard; AT REQUEST OF COURT: PRETRIAL ISSUES Relief Clerk: Melissa Swinn  
Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley  
Journal Entry Details:  
Allen Bloom, California counsel present. Court noted this is an ex-parte matter on the record. Colloquy regarding the certification of out of state expert witnesses. Upon Court's inquiry, Mr. Bloom advised there are possibly 24 expert witnesses. Additionally witnesses Kruger and Tibbetts (phonetic) will testify as to victims rage and violence which goes to character and the Defendant's belief of fear and self defense. Mark Wright, who was the neighbor of the victim and Defendant can testify as to the events that took place on December 5th. Mr. Wright is willing to testify, however needs a subpoena for work purposes and COURT SO ORDERED. Court advised Mr. Bloom that duplicative testimony will not be allowed and a hearing prior to trial will be necessary regarding victim's gang involvement and drug usage. Mr. Bloom advised he will work on having this matter heard and witnesses present in the San Diego court to have the subpoena's issued in time for this trial. COURT ORDERED, matter SET to resolve outstanding witness issues. BOND 3/12/04 9AM PRETRIAL MOTIONS ;

03/09/2004

## Calendar Call (9:00 AM)

CALENDAR CALL (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Matter Heard; CALENDAR CALL (#1 ON STACK) Court Clerk: Linda Skinner  
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Journal Entry Details:  
Court noted Ms. Navarro appeared prior to calendar and advised she is ready for trial. Ms. Goetsch advised she is ready as well with 35 witnesses, 5 out of State and lasting 2-3 weeks. Court advised there is a hearing on Friday as to witnesses and that is when any additional pre-trial motions should be addressed. COURT ORDERED, jury selection would begin at 1:30 on 3/15/04 in this Dept. BOND/H.A. ;

03/12/2004

## Status Check (9:00 AM)

Events: 03/05/2004 Hearing  
STATUS CHECK: WITNESSES Heard By: Donald Mosley

03/12/2004

## Motion in Limine (9:00 AM)

Events: 03/11/2004 Motion  
STATE'S MTN IN LIMINE ADMIT EVIDENCE RE: VICTIM'S STATE OF MIND/83

03/12/2004

## Motion in Limine (9:00 AM)

Events: 03/11/2004 Motion  
STATE'S MTN IN LIMINE PRECLUDE EVIDENCE RE: VICTIM'S ALLEGED PRIOR/84

03/12/2004

## All Pending Motions (9:00 AM)

ALL PENDING MOTIONS 3/12/04 Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Matter Heard; ALL PENDING MOTIONS 3/12/04 Court Clerk: Linda Skinner  
Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley  
Journal Entry Details:  
STATUS CHECK: WITNESSES...STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING THE VICTIM'S ALLEGED PRIOR DRUG USE AND ALLEGED PRIOR VIOLENCE UNLESS AND UNTIL DEFENDANT TESTIFIES HE WAS AWARE OF SUCH VIOLENCE...STATE'S MOTION IN LIMINE TO ADMIT EVIDENCE REGARDING THE VICTIM'S STATE OF MIND Mr. Allen R. Bloom, counsel from California, present. Mr. Peterson stated there is recent case law that says Defendant can claim there was no offer and

**CASE SUMMARY****CASE No. 01C172534**

that is why he had to go to trial. For the record, the offer is Defendant plead to First Degree Murder and stipulate to a sentence of Life with parole after 20, plus an equal and consecutive Life with parole after 20. Mr. Bloom stated they have rejected this offer and made a counter offer which the State has refused. Mr. Peterson requested Defendant authorize Mr. Bloom to admit that he was the shooter; that they are using a self defense theory and that is one of the elements. Following discussion with counsel, Defendant so authorized. State requested that the father and mother of Defendant be considered as adverse witnesses and if a problem arises, will approach the Bench and review it at that time. Court so noted. State has submitted Proposed Voir Dire questions; the Court will incorporate some of them and will also address the issue of graphic pictures to the Jury. Mr. Bloom advised Dr. Lipson has examined Defendant, however, will not be testifying as to him, but in general. Mr. Peterson concurred and stated unless the door is opened, he will not pursue anything further. AS TO MOTION IN LIMINE TO PRECLUDE: Mr. Peterson stated he would like to withdraw the later part of the motion. Following arguments and statements about the victim's past, Mr. Peterson requested to WITHDRAW the motion entirely as he wants to hear how Defendant will explain how he was afraid of the victim. Following further colloquy, Mr. Bloom advised he has 6 witnesses that will attest to the violence issues. AS TO MOTION IN LIMINE TO ADMIT: Mr. Peterson advised there are several statements made by victim that are now admissible because the defendant has made the victim unavailable. Following arguments, Mr. Bloom requested a list of the statements to be used and COURT SO ORDERED. Mr. Bloom stated Mr. Peterson spoke to the witnesses and he would like his notes or any statements made that are Brady material. Mr. Peterson stated the notes are his own personal ones when interviewing witnesses and there were no surprise statements made; if he uncovered Brady material, he would have given it to Mr. Bloom. BOND/H.A. ;

03/15/2004

**Jury Trial (1:30 PM)**

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

## Journal Entry Details:

Mr. Allen R. Bloom, counsel from California present. 1:55 PM Roll call taken of prospective jury panel, three prospective jurors not present. Court noted one of the potential jurors had to be taken to the hospital, however COURT ORDERED, WARRANTS ISSUED on the other two potential jurors that failed to appear. 2:08 p.m. Clerk administered Voir Dire Oath. Counsel conducted jury selection. 5 p.m. COURT ADMONISHED potential jurors and ORDERED, matter CONTINUED. BOND ;

03/16/2004

**Jury Trial (9:00 AM)**

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

## Journal Entry Details:

Mr. Allen R. Bloom, counsel from California present. Clerk called roll of prospective jurors taken, potential jurors #287, 329 and 330 not present when roll was taken, however #287 and 330 appeared late. Counsel continued jury selection. 4:55 p.m. Jury selected and sworn. Five names drawn for the purpose of alternates and ORDERED to return tomorrow. Matter CONTINUED. BOND ;

03/17/2004

**Jury Trial (1:30 PM)**

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

## Journal Entry Details:

Mr. Allen R. Bloom, counsel from California present. OUTSIDE PRESENCE OF JURY. Parties discussed admissibility of various items and what the State will be submitting to. The first issue is found to be Excited Utterance and statements made by victim on the event of 12/5. Arguments. State advised the Judge Gibbons previously ruled that the entire conversation is admissible. Further arguments regarding statements and whether or not they are admissible. Court advised the oral statement can be included however, has a problem regarding possible police interrogation and the question of whether or not the question, "what happened" is in fact interrogation. Court noted the Nevada Supreme Court intentions is broad and not all statements are interrogations. 2:38 p.m. JURY PRESENT. Clerk sworn the Alternate Jurors.



# CASE SUMMARY

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Clerk read Indictment. Court issued pretrial instructions. Parties invoked the exclusionary rule and COURT SO ORDERED. 2:49 p.m. OUTSIDE PRESENCE OF JURY. Colloquy between parties regarding witnesses that may be called. Court will reserve ruling as to each witness and will not be allowed during opening arguments. Arguments as to Post Partum. COURT RESERVED RULING and ORDERED Tom Thompson will be admitted to mental makeup of state of mind and finds the probative value outweighs the prejudicial value. 4:06 p.m. JURY PRESENT. Continued testimony and exhibits. 5:52 p.m. COURT ORDERED, matter CONTINUED and jury ADMONISHED. BOND ;

03/22/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Journal Entry Details:

Mr. Allen R. Bloom, counsel from San Diego present. 1:33 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS. ;

03/23/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Journal Entry Details:

Mr. Allen R. Bloom, counsel from San Diego present. 1:37 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 2:49 PM OUTSIDE PRESENCE OF JURY: Mr. Bloom advised a witness, Mr. Wright observed another witness, Trisha Miller speaking to the sister of the victim and learned details of the victim's background. Ms. Miller told Mr. Wright that she was the "best friend" when in reality she did not really know that much about her past. Further Ms. Miller was seen speaking to a juror from Dept. 15 and was told to act a certain way for the Jury; then she burst into tears on the stand and he feels it was an act. He feels she could be impeached. Arguments by Mr. Peterson. Court noted that it did not feel Ms. Miller was "acting" on the stand, that after a few hours of being on the stand, she did start crying, however, regained her composure and did not drag it out. The Court feels there is no consequence of the juror talking to Ms. Miller and she was explaining her role to Mr. Wright, that of being the friend. 3:24 PM JURY PRESENT: All present as before. Testimony continues and exhibits presented, see worksheets. 4:57 PM EVENING RECESS. ;

03/24/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Journal Entry Details:

Mr. Allen R. Bloom, counsel from San Diego present. 1:34 PM OUTSIDE PRESENCE OF JURY: Arguments by counsel regarding issues of conduct as to 12/20. 1:35 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 4:00 PM EVENING RECESS. ;

03/25/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Journal Entry Details:

Mr. Allen R. Bloom, counsel from San Diego present. 1:38 PM OUTSIDE PRESENCE OF JURY: Ms. Goettsch requested Mark Smith testify, however, due to confidentiality, would need this Court to Order him to. Upon review of Mr. Smith, COURT ORDERED, HE TESTIFY. 1:45 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS. ;

03/26/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

# CASE SUMMARY

CASE No. 01C172534

Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner  
Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Journal Entry Details:

*Mr. Allen R. Bloom, counsel from San Diego present. 1:36 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS. ;*

03/29/2004

## Jury Trial (1:30 AM)

*TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.*

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn  
Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Journal Entry Details:

*Mr. Allen R. Bloom, counsel from California present. 1:35 PM OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel regarding photos taken at the crime scene as well as the autopsy photos. Mr. Bloom believes there is relevant evidence, but the photos are cumulative and the probative value does not outweigh the prejudice. Mr. Bloom argued that the 8 photos of the victims head could be reduced to one photo. Response by the State. Court does not feel that the photos are duplicative and ruling on admission will be reserved. Further colloquy regarding keys and who they were given to. Mr. Bloom argued that the victim's entrance into the Defendant's home was improper and the jury will need to take into consideration the victim was not invited on the day of the incident. Court noted victim was expected due to the fact that she was to pick up the infant. Court advised counsel that the key issue can be resolved during questioning. 1:57 PM Jury present; roll call taken. Testimony and exhibits continued, see worksheets. 5:01 PM EVENING RECESS. BOND ;*

03/30/2004

## Jury Trial (1:30 PM)

*TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.*

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn  
Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Journal Entry Details:

*Mr. Allen R. Bloom, counsel from San Diego, California also present. 1:38 p.m. JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 4:59 PM EVENING RECESS, Court ADMONISHED JURORS. ;*

03/31/2004

## Jury Trial (1:30 PM)

*TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.*

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn  
Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Journal Entry Details:

*Mr. Allen R. Bloom, counsel from California present. 1:30 PM JURY PRESENT. Roll call taken. Testimony and exhibits continued per worksheets. 3:32 p.m. OUTSIDE PRESENCE OF JURY. Mr. Bloom requested the side bar from yesterday be placed on the record. The first issue regarding Defendant being terminated from his employment with Traveler's Insurance and owning a gun. Response by Ms. Goettsch. Court feels it is relevant that having a gun is against Traveler's Insurance. The second issue is regarding testimony and possible excited utterance; response by the State. Court FINDS the statements are ADMISSIBLE. The third issue is regarding the investigator Tom Thompson's notes and believes notes and documents should be provided to the Defense. Court questioned if there is Brady Material and State does not believe it is. COURT ORDERED, that work product is protected pursuant to Nevada Revised Statutes and will NOT BE TURNED OVER TO THE DEFENSE. JURY PRESENT. Continued testimony and exhibits. COURT ADMONISHED Jurors and ORDERED, matter CONTINUED. BOND ;*

04/01/2004

## Jury Trial (1:30 PM)

*TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.*

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn  
Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Journal Entry Details:

*Mr. Allen R. Bloom, counsel from San Diego, California also present. 1:30 p.m. JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS, Court ADMONISHED JURORS. ;*

# CASE SUMMARY

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| 04/02/2004 | <p><b>Jury Trial (9:00 AM)</b><br/> <i>TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i><br/> Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Mr. Allen R. Bloom, counsel from San Diego, California also present. 1:41 p.m. JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 4:18 PM EVENING RECESS, Court ADMONISHED JURORS. ;</i></p>   |
| 04/05/2004 | <p><b>Jury Trial (1:30 PM)</b><br/> <i>TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.</i><br/> Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Mr. Allen R. Bloom, counsel from San Diego present. 1:47 PM JURY PRESENT: Roll call taken. Testimony and exhibits continued, see worksheets. 4:03 PM OUTSIDE PRESENCE OF JURY: Objection by Mr. Bloom that victim made a statement to Police that the Defendant did not even know how to use his own gun. Arguments by Mr. Peterson. Court noted it could be under the excited utterance exception. Discussion regarding bags that were admitted, however not opened. Mr. Bloom is stipulating that they go back to the Jury Room, unopened and the Jury can open them if they wish. ABSENT A REQUEST OF THE COURT, THE BAGS WILL NOT BE OPENED. Jury instruction submitted last week was discussed and decided as to when it will be read. 4:12 PM JURY PRESENT: All present as before. Testimony and exhibits continued, see worksheets. 5:00 PM EVENING RECESS. ;</i></p> |
| 04/06/2004 | <p><b>Jury Trial (1:30 PM)</b><br/> <i>TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i><br/> Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Mr. Allen R. Bloom, counsel from San Diego present. 1:37 PM JURY PRESENT: Stipulations as to evidence stated on the record. Testimony and exhibits continued, see worksheets. 4:31 PM STATE RESETS. 5:55 PM EVENING RECESS. ;</i></p>  |
| 04/07/2004 | <p><b>Jury Trial (1:30 PM)</b><br/> <i>TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.</i><br/> Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Mr. Allen R. Bloom, counsel from San Diego present. 1:41 PM JURY PRESENT: Roll call taken. Testimony and exhibits continued, see worksheets. 5:02 PM EVENING RECESS. ;</i></p>   |
| 04/08/2004 | <p><b>Jury Trial (1:30 PM)</b><br/> <i>TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i><br/> Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>1:34 PM JURY PRESENT: Roll call taken. Testimony and exhibits continued, see worksheets. 2:13 PM OUTSIDE PRESENCE OF JURY: Defendant admonished of his rights to testify. 2:16 PM JURY PRESENT: All present as before. 4:58 PM EVENING RECESS. ;</i></p>   |
| 04/09/2004 | <p><b>Jury Trial (1:30 PM)</b><br/> <i>TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.</i><br/> Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Mr. Allen R. Bloom, counsel from San Diego present. 1:37 PM JURY PRESENT. Roll call</i></p>  |

# CASE SUMMARY

CASE No. 01C172534

taken. Testimony and exhibits continued, see worksheets. 5:01 PM EVENING RECESS. ;

04/12/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Journal Entry Details:

1:40 PM JURY PRESENT: Roll call taken. Testimony and exhibits continue, see worksheets. 5:05 PM EVENING RECESS. ;

04/13/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Joe D'Amato Heard By: Mosley, Donald M.

Journal Entry Details:

Mr. Allen R. Bloom, counsel from California present. 1:38 PM JURY PRESENT. Roll call taken. Testimony and exhibits continued, see worksheets. 3:30 p.m. OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel regarding witness(es). State believes witnesses mentioned are cumulative. COURT ORDERED, State not to use the van hitting incident as an accident; parties stipulate that the victim was the driver of the vehicle. FURTHER, and witness Lopez is DISALLOWED. JURY PRESENT, continued testimony. 4:41 p.m. Mr. Bloom advised he needs to check on 2 possible witnesses for tomorrow, however due to scheduling they may not be present. If witnesses are unavailable, the Defense will rest. Court ADMONISHED Jury and matter CONTINUED. BOND ;

04/14/2004

## Jury Trial (1:30 PM)

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Matter Continued; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.

Journal Entry Details:

Mr. Allen R. Bloom, counsel from California also present. 1:37 PM JURY PRESENT. Roll call taken. Testimony and exhibits continued per worksheets. 1:40 p.m. Defense RESTED. State's rebuttal witnesses per worksheet. 2:51 p.m. State RESTED. JURY NOT PRESENT: Jury Instructions settled. 3:51 p.m. All parties present. Court read Jury Instructions. 4:16 PM EVENING RECESS; Jury ADMONISHED. ;

04/15/2004

## Jury Trial (9:00 AM)

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

04/16/2004

## Jury Trial (9:00 AM)

TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Heard; TRIAL BY JURY (#1 ON STACK) Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Journal Entry Details:

9:00 a.m. Jury returned and began deliberations. Mr. Allen R. Bloom, counsel from California present. 4:27 PM JURY PRESENT. Roll call taken. Jury returned with a verdict. JURY FOUND DEFENDANT GUILTY OF FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). At request of Mr. Bloom, Jury polled. CONFERENCE AT THE BENCH. Defendant having been found guilty of First Degree Murder with Use of a Deadly Weapon, COURT ORDERED, matter set for Penalty Hearing to begin on Tuesday. COURT ADMONISHED JURORS. OUTSIDE PRESENCE OF JURY: Ms. Goettsch requested Defendant be remanded to custody. Objection by Mr. Bloom, stating Defendant has not violated his House Arrest. Defendant now having been found guilty, COURT ORDERED, Defendant REMANDED TO CUSTODY - NO BAIL SET. BOND, if any, EXONERATED. CUSTODY 4/20/04 1:30 PM PENALTY HEARING ;

04/20/2004

## CANCELED Penalty Hearing (1:30 PM)

Events: 04/16/2004 Hearing

Vacated


# CASE SUMMARY

CASE No. 01C172534

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| 04/22/2004 | <p><b>Status Check (9:00 AM)</b><br/> Events: 04/19/2004 Hearing<br/> <i>STATUS CHECK: SET SENTENCING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br/> Matter Heard; STATUS CHECK: SET SENTENCING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>Ms. Navarro advised Mr. Bloom is in California. Mr. Peterson advised a Stipulation and Order to Waive Jury Penalty Hearing has been provided for signature. Court so noted and ORDERED, matter referred to the Division of Parole and Probation for a Pre-sentence Investigation Report and set for sentencing. CUSTODY 5/28/04 9:00 AM SENTENCING ;</i></p>   |
| 05/28/2004 | <p><b>Sentencing (9:00 AM)</b><br/> Events: 04/22/2004 Conversion Case Event Type<br/> <i>SENTENCING Heard By: Donald Mosley</i></p>   |
| 07/09/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Heard By: Donald Mosley</i></p>  |
| 08/13/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Heard By: Donald Mosley</i></p>  |
| 08/26/2004 | <p><b>Motion to Compel (9:00 AM)</b><br/> Events: 08/16/2004 Motion<br/> <i>STATE'S MTN TO COMPEL AUDIO TAPED INTERVIEW/91 Heard By: Donald Mosley</i></p>   |
| 08/26/2004 | <p><b>All Pending Motions (9:00 AM)</b><br/> <i>ALL PENDING MOTIONS 8/26/04 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br/> Matter Heard; ALL PENDING MOTIONS 8/26/04 Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>STATE'S MOTION TO COMPEL AUDIO TAPED INTERVIEW...DEFT'S MOTION FOR A NEW TRIAL AS TO STATE'S MOTION: Mr. Peterson advised this issue is moot as he has received a transcript from the interview. COURT SO ORDERED. AS TO DEFT'S MOTION: Following arguments by Mr. Colucci and Mr. Peterson, COURT ORDERED, Motion DENIED. Mr. Colucci requested the sentencing date of 8/27 be continued as he would like to file a writ to the Supreme Court and possibly obtain a stay of the sentencing. COURT SO ORDERED. CUSTODY 9/10/04 9:00 AM SENTENCING ;</i></p> |
| 08/27/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Heard By: Donald Mosley</i></p>  |
| 09/10/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i><br/> Matter Continued; SENTENCING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Court noted the Supreme Court has stayed this matter and ORDERED, the following briefing schedule: Ms. Holthus to answer by 10/11; Mr. Colucci to reply by 10/25; matter set for argument on 11/5 and sentencing CONTINUED. CUSTODY ;</i></p>  |
| 11/12/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Heard By: Donald Mosley</i></p>  |
| 11/15/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Heard By: Donald Mosley</i></p>  |
| 11/17/2004 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By:</i></p>   |

# CASE SUMMARY

CASE No. 01C172534

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|            | <p><i>Mosley, Donald M.</i><br/> Matter Continued; SENTENCING Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Court noted Mr. Colucci appeared prior to calendar; as this matter is still in the Supreme Court, COURT ORDERED, matter CONTINUED. CUSTODY ;</i></p>  |
| 01/25/2005 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Heard By: Donald Mosley</i></p>  |
| 02/04/2005 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.</i><br/> Matter Continued; SENTENCING Relief Clerk: Melissa Swinn Reporter/Recorder: Maureen Schorn Heard By: Mosley, Donald M.<br/> Journal Entry Details:<br/> <i>Mr. Colucci and Ms. Gaskill present prior to Court. Court advised that Mr. Colucci and Ms. Goettsch both spoke to Court in chambers prior to court and counsel agreed to a continuance. COURT ORDERED, matter CONTINUED. CUSTODY ;</i></p>   |
| 03/04/2005 | <p><b>Sentencing (9:00 AM)</b><br/> <i>SENTENCING Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i><br/> Matter Continued; SENTENCING Relief Clerk: Georgette Byrd/gb Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley<br/> Journal Entry Details:<br/> <i>DEFT. CENTOFANTI ADJUDGED GUILTY of FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Pursuant to statute, the \$25.00 Administrative Assessment fee is imposed. Statements of mitigation. Witnesses Robert and Lisa Isom and Keto Sanchez sworn and testified. COURT ORDERED, Deft. SENTENCED to LIFE WITHOUT THE POSSIBILITY OF PAROLE plus an equal and consecutive LIFE SENTENCE WITHOUT THE POSSIBILITY OF PAROLE for use of a deadly weapon. Mr. Colucci requested defendants three year house arrest go towards his credit for time served. Objection by the State. COURT ORDERED, request DENIED; Deft will received (374) days credit for time served. ;</i></p>                                       |
| 04/15/2008 | <p><b>Petition for Writ of Habeas Corpus (8:30 AM)</b><br/> Events: 02/29/2008 Petition<br/> <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /93 Court Clerk: Tina Hurd Relief Clerk: Dana Cooper/dc Reporter/Recorder: Renee Vincent Heard By: Stewart Bell</i></p> <p><b>MINUTES</b></p> <p> <b>Petition</b><br/> <i>DEFT'S PTN FOR WRIT OF HABEAS CORPUS /93</i><br/> Matter Heard; DEFT'S PTN FOR WRIT OF HABEAS CORPUS /93 Court Clerk: Tina Hurd Relief Clerk: Dana Cooper/dc Reporter/Recorder: Renee Vincent Heard By: Stewart Bell<br/> Journal Entry Details:<br/> <i>Court stated it had worked on this case as a District Attorney in the past, therefore, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random. NDC CLERK'S NOTE: Cathy Nelson appeared afterwards and was informed./dc ;</i></p>  |
| 07/21/2008 | <p><b>Motion to Disqualify Attorney (9:00 AM)</b><br/> Events: 07/09/2008 Motion<br/> <i>DEFT'S MTN TO DISQUALIFY ATTORNEY /DISTRICT ATTY/94 Court Clerk: Katherine Streuber Reporter/Recorder: Sonia Riley Heard By: Lee Gates</i><br/> Matter Heard; DEFT'S MTN TO DISQUALIFY ATTORNEY /DISTRICT ATTY/94 Court Clerk: Katherine Streuber Reporter/Recorder: Sonia Riley Heard By: Lee Gates<br/> Journal Entry Details:<br/> <i>Counsel pointed out at time of trial Ms. Navarro was with Special Public Defender Office and is now working at District Attorney's Office. Counsel then argued for ineffectiveness of counsel due to failure to follow rules of professional conduct and should have obtain written waiver from Deft. Court advised it would agree however, case is not currently active. Counsel believes conflict still remains even though she changed office at conclusion of trial, they are unaware of her position within District Attorney's Office and if she were to be called to testify, Ms.</i></p> |

# CASE SUMMARY

CASE No. 01C172534

*Navarro could not testify for both sides. Lastly, counsel requested disqualification of District Attorney and have Attorney General handle this case. Stated objected and referenced Judge Bell being with District Attorney's Office prior to be seated on bench and Chinese Walled himself. Arguments by counsel. COURT ORDERED, matter TAKEN UNDER ADVISEMENT. ;*

07/22/2008

**Minute Order (9:00 AM)**

*MINUTE ORDER RE: DISQUALIFICATION OF ATTORNEY Court Clerk: Katherine Streuber Heard By: Lee Gates*

**MINUTES**

Hearing

*MINUTE ORDER RE: DISQUALIFICATION OF ATTORNEY*

Matter Heard; MINUTE ORDER RE: DISQUALIFICATION OF ATTORNEY Court Clerk: Katherine Streuber Heard By: Lee Gates

Journal Entry Details:

*Court hereby DENIES Motion to Disqualify District Attorney. Court FINDS Ms. Navarro is in the civil division of District Attorney's Office and went to that office after trial had been concluded and prior to filing of Petition for Writ of Habeas Corpus. COURT ORDERS, Ms. Navarro not to work on this case even though it is unclear as to type of work done in civil division. State to prepare the order. CLERK'S NOTE: The above minute order has been distributed to: James Sweetin, DDA and Carmine Colucci Esq. 07/24/08 kls ;*

12/02/2009

**Petition for Writ of Habeas Corpus (8:30 AM)**

Events: 10/29/2009 Petition

*PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: CADISH, ELISSA*

**MINUTES**

Petition

*PTN FOR WRIT OF HABEAS CORPUS*

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: CADISH, ELISSA

Journal Entry Details:

*Argument in support of petition by Mr. Colucci requesting an evidentiary hearing be scheduled based upon ineffective assistance of counsel. Argument in opposition by Mr. Schwartz. COURT ORDERED, ALL CLAIMS DISMISSED EXCEPT for the claim as to ineffective assistance of counsel which is to be scheduled for an evidentiary hearing. Colloquy regarding the scheduling of the hearing which is expected to last an entire day. COURT ORDERED, state to prepare the transport order. Parties advised any discovery issues will be calendared to be addressed by the Court. NDC 3-19-10 9:00 AM EVIDENTIARY HEARING PETITION FOR WRIT OF HABEAS CORPUS ;*

01/20/2010

**Motion (8:30 AM)**

Events: 01/08/2010 Motion

*DEFT'S MTN TO ALLOW DISCOVERY/098 Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH*

Matter Heard; DEFT'S MTN TO ALLOW DISCOVERY/098 Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH

Journal Entry Details:

*Mr. Colucci advised the Deft. is in the Nevada Department of Corrections. Court inquired as to why this particular deposition needs to be taken. Argument by Mr. Colucci in regards to the need for the deposition of California attorney Bloom. Argument in opposition by Ms. Ferreira; the statute requires the Deft. must show good cause for the taking of the deposition, which has not been shown and could be accomplished at an evidentiary hearing; matter submitted on the opposition. Court stated findings and ORDERED, the one deposition of Mr. Bloom will be allowed to be taken in California; as a courtesy, the defense is to coordinate with the state on the date of the deposition and it will be up to the state as to their participation. Mr. Colucci stated if Mr. Bloom will not comply, that issue will be addressed in California and he will come back before this Court if additional time is needed. NDC 3-19-10 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS AND EVIDENTIARY HEARING ;*

03/19/2010



**Petition for Writ of Habeas Corpus (9:00 AM)**

*PTN FOR WRIT OF HABEAS CORPUS*

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS

# CASE SUMMARY

CASE No. 01C172534

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| 03/19/2010 | <b>Evidentiary Hearing (9:00 AM)</b><br>Events: 12/02/2009 Hearing<br><i>EVIDENTIARY HEARING</i>   |
| 04/28/2010 | <b>Status Check (8:30 AM)</b><br>Events: 02/03/2010 Hearing<br><i>STATUS CHECK: Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH</i><br>Matter Heard; STATUS CHECK: Court Clerk: Keith Reed Reporter/Recorder: Jessica Ramirez Heard By: ELISSA CADISH<br>Journal Entry Details:<br><i>Mr. Colucci advised the 227 page deposition of Mr. Bloom took place and requested a continuance of the May 21st hearing which is expected to take a full day. Colloquy regarding further proceedings. There being no opposition, COURT ORDERED, matter CONTINUED. Mr. Colucci advised Mr. Bloom has voluntarily agreed to come into the jurisdiction to testify, the Court &amp; state will be notified should there be any issues with the hearing date. NDC 7-30-10 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS...EVIDENTIARY HEARING ;</i>  |
| 05/21/2010 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b><br><i>PTN FOR WRIT OF HABEAS CORPUS</i><br>Matter Continued; PTN FOR WRIT OF HABEAS CORPUS   |
| 05/21/2010 | <b>Evidentiary Hearing (9:00 AM)</b><br><i>EVIDENTIARY HEARING</i><br>Matter Continued; EVIDENTIARY HEARING  |
| 07/30/2010 |  <b>Motion to Strike (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br><b>07/30/2010, 07/30/2010</b><br>Events: 07/28/2010 Motion to Strike<br><i>State's Motion to Strike Defendant's Expert</i>  |
| 07/30/2010 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b> (Judicial Officer: Cadish, Elissa F.)  |
| 07/30/2010 | <b>Evidentiary Hearing (9:00 AM)</b> (Judicial Officer: Cadish, Elissa F.)   |
| 07/30/2010 |  <b>All Pending Motions (9:00 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br>Granted in Part; State's Motion to Strike Deft's Expert...Evidentiary Hearing...Petition for Writ of Habeas Corpus<br>Journal Entry Details:<br><i>Mr. Schwartz argued for Deft's Motion to Strike stating Mr. Luken's testimony is irrelevant to establish what the standards of care were in 2001 and 2004. The Court FINDS it is reasonable Mr. Luken's version of standard of care and ORDERED, Motion DENIED. Arguments by counsel regarding ineffective counsel. Both counsel Invoked the Exclusionary Rule. Witness Marilee Wright sworn and testified. Witness Steve Franks sworn and testified. Mr. Collucci requested to WITHDRAW ineffective counsel regarding Daniel Albregts, COURT SO ORDERED. Witness Daniel Albregts sworn and testified. John Lukens sworn and testified. Recess. Alfred Centofanti sworn and testified. The Court NOTED it needed to read the deposition before it could make a ruling. Mr. Collucci advised District and Supreme Court's denied a psychological evaluation. Colloquy regarding canvassing issues and ineffective counsel not being raised on direct appeal. The Court NOTED Deft WAIVED that appeal. Colloquy over Court reading the transcript. COURT ORDERED, matter CONTINUED for argument. Mr. Collucci stated he would order the transcripts and have them sent to the Court in one week. 09.24.10 9:00 A.M. CONTINUED ;</i> |
| 09/24/2010 | <b>Evidentiary Hearing (9:00 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br>Decision Made;   |
| 09/24/2010 | <b>Petition for Writ of Habeas Corpus (9:00 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br>Decision Made;  |



# CASE SUMMARY

CASE NO. 01C172534

09/24/2010



**All Pending Motions** (9:00 AM) (Judicial Officer: Cadish, Elissa F.)

Decision Made;

Journal Entry Details:

*EVIDENTIARY HEARING...PETITION FOR WRIT OF HABEAS CORPUS* Court stated it understands the issues raised and had received records of the proceedings and deposition of Mr. Bloom. Further, Court advised it has found the minutes from the trial; however, cannot find a transcript of the proceedings and advised this Court would have to take this matter under advisement. Mr. Schwartzter stated he would submit a copy of the transcript for the Court's perusal. Mr. Colucci inquired as to the Reply to Petition. Court noted it had received it. Colloquy regarding issues with the self-defense theory. Mr. Colucci argued as to the Strickland standards. Mr. Colucci stated Mr. Bloom had acknowledged he had all of the discovery. Mr. Colucci argued as to Deft's rights under the 6th and 14th amendments. Further arguments as to the quality and credibility of witnesses and the self-defense theory. Mr. Colucci stated the deficiencies of that theory in this case. Mr. Colucci stated the self-defense theory was ludicrous in this case, in light of the forensic evidence. Mr. Bloom was the only one to think self-defense was a good defense; however, he was not prepared to provide support of that theory of defense. Argument regarding opening statement by Mr. Bloom, wherein he stated Lieutenant Franks and other witnesses would testify and they did not. Mr. Bloom did not talk to Lieutenant Franks and did not know what he was going to say on the stand. Mr. Bloom advised Judge Mosley he had a meeting with Lieutenant Franks about testifying; however, Mr. Franks said he never met with Mr. Bloom. Further arguments regarding Doctor Eisele, whom Mr. Colucci stated did not help the defense case; instead, Doctor Eisele hurt them, the expert was impeached by his own words. Mr. Colucci further argued regarding Dr. Sessions's handwritten notes regarding the rhinoplasty and perforated septum. Mr. Colucci stated Mr. Bloom should have impeached Dr. Sessions and should have put that in the closing arguments. The State raised the credibility issue as they stated Dr. Sessions testified there was no hole in the victim's nose but the notes say there was. Mr. Colucci argued Mr. Bloom should have reviewed the medical records and contacted Doctor Sessions; Mr. Bloom put Deft. on the stand to be evasive, as Deft. maintained and still does, that Deft. could not remember what happened that night. Further, prejudice should be presumed. Mr. Schwartzter argued Mr. Bloom believed his client, that this conversation took place with Doctor Sessions. Arguments regarding Strickland. Mr. Schwartzter argued Mr. Bloom was a very experienced attorney and defense expert, who would have testified, had not tried a murder during that time and admits this is a hard case to prove and further, believed that the self-defense theory was the best defense available. An argument as to battered spouse syndrome was not being feasible. Mr. Schwartzter stated the expert said the psych-evaluation done on the Deft. was negative. Arguments as to Doctor Eisele changing his initial position. Further arguments by Mr. Schwartzter regarding Judge Mosley's admonishment of Deft. Further, there is no prejudice as other witnesses testified as to what Lieutenant Franks would have said. Court inquired as to the verdict forms. Mr. Schwartzter advised the options were first, second, manslaughter and not guilty. Court stated it would go back through the arguments and read portions of the transcript and trial. **COURT ORDERED, this matter, UNDER ADVISEMENT. ;**

09/24/2010

**CANCELED Evidentiary Hearing** (10:30 AM) (Judicial Officer: De La Garza, Melisa)  
*Vacated - On In Error*

09/24/2010

**CANCELED Petition for Writ of Habeas Corpus** (10:30 AM) (Judicial Officer: De La Garza, Melisa)  
*Vacated - On In Error*

05/23/2011



**Motion to Withdraw as Counsel** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Events: 05/10/2011 Motion to Withdraw As Counsel

*Motion to Withdraw as Attorney of Record and Appointment of Counsel*

Granted;

Journal Entry Details:

*There being no opposition, COURT ORDERED, Motion to Withdraw GRANTED and CONTINUED for Confirmation of Counsel. Court directed Mr. Christiansen's office to appoint counsel to represent Deft. NDC 6/1/11 8:30 A.M. CONFIRMATION OF COUNSEL CLERK'S NOTE: Mr. Christiansen's office notified of this date./dt ;*

06/01/2011

**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)




Events: 05/19/2011 Motion

*Notice of Motion and Motion for Consolidation and Other Relief*

Moot;

# CASE SUMMARY

CASE NO. 01C172534

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| 06/01/2011 | <p><b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)</p> <p>Events: 05/19/2011 Motion</p> <p><i>Notice of Motion and Motion for Consideration, Withdrawal and Appointment of Alternative Counsel, Stay of Proceedings and Other Relief</i></p> <p>Off Calendar;</p>   |
| 06/01/2011 | <p><b>Confirmation of Counsel</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)</p> <p>Minute Order - No Hearing Held;</p>  |
| 06/01/2011 | <p> <b>All Pending Motions</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>DEFENDANT'S MOTION FOR CONSOLIDATION AND OTHER RELIEF...DEFENDANT'S MOTION FOR CONSIDERATION, WITHDRAWAL AND APPOINTMENT OF ALTERNATIVE COUNSEL, STAY OF PROCEEDINGS AND OTHER RELIEF...CONFIRMATION OF COUNSEL</i> Deft. not present. Rochelle Nguyen, Esq., CONFIRMED as counsel. Colloquy between Court and counsel regarding previous proceedings. COURT ORDERED, Defendant's Motion for Consolidation and Other Relief, DENIED as MOOT. Court directed Ms. Nguyen to review the Deft's Motion for Reconsideration and proceed accordingly. COURT ORDERED, Deft's Motion for Consideration, Withdrawal and Appointment of Alternative Counsel, Stay of Proceedings and Other Relief, OFF CALENDAR; Ms. Nguyen to re-calendar if deemed appropriate. Court directed Mr. Stephens to submit Findings of Fact and run it past Ms. Nguyen. NDC ;</p>   |
| 07/06/2011 | <p> <b>Appointment of Counsel</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)</p> <p><b>07/06/2011, 07/11/2011</b></p> <p>Continued;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>Ms. Nguyen stated she will confirm as counsel. COURT ORDERED, Rochelle Nguyen CONFIRMED as counsel on the pending appeal. Ms. Nguyen advised she may seek a remand for a motion for reconsideration. Court directed counsel file whatever motions are appropriate; Supreme Court to be notified of the appointment. NDC ;</i></p> <p>Continued;</p> <p>Granted;</p> <p>Journal Entry Details:</p> <p><i>COURT ORDERED, matter CONTINUED for the presence of Rochelle Nguyen Esq. NDC 7-11-11 8:30 AM APPOINTMENT OF COUNSEL CLERK'S NOTE: The above minute order has been distributed to: Rochelle T. Nguyen Esq. ;</i></p>   |
| 06/04/2012 | <p> <b>Motion</b> (8:30 AM) (Judicial Officer: Cadish, Elissa F.)</p> <p><b>06/04/2012, 07/02/2012, 08/27/2012</b></p> <p>Events: 05/21/2012 Notice of Motion</p> <p><i>Pro Per Notice of Motion and Motion to Disqualify The Clark County District Attorney's Office</i></p> <p>Continued;</p> <p>Matter Heard;</p> <p>Continued;</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>Deft. not present. Court noted the Deft. filed a new petition scheduled for hearing on June 25th; the denial of the prior petition is still pending an appeal before the Supreme Court. The Court has reviewed the motion and the State's opposition, and ORDERED, matter CONTINUED for the Court to have a clearer understanding of the pleadings; Deft. to be transported. With respect to the opposition, Court advised exhibit I, a memo, is not attached. Ms. Brown stated she can provide it to the Court. COURT ORDERED, both the Deft.'s Pro Per Motion to Disqualify the Clark County District Attorney's Office and Petition for Writ of Habeas Corpus CONTINUED to July 2nd. Ms. Brown inquired as to whether they should supplement the motion and provide information that Mr. Wolfson has not been involved in the case. Court concurred, and advised briefing for the Petition for the Writ of Habeas Corpus will be determined after the ruling on the motion. NDC 7-2-12 8:30 AM DEFT'S PRO PER</i></p> |

**CASE SUMMARY****CASE No. 01C172534**

*MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE...PETITION FOR WRIT OF HABEAS CORPUS CLERK'S NOTE: Minutes corrected. / dr 6-18-12;*

07/02/2012

**Petition for Writ of Habeas Corpus (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Events: 04/26/2012 Order for Petition for Writ of Habeas Corpus

Stayed;

07/02/2012

**All Pending Motions (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

*DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Ms. Barrie advised Ms. Nguyen is no longer the Deft.'s attorney of record. Court concurred; Ms. Nguyen was counsel on a prior petition. As to the Deft.'s Pro Per Motion to Disqualify the Clark County District Attorney's Office: Court noted District Attorney Steven Wolfson represented the Deft. at a bail hearing in Justice Court. Argument in support of the motion by the Deft, and in opposition by Ms. Barrie. Court stated findings, noting there may be a need for an evidentiary hearing; however, disclosure of confidential information will not be required then. Deft. inquired whether discovery can be a solution short of an evidentiary hearing. Court advised the possibility of Mr. Wolfson being a witness plays into whether or not disqualification is warranted; if the Deft.'s representation that Mr. Wolfson was aware of any plea offers at the time he was his attorney could resolve for him the disqualification issue on a motion to disqualify, not an evidentiary hearing, that would require Mr. Wolfson to respond. Deft. concurred with the Court in that he would like to serve some interrogatories. Regarding his contact with Ms. Nguyen, Deft. advised that as late as March this year he believes she was going to file a supplement to the writ; there may be a conflict between them as he thinks she used to work for Mr. Wolfson. COURT finds, given the Deft.'s representation that Mr. Wolfson is a potential witness in the Deft.'s case before the Supreme Court, ORDERED, State to submit another supplement on points and authorities; briefing set as follows: State's supplement due July 16th; Defendant's reply due August 16th. COURT ORDERED, matter SET for hearing on August 27th; if the Deft. does not wish to be transported, the Court can rule based on the papers. At the Deft.'s request, Court stated they will look into the possibility of him appearing telephonically, and directed a copy of the minutes and transcript of today's proceedings be provided to him. As to the Deft.'s Petition for Writ of Habeas Corpus: COURT ORDERED, matter STAYED pending Deft.'s Motion to Disqualify the Clark County District Attorney's Office. NDC 8-27-12 8:30 AM HEARING: DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE...DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE CLERK'S NOTE: Minutes distributed to Alfred Centofanti III, ID #85237 High Desert State Prison P.O. Box 650 Indian Springs, NV 89018. / dr 7-6-12 ;*

08/27/2012

**Hearing (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

*Pro Per Notice of Motion and Motion to Disqualify The Clark County District Attorney's Office*

Denied;

08/27/2012

**Motion (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Events: 07/13/2012 Motion

*Notice of Motion and Motion to Strike Supplement to State's Opposition*

Denied;

08/27/2012

**All Pending Motions (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Denied;

Journal Entry Details:

*DEFT'S MOTION TO STRIKE SUPPLEMENT TO STATE'S OPPOSITION...DEFT'S PRO SE MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE Argument in support of motions by Deft. Centofanti. Matter submitted on the pleadings by Mr. Sweetin. Court stated findings and ORDERED, Deft's Motion To Strike Supplement To State's Opposition & Deft's Pro Se Motion To Disqualify The Clark County District Attorney's Office DENIED. Deft. moved for the cost of postage to bring the motion. COURT ORDERED, request for cost DENIED. Upon the inquiry of the Court, Mr. Sweetin advised additional time is needed to respond to the Deft's petition. COURT ORDERED, state's response to the Deft's*

# CASE SUMMARY

CASE No. 01C172534

*Petition For Writ of Habeas Corpus is due October 29th; Deft. to file a response once received. Deft. advised that within his Petition For Writ of Habeas Corpus there is a motion for the appointment of counsel; the time needed to respond to the state depends on if counsel is appointed. Mr. Sweetin stated he does not have the motion for appointment of counsel. Deft. noted the motion was filed April 24th. Court stated counsel will not be appointed at this time; Deft. is to file his response and after matters are briefed, if an Evidentiary Hearing is needed a determination will be made if counsel is needed. Upon the inquiry of the Court, Deft. advised there will probably be a motion to dismiss and requested 60 days to respond. COURT ORDERED, Deft's reply is due December 31st; matter set for argument and at which time the motion for appointment of counsel will also be considered; Deft. may file any additional supplements to the motion for appointment of counsel by December 31st; state to prepare the transport order for the Deft's presence. Deft. requested a copy of his original Presentence Investigation Report (PSI) advising Mr. Collucci cannot find it. Court stated a copy of the PSI will be sent. NDC 1-16-13 8:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR APPOINTMENT OF COUNSEL CLERK'S NOTE: The above minute order and a copy of the Deft's original PSI have been distributed to: Alfred P. Centofanti III # 85237, HDSP, POB 650, Indian Springs Nv. 89070 ;*

10/01/2012



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Deft's Pro Per Notice of Motion and Motion for Transcript of Proceedings and Other Relief Granted; Notice of Motion and Motion for Transcript of Proceedings and Other Relief Journal Entry Details:*

*Mr. Giordani noted this was on calendar, this is Deft's pro per motion and he should probably be present. COURT NOTED that Deft is seeking a copy of the transcript and minutes and ORDERED, MOTION GRANTED. NDC CLERK'S NOTE: A copy of this minute order has been mailed to: Alfred Centofanti #85237, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070. Also mailed to Defendant is a copy of the 8/27/12 minutes held in this Department. ;*

01/16/2013

**Hearing** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*HEARING: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS Continued;*

01/16/2013

**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*DEFT'S MOTION FOR APPOINTMENT OF COUNSEL Granted;*

01/16/2013



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Matter Heard;*

*Journal Entry Details:*

*DEFT'S PETITION FOR WRIT OF HABEAS CORPUS... DEFT'S MOTION FOR APPOINTMENT OF COUNSEL Court noted Ms. Nguyen is appeal counsel. Deft. concurred and upon the inquiry of the Court stated the appeal remains pending and is fully briefed awaiting a decision. Colloquy regarding the status of the Deft's issues on appeal. Court informed the Deft. matters on appeal cannot be heard by this Court; nor can his appeals be supplemented here. Argument in support of Deft's Motion For Appointment of Counsel by Deft. Centofanti citing ineffective assistance of counsel. Argument in opposition by Mr. Scow. Upon the inquiry of the Court, Deft. stated he does not want Ms. Nguyen as counsel. COURT ORDERED, Deft's Motion for Appointment of counsel GRANTED to address the Deft's District Court matters, Ms. Nguyen was appointed for appellant proceedings ; proceedings set for confirmation of counsel to represent the Deft. on the writ; Deft. need not be transported per his request. Colloquy regarding the proceedings of January 28th that will take place without the Deft's presence. Upon the request of the Deft. and there being no opposition, COURT ORDERED the transcripts of the proceedings of August 27th are to be provided to the Deft.; FURTHER ORDERED, transcripts of today's proceedings to be provided to the Deft. and state at the request of Mr. Scow. NDC 1-28-13 8:30 AM CONFIRMATION OF COUNSEL FSTATUS CHECK:BRIEFING CLERKS NOTE: Drew Christiansen notified of scheduled proceedings. ;*

01/28/2013

**Confirmation of Counsel** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)



**01/28/2013, 02/27/2013**

*CONFIRMATION OF COUNSEL (C.ORAM)*

*Continued;*

# CASE SUMMARY

CASE No. 01C172534

|            |   |
|------------|---|
|            | <p>Denied;<br/>Continued;<br/>Denied;</p>   |
| 01/28/2013 | <p><b>Status Check (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br/> <b>01/28/2013, 02/27/2013, 03/06/2013</b><br/> <i>Status Check: Deft's Petition For Writ of Habeas Corpus</i><br/> Matter Heard;<br/> Matter Heard;<br/> Continued;<br/> Matter Heard;<br/> Matter Heard;<br/> Continued;<br/> Matter Heard;<br/> Matter Heard;<br/> Continued;</p>   |
| 01/28/2013 | <p> <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br/> Continued;<br/> Journal Entry Details:<br/> <b>STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS.....CONFIRMATION OF COUNSEL</b> <i>Deft. not transported. Present on behalf of the State of Nevada, Deputy District Attorney Kelly Williams, and on behalf of the Defendant, Christopher Oram Esq. Court advised Mr. Oram of the case history leading to his appointment as counsel. Mr. Oram requested a 30 day continuance for a status check advising he will figure out the case and send a letter to the Deft. Mr. Oram further advised Mr. Colluci would like him to look at a case for him to determine if assistance can be given on a possible petition denied by the Court. Ms. Williams noted there may be issues in regards to Mr. Colluci. COURT ORDERED, proceedings CONTINUED. NDC 2-27-13 8:30 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...CONFIRMATION OF COUNSEL ;</i></p>   |
| 02/27/2013 | <p> <b>All Pending Motions (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br/> Matter Heard;<br/> Journal Entry Details:<br/> <b>STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...CONFIRMATION OF COUNSEL (ORAM)</b> <i>Present on behalf of the Deft., Christopher Oram Esq. Mr. Oram advised he has spoken with the Deft. and looked into any potential conflicts, the state's position is there are potential conflicts with his representation of the Deft., but the Deft. would like him to remain on the case and has written a letter in that regard. Mr. Oram further advised he was contacted by prior post conviction counsel to act as an expert for post conviction matters in this case, to which counsel was informed that could not happen for one reason or another; the case has been read and discussed with Mr. Collocci. Upon the inquiry of the Court, Deft. stated he is aware of the conflicts and without waiving any privilege advised he spoke with Mr. Oram and is comfortable with Mr. Oram continuing to represent him; a waiver was sent to Mr. Oram as requested. Deft. stated anything else he may say would get into attorney client privilege. Without hearing what was discussed between Mr. Oram and Collucci, Court noted concerns if Mr. Oram can fully represent the Deft. without conflict. Mr. Oram stated he understands the concerns of the state, but reiterated the Deft. could like to be represented by him, and he believes he can represent the Deft., realizing it's an interesting issue. Argument in opposition of allowing Mr. Oram to remain on the case by Ms. Williams. Colloquy regarding the work done on the case by Mr. Oram and his interactions with Mr. Collucci. Court stated findings noting based upon Mr. Oram's prior consultations with Mr. Collucci and discussions regarding strategy and the work he has done on the case with Mr. Collucci, and Mr. Oram has still not confirmed, the Court believes there is at least a potential conflict, if not an actual conflict with Mr. Oram proceeding on the petition and ORDERED, proceedings CONTINUED for the appointment of new counsel to assist the Deft. with his petition. Upon the inquiry of the Court, Deft. stated he does not wish to be transported to the next hearing. NDC 3-6-13 8:30 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...CONFIRMATION OF COUNSEL CLERK'S NOTE: Drew Christensen notified of scheduled proceedings. ;</i></p> |
| 03/06/2013 | <p><b>Confirmation of Counsel (8:30 AM)</b> (Judicial Officer: Cadish, Elissa F.)<br/> Matter Heard;</p>  |



# CASE SUMMARY

CASE No. 01C172534

03/06/2013



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

*STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...CONFIRMATION OF COUNSEL Ms. Connolly advised she will confirm as counsel for Deft. COURT ORDERED, matter continued to allow Ms. Connolly time to review the file and speak with Deft. Colloquy regarding file's location. Court directed Ms. Connolly to contact Deft.'s previous attorney, Ms. Nguyen to obtain the file. Deft. advised Court he would like a copy of the prior hearing's transcripts. Court directed Deft. to contact his counsel for the requested information. COURT ORDERED, matter continued and noted that Deft. is not to be transported at the next hearing. NDC 4/10/2013 8:30 AM STATUS CHECK: RECEIPT OF FILES ;*

04/10/2013



**Status Check** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Status Check: Receipt of Files*

Matter Heard;

Journal Entry Details:

*Deft. not present. Ms. Connolly advised a box of documents and the file were received and requested 120 days to file a supplement. Ms. Connolly noted the Defendant continues to be transported. Court stated the Deft. was not to be transported for today's hearing and ORDERED, Deft's supplement to be filed by August 14th; state's response is due October 14th, and the Defense reply is due November 14th; matter set for argument, and after which it will be determined if an Evidentiary Hearing is needed; Deft. to be transported for the November 25th hearing at his request. NDC 11-25-13 8:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ;*

01/06/2014



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Defendant's Motion Requesting an Additional 30-Days to File Supplement to the Petition Writ of Habeas Corpus (Post Conviction)*

Continued;

Journal Entry Details:

*Defendant not present. Ms. Connolly advised the supplement was filed Friday. Mr. Coumou requested the April 21st hearing be vacated to allow for briefing. COURT ORDERED, State's response is due March 6th with the defense reply due May 5th; argument CONTINUED to May 19th. Upon the inquiry of the Court Ms. Connolly stated the Deft. can be transported for argument and she will notify the State should he wish not to be transported. NDC 5-19-14 8:30 AM ARGUMENT: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS ;*

06/04/2014

**Argument** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**06/04/2014, 06/11/2014**

*Argument: Deft's Petition For Writ of Habeas Corpus*

Continued;

Matter Heard;

Continued;

Matter Heard;

06/04/2014

**Response and Countermotion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**06/04/2014, 06/11/2014**

*State's Response and Motion to Dismiss Defendant's Petition for Writ of Habeas Corpus (Post-Conviction) and Supplement to Petition for Writ of Habeas Corpus*

Continued;

Matter Heard;

Continued;

Matter Heard;

06/04/2014



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

*ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S RESPONSE*

# CASE SUMMARY

CASE No. 01C172534

AND MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS. Attorney Monique McNeil standing in for Attorney Karen Connolly on behalf of the Defendant. Ms. McNeil stated Ms. Connolly is requesting a one week continuance due to child care issues. There being no opposition, COURT ORDERED, matter CONTINUED one week. NDC 06/11/2014 8:30 A.M. ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S RESPONSE AND MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS.;

06/11/2014



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

William Flinn, Deputy District Attorney, present for the State of Nevada. Defendant Centofanti, present in custody, with Karen Connolly, Esq. ARGUMENT: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S RESPONSE AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS Court noted the petition may be time barred and subject to laches. Ms. Connolly advised she has reserved the right to file a supplement and argued that Mr. Colucci was ineffective as counsel and that she has additional research to do. Court noted the potential claims are that Mr. Colucci was ineffective when he took over the case in District Court and on direct appeal. Ms. Connolly advised they have good cause for an untimely filing due to the conflict with Mr. Colucci and that the Defendant was not aware that Mr. Colucci had filed motions. Ms. Connolly further argued that Mr. Colucci should not have represented the Defendant both before and after conviction. Court noted it appointed Mr. Colucci because he was already counsel on the case. Ms. Connolly advised a waiver of conflict should have been signed, and there was an additional conflict because Mr. Colucci would have been required to argue his own ineffectiveness. Court noted the Defendant used to be an attorney. Ms. Connolly argued there was not a suitable waiver and that the same attorney cannot represent a Defendant before and after conviction. Further, Ms. Connolly requested the Court take judicial notice of the unpublished decisions she has noted. Ms. Connolly advised that the Defendant filed the motion as soon as the Court made its decision and laches does not apply. State argued that the unpublished opinions were not appropriate and the Defendant's equal protection claim relies on those opinions. Further, State argued the Defendant waived conflict and had the counsel of his choice, who was only appointed because the Defendant ran out of money to pay him. State argued that the Defendant used to be an attorney and understood the issues, and per the transcript, Mr. Colucci advised that they discussed the conflict and the Defendant was asked by the Court if the conflict was waived, to which the Defendant answered yes. State further argued that Hayes is not applicable to this case and that the Court was confident the Defendant waived conflict. With respect to laches, State advised the Defendant only provided an excuse for the delay, not good cause. Ms. Connolly argues it is not clear if Mr. Colucci discussed the waiver with the Defendant and that the Defendant was not aware the first five claims were dismissed by the Court, or he would have acted sooner. COURT noted it cannot make a determination at this time and ORDERED, matter SET for Evidentiary Hearing, noting it would like to hear from both the Defendant and Mr. Colucci. Ms. Connolly requested the Court notify Mr. Colucci. Court advised Ms. Connolly to have him subpoenaed, but noted she could contact him ahead of time to see if he is available. NDC 08/07/14 9:00 AM EVIDENTIARY HEARING ;

07/23/2014



**Status Check** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Status Check Rescheduling Evidentiary Hearing

Hearing Set;

Journal Entry Details:

ALSO PRESENT: Carmine Colucci, Esq. Defendant not present, incarcerated in the Nevada Department of Corrections (NDC). Following a colloquy between the Court and counsel regarding scheduling, COURT ORDERED, matter is RESCHEDULED and SET for an Evidentiary Hearing. NDC 11/20/2014 8:30 am Evidentiary Hearing ;

11/20/2014



**Evidentiary Hearing** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

Court noted the hearing will focus on the issue of the alleged conflict, which is raised as good cause for the procedural default; supplemental points and authorities have been submitted, but

**CASE SUMMARY****CASE No. 01C172534**

in the view of the Court it must be discussed whether there was a conflict, and if there was a knowing, voluntary waiver of such conflict. The Defendant stated attorney client privilege is being WAIVED for purposes pertaining to the conflict, or any potential conflict issues. Carmine Collucci SWORN AND TESTIFIED. Alfred Centofanti SWORN AND TESTIFIED. Ms. Connolly stated she will address the waiver, whether there was a conflict, and the canvass that should be given by the Court; presented argument in support thereof, and requested the Court find the issues were not waived, and return the Defendant to post-conviction proceedings. Argument in opposition by Ms. Ferreira in regards to procedural bars. Ms. Connolly requested time to address the procedural bar issue if conflict is found, as she thought only the conflict issue was being addressed. Court stated the issue is whether there is a conflict to establish good cause to overcome the procedural bar. Ms. Connolly stated her understanding was the only issue being addressed is if there was a conflict. Colloquy regarding the basis of the hearing. Continued arguments by counsel as to their respective positions. Court stated findings noting there was not a sufficient explanation of the risks, and benefits of the waiver, and it's not believed there was a valid constitutional waiver of that conflict that would keep defense counsel from raising any claims in regards to his own ineffectiveness, or analyzing if any claim can be raised in regards to his own ineffectiveness. Court noted Ms. Connolly would like to brief the impact of it; the Court will allow counsel briefing to address it, and whether it constitutes good cause to overcome the procedural bar, and as to what claim; the Court needs to understand the scope of what there will be going forward to consider the petition. COURT ORDERED, the Defense supplemental brief is due, February 18th; State's response is due April 13th; the Defense reply is due May 13th; matter SET for hearing in regards to the argument as to the effect of today's ruling, and what is being looked at procedurally going forward with the petition; Defendant to be transported for the hearing; State to prepare the transport order. NDC 5-27-15 8:30 AM HEARING: Legal Argument ;

05/27/2015

**Hearing (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Hearing: Legal Argument

Matter Heard;

Journal Entry Details:

Court noted it was previously found there was a conflict of interest with Mr. Colucci, counsel for the Defendant on his first habeas petition, and additional briefing was set to address if that was good cause to proceed in this petition or not; supplemental briefing has been seen from the defense; nothing from the State. Ms. Sudano stated it did not make it to the appellant division in time to respond; It's uncertain if the State would like time to respond, or matters can proceed as to why the State does not believe the conflict rose to the level of good cause. Court stated if it's to be argued good cause has not been established that it be placed in writing; someone from the District Attorney's office was present at the last hearing and knew of the deadlines and could have checked. Ms. Sudano concurred stating that is why the State is not necessarily asking for more time; prepared to make the legal argument good cause has not been established. Argument by Ms. Sudano in regards to the lack of a showing of good cause. Argument in support of a showing of good cause and prejudice by Ms. Connolly. Continued argument in opposition Ms. Sudano. Argument by counsel regarding claims of ineffective assistance of counsel. Court stated findings noting it's believed the conflict establishes a good cause and prejudice to the extent it prevented any argument being made in regards to the ineffective assistance of Mr. Colucci in the prior representation of the Defendant in post-trial and appellant representation of the Defendant, the Court FINDS the procedural bar has been overcome to that limited extent that claims that would allow ineffective assistance of counsel claims to be raised in regards to the ineffective assistance of Mr. Colucci in his post-trial and pre habeas representation; new argument will not be allowed to be raised about the ineffectiveness of trial counsel, Mr. Colucci was fully able to represent the Defendant in that area and did not have a conflict of interest in that regard; claims as to alleged ineffectiveness in the first habeas petition will not be allowed. Court inquired if supplementation is needed to brief the underlying claim that can be raised and is not procedurally barred. Ms. Connolly requested 180 days to file a supplement and an order to conduct discovery relative to these particular claims. Court stated it depends on the discovery. Argument in support of discovery by Ms. Connolly. COURT ORDERED, if discovery needs to be conducted to present the narrow issue to be presented by counsel, it will be allowed, but it will depend on what is being asked for. Ms. Sudano noted on post-conviction the defense is not entitled to additional discovery until the writ is granted and it's set for an Evidentiary Hearing. Court stated should there be any issues a motion should be filed and ORDERED, the Defendant's supplement is to be filed by November 23rd, States response is due by January 25th, Defendant's reply is due by March 1st with the matter SET for hearing March 14th, for argument; an Evidentiary Hearing will be scheduled at that point if needed; Ms. Connolly to prepare the order running it past Ryan McDonald, or someone in the States appellant division prior to submission. NDC 3-14-15



# CASE SUMMARY

CASE No. 01C172534

8:30 AM ARGUMENT ;

12/09/2015



**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**12/09/2015, 12/16/2015**

*Petitioner's Motion Requesting an Additional 120-Days to File a Supplement to the Petition for Writ of Habeas Corpus (Post Conviction)*

Matter Continued;

Motion Granted;

Journal Entry Details:

*Defendant not present. Appearing on behalf of the Defendant, and Karen Connolly Esq. Betsy Allen Esq. There being no opposition, COURT ORDERED, Petitioner's Motion Requesting 120 Days To File A Supplement To The Petition For Writ Of Habeas Corpus (Post-Conviction) GRANTED; Defendant's supplement to be filed by March 22nd; States opposition by May 24th; Defendant;'s reply by June 21st; matter CONTINUED for argument to July 13th @ 8:30 am, at which time it will be determined if an Evidentiary Hearing is needed; State to transport the Defendant. NDC 7-13-16 8:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) ;*

Matter Continued;

Motion Granted;

Journal Entry Details:

*Defendant not present. Court noted the matter was calendared by Ms. Connolly to request additional time to file a supplement and ORDERED, matter CONTINUED for the presence of Ms. Connolly. NDC 12-16-15 8:30 AM PETITIONER'S MOTION REQUESTING AN ADDITIONAL 120-DAYS TO FILE A SUPPLEMENT TO THE PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION) ;*

07/13/2016



**Hearing** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**07/13/2016, 08/03/2016**

Continued;

Hearing Set;

Journal Entry Details:

*Court clarified the purpose of today's hearing is Ineffective Assistance of Counsel claim against Mr. Colucci in Post Trial and Pre Habeas representation. Matter argued and submitted. COURT stated it will review the record again, Court wants a transcript from the Supreme Court and is not sure how long that takes and will look at the briefing for appeal as well. Mr. Schwartz, Esq. advised he will look into that for the Court and get back to Staff with an estimated date for those transcripts. COURT ORDERED, matter set for Decision. NDC 9/7/16 8:30 A.M. DECISION ;*

Continued;

Hearing Set;

Journal Entry Details:

*Pursuant to CONFERENCE AT BENCH, COURT ORDERED, matter CONTINUED as Ms. Holthus just received the paperwork and needs time to review it. NDC CONTINUED TO: 8/3/16 8:30 AM;*

09/07/2016

**Decision** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**09/07/2016, 10/05/2016**

Matter Continued;

Off Calendar;

Matter Continued;

Off Calendar;

09/07/2016

**Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

**09/07/2016, 10/05/2016**

Events: 08/18/2016 Filed Under Seal

*Petitioner's Ex Parte Motion (Under Seal) for Leave to Proceed in Propia Persona, and Other Relief, on an Order Shortening Time Pursuant to EDJC 7.40*

## MINUTES



Filed Under Seal

Filed By: Defendant Centofanti III, Alfred P

*Petitioner's Ex Parte Motion (Under Seal) for Leave to Proceed in Propia Persona, and*

# CASE SUMMARY

CASE No. 01C172534

*Other Relief, on an Order Shortening Time Pursuant to EDJC 7.40*

Matter Continued;

Granted;

## MINUTES



Filed Under Seal

Filed By: Defendant Centofanti III, Alfred P

*Petitioner's Ex Parte Motion (Under Seal) for Leave to Proceed in Propria Persona, and Other Relief, on an Order Shortening Time Pursuant to EDJC 7.40*

Matter Continued;

Granted;

09/07/2016



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

*PETITIONER S PRO PER EX PARTE MOTION (UNDER SEAL) FOR LEAVE TO PROCEED IN POPRIA PERSONA, AND OTHER RELIEF, ON AN ORDER SHORTENING TIME PURSUANT TO EJDC 7.40 DECISION Ms. Holthus noted Deputy District Attorney Michael Schwartzer is assigned to the case, he is not present and she does not have a file in Court today. COURT NOTED, there are items the Court would like to review, and ORDERED, matters CONTINUED. NDC CONTINUED TO: 10/05/16 8:30 A.M. (BOTH);*

10/05/2016



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Resolved;

Journal Entry Details:

*PETITIONER'S PRO PER EX PARTE MOTION (UNDER SEAL) FOR LEAVE TO PROCEED IN PROPRIA PERSONA, AND OTHER RELIEF ON AN ORDER SHORTENING TIME PURSUANT TO EJDC 7.40...DECISION Court noted since the argument on the petition, the Court has taken additional time to review a bunch of information and go over the file and legal authorities in regards to the issues raised, and the Court has received a disk of the argument on the direct appeal from October 10, 2006, and the minutes submitted on the direct appeal; there's also a motion to dismiss counsel based in part on additional information the Defendant believes should have been submitted. Ms. Connolly stated if the Defendant would like to represent himself, he's entitled to do so; there's a fundamental difference between the Defendant and counsel, and he should be allowed to represent himself. Court noted concern, was ready to rule on what the Court has, but for the issues the Defendant is raising he has filed additional information the Court should have before ruling; part of the issues are the Court was not provided with transcripts of the appeal, and for which there is none, but the Court has listened to the recording and inquired if there is anything else the Court needs to see or hear about based on the original argument that has been had. Defendant stated the other issue is whether Mr. Collucci was ineffective for which there is concern as the transcripts of proceedings would have allowed the Court additional information not previously presented before in determining if his presentation before the Supreme Court was effective or not; which is the reason the particular motions were filed. Court noted the whole point of the Defendant's petition is the alleged ineffective assistance of Mr. Collucci when he came into the case post trial; Defendant would like to dismiss counsel, and raise issues in regards to the ineffectiveness of Mr. Collucci. Defendant stated he thought he would have the Court determine if there is a need for an Evidentiary Hearing, would like to have counsel dismissed, and the ability to argue himself as counsel failed to present additional incidents of prosecutorial misconduct. Court noted the Court must consider the ineffective assistance of counsel argument and determine if an Evidentiary Hearing is warranted. Defendant concurred. Post Conviction Faretta Canvas of the Defendant by the Court. Defendant requested he be allowed to have Standby Counsel. COURT ORDERED, Defendant will be allowed to represent himself. Colloquy regarding the issuance of subpoenas, and proceedings going forward. Court stated the Defendant will be allowed to supplement with additional argument he needs raised, and it will be determined if an Evidentiary Hearing is needed. Ms. Connolly stated at that point the issue can be raised again in regards to the subpoenaing of witnesses. Martin Hart Esq. stated Drew Christensen will send someone to help Pro Per Defendants. Colloquy between Court and Defendant in regards to the issuance of subpoenas's. Court stated Chambers will contact Mr. Christensen's office to potentially appoint an investigator to help the Defendant with things he may need. Defendant stated if counsel withdraws he cannot have the file, and requested the file be forwarded to Federal Public Defender Kirshbaum; matters have been discussed with him about what is going on, and the files will end up with him regardless if the State Court case has concluded. Upon the inquiry of the Court in reference to the Defendant's file, Ms. Connolly*

**CASE SUMMARY****CASE No. 01C172534**

stated he has all that she has. Defendant stated he's just saying he's not in a position to accept all of those files. **COURT ORDERED**, Defendant's Motion for self representation **GRANTED**; request Ms. Connolly contact Mr. Kirshbaum and let him know what took place in Court, and provide him with what parts of the file she has. Ms. Connolly stated it will take time to transmit the files because she has to copy them, and it may take some time due to the logistics. Defendant stated he has an understanding with the Federal P.D.'s office that should he need portions of the file they will send it to him as he does not need the entire file. At this point, Court stated an Evidentiary Hearing is not being scheduled and the Defendant can supplement arguments he needs to raise that were not raised. Defendant stated he would like to refer to the recording the Court has; the biggest challenge is there is no transcript; a copy of the transcript he has was given to Ms. Connolly, but it's not an official transcript. Even though it's not an official transcript, **COURT ORDERED**, the transcript is to be filed, and made an exhibit to the supplement. Ms. Connolly stated a copy will be sent. Colloquy regarding briefing. **COURT ORDERED**, Defendant's supplement to be filed by January 14th, State's supplemental response by March 7th; Defendant's reply by May 11th; matter SET for argument June 14th @ 8:30 AM. At the request of the Defendant, and there being no opposition, **COURT ORDERED**, the Defendant is to be provided with a copy of the August 3rd transcript. NDC 6-14-17 8:30 AM ARGUMENT CLERK'S NOTE: The above minute order has been distributed to: Alfred P. Centofanti III #85237, HDSP, POB 650, Indian Springs Nv. 89070;

01/09/2017

**Motion for Leave (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Defendant's Motion for Leave to Conduct Discovery and Other Relief on an Order Shortening Time

Granted;

Journal Entry Details:

Court noted the State's response was just seen this morning. Defendant moved for the striking of the response, and presented argument in support thereof. Court noted motions on order shortening time changes the rules on the response time; matter needs to be addressed on the merits; the matter was fully briefed until the Defendant decided to represent himself, and now would like to continue the briefing schedule, to which the Court is not opposed; the Court would like to understand the discovery the Defendant is looking to do with the limited scope of the petition. Defendant stated he did not receive the minutes of the prior hearing and would like a copy of the transcripts from that hearing as well. **COURT ORDERED**, a transcript of the October 5, 2016 proceedings is to be provided to the Defendant. Argument in support of motion by Defendant in regards to the ineffectiveness of Mr. Colucci, and the need for an investigator. Motion submitted on the opposition by Ms. Heap. Court stated the underlying claim does not warrant an Evidentiary Hearing, and the issue is whether an Evidentiary Hearing will be needed on the additional supplementation presented by the Defendant; to the extent the Defendant is looking for further correspondence with Mr. Colucci, it's **ORDERED**, that Mr. Colucci, or subsequent counsel Ms. Nguyen and/or Ms. Connolly, are to forward correspondence, if any, they have between the Defendant and Mr. Colucci, to the Defendant. Defendant stated documents should be provided to Peter Schulz, 600, W. Broadway, Suite 960, San Diego California, 92101. **FURTHER ORDERED**, the minutes are to be sent to the Defendant, and prior counsel within 15 days; to the extent additional discovery is sought from the State's file, it will not be ordered, but is to be addressed in the supplemental brief and the Defendant is to indicate what additional discovery is needed to fully address the petition. Court inquired of the Defendant as to his issues regarding the investigator to track down the Bailiff of Judge Mosely. Defendant stated it was just an example; there are other investigative task; was trying to give the Court a good faith showing. The Court did not follow up with Mr. Christensen, and it's believed the Defendant should have an investigator; will follow up with Mr. Christensen in regards to the investigator to assist with the supplementation, and **ORDERED**, briefing schedule and argument dates **VACATED** without opposition; matter SET for status check; Defendant to be provided with the minutes, and a copy of today's proceedings. NDC 2-22-17 8:30 AM Status Check: Briefing CLERK'S NOTE: Minutes distributed to Alfred P. Centofanti III #85237, HDSP, 22010 Cold Creek Road, POB 650, Indian Springs Nv. 89070, Carmen J. Colucci Esq., Karen A. Connolly Esq., & Rochelle T. Nguyen (Nguyen & Lay) ;

02/22/2017

**Status Check (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

02/22/2017, 04/26/2017

Status Check: Briefing Schedule

Matter Heard;

Matter Heard;

# CASE SUMMARY

CASE No. 01C172534

Journal Entry Details:

Also present, Standby counsel, Deputy Public Defender Christopher Peterson. Court noted there has been communication with Mr. Colucci; he's retrieving bankers boxes of documents, and is in the process of having them copied and sent to Mr. Schultz as requested by the Defendant, and inquired where that leaves matters in terms of briefing; Ms. Connolly had indicated the files have been provided to Mr. Schultz. Defendant stated it's believed the brief can be filed by May 1st, and served on the State. COURT ORDERED, Defendant's supplemental brief to be filed by May 1st; State's response by July 3rd. Defendant requested a shorter briefing schedule for a faster hearing. COURT ORDERED, request for shorter briefing scheduled DENIED; Defendant's reply to be filed by July 17th; matter SET for argument July 31, 2017. Defendant inquired if there's a time line for Mr. Colucci's documents. Court stated the matter will be followed up on and ORDERED, the documents are to be sent out by Mr. Colucci within a week; copies of the minutes from February 22nd, and today are to be provided to the Defendant at his request. NDC 7-31-17 8:30 AM ARGUMENT CLERK'S NOTE: The above minute order has been distributed to: Alfred P. Centofanti III, #85237, HDSP, 22010 Cold Creek Road, POB 650, Indian Springs Nv. 89070;

Matter Heard;

Matter Heard;

Journal Entry Details:

Also present, Mark Preusch, Private Investigator assisting the Defendant. Mr. Rose stated it's his understanding proceedings were calendared to set a briefing schedule. Upon the inquiry of the Court, Defendant stated he met with the investigator at the prison, and they spoke today, and are anticipating needing 60 days for the completion of investigations that have been identified; a copy of the minutes and transcripts were received. Upon the inquiry of the Defendant, Court acknowledged the receipt of the non compliance notice. Defendant stated it's not believed the minutes are entirely accurate in regards to what counsel was to do, and it's the Court's preference in regards to seeking compliance from Mr. Colucci in a time frame when investigations can be completed, and then set a briefing schedule; the minutes don't accurately reflect what the attorney's were to do; Ms. Nguyen is the only one that complied. Court requested Mr. Preusch contact Mr. Colucci's office to inform him of the order, and to provide his correspondence file; another status check can be set in a couple of weeks. Defendant stated he does not want to be transported for the next hearing, and stated Peter Schultz is assisting him Pro Per in California, and he's working with the investigator; there is someone locally assisting with filing, and would like to give the name of that person along with Mr. Schultz, and an order can be submitted to allow me to receive privileged correspondence, phone calls, and things they can assist with. Court stated there is confusion in regards to what the Defendant is asking. Defendant stated Mr. Schultz and Caroline Lenzy are helping with getting things filed locally, would like them to file things on my behalf, as there is no need o keep coming to Court for status checks if there is a contact person. Court inquired as to what the Defendant needs to be ordered. Colloquy between Court and Defendant regarding what he needs to be ordered. Court stated if Ms. Lenzy has a factual inquiry to make, that's fine, but cannot have her practicing law on behalf of the Defendant. Defendant stated it would just be to coordinate things on calendar. Court stated what will be done is this Court's department will contact Mr. Colucci in regards to his compliance with the order to provide the correspondence he had with the Defendant, and that it's to be sent to the address in the minutes. COURT ORDERED, matter CONTINUED to determine if the investigations are completed, and if a briefing schedule is ready to be set. NDC 4-26-17 8:30 AM STATUS CHECK: BRIEFING SCHEDULE;

05/10/2017



**Status Check (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Status Check: File

Matter Heard;

Journal Entry Details:

Court stated Mr. Colucci has passed away; contact has been made with his office, and they could not get the file within a week, but they will get it taken care of, although it may take a couple of weeks to get it copied and provided at this point; the intent is to give them another 2 weeks to provide the file to the Defendant. Court inquired if another status check is needed. Defendant stated he will notify the Court if the file is not received. Court noted the Defendant's supplement, to which the State is to respond; Mr. Colucci's office is to provide a copy of the file to the Defendant within 2 weeks; Defendant to have the matter set for a status check should the file not be received, and the Court will follow up with Mr. Colucci's office. 7-31-17 8:30 AM ARGUMENT ;

06/14/2017

**CANCELED Argument (8:30 AM)** (Judicial Officer: Cadish, Elissa F.)

Vacated - per Judge

# CASE SUMMARY

CASE NO. 01C172534

07/19/2017



**Minute Order** (3:00 AM) (Judicial Officer: Cadish, Elissa F.)

Minute Order - No Hearing Held;

Journal Entry Details:

*Pursuant to Law Clerk, Defendant's Motion for Transcript of November 20, 2014 Hearing and Other Relief is hereby GRANTED. Proceedings scheduled for July 26, 2017 are hereby OFF CALENDAR. To provide adequate time for the transcript to be prepared and filed, and to provide the parties time to review the transcript, the proceedings scheduled for July 31, 2017 on Argument for Defendant's Supplement to the Post-Conviction Petition for Writ of Habeas Corpus are hereby CONTINUED to August 30, 2017 CLERK'S NOTE: The above minute order has been distributed to: Alfred P. Centofanti III #85237, HDSP, POB 650, Indian Springs Nv. 89070, Steven B. Wolfson (Chief Deputy District Attorney), and Jessica Kirkpatrick (Recorder-DC VI);*

07/26/2017

**CANCELED Motion** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Vacated - per Law Clerk*

*Defendant's Motion for Transcript of November 20, 2014 Hearing and Other Relief*

08/30/2017

**Argument** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

08/30/2017

**Motion to Strike** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

*Petitioner's Pro Per Motion to Strike and Other Relief*

Denied;

08/30/2017



**All Pending Motions** (8:30 AM) (Judicial Officer: Cadish, Elissa F.)

Matter Heard;

Journal Entry Details:

*Petitioner's Pro Per Motion To Strike And Other Relief....Argument Court stated proceedings were calendared for further argument based upon the Defendant's additional supplement in support of an Evidentiary Hearing and noted the Defendant's briefs were apparently served on Mr. Wolfson by e-mail, rather than to anyone assigned to work on the case and ORDERED, Petitioner's Pro Per Motion To Strike And Other Relief DENIED. Argument in support of Petition/Evidentiary Hearing, by Defendant as it regards the issues of the disqualification of counsel, ineffective assistance of counsel, the canvass, prosecutorial and juror misconduct, and motion for new trial. Exhibits Presented (See Worksheet). Argument in opposition of Petition/Evidentiary Hearing by Mr. Schwartz. COURT ORDERED, matter UNDER ADVISEMENT; an order will be issued. Defendant requested he be allowed to file a Widdis motion, advising the Clerk's Office will not allow him to file it under seal. Court stated it's believed it can be filed under seal. Mr. Schwartz concurred. Defendant stated he has the order for transcripts which was granted, and requested he be provided with the December 2, 2009 transcripts. COURT SO ORDERED; transcripts to be prepared at the State's expense. Upon the inquiry of the Court as to the Widdis motion, Defendant stated a proposed order has not been prepared. COURT ORDERED, the Widdis motion is to be filed under seal exparte for the Court to take a look at and an order will be issued. NDC ;*

12/26/2018



**Minute Order** (3:00 AM) (Judicial Officer: Cadish, Elissa F.)

Minute Order - No Hearing Held;

Journal Entry Details:

*Before the Court is Petitioner's second post-conviction petition for writ of habeas corpus. The Court previously found good cause and prejudice to allow this petition to proceed solely as to alleged ineffective assistance of Mr. Colucci from when he came on as Petitioner's counsel after trial and up until the filing by Colucci of the first post-conviction petition. The Court notes that unfortunately Mr. Colucci passed away during the pendency of this petition. As background, the first petition raised five arguments that were dismissed by the Court because they were issues that could have been raised on direct appeal and were thus not a proper basis for post-conviction habeas relief. Petitioner now raises those issues as alleged ineffective assistance of Colucci in not raising these 5 matters on the direct appeal. The first is the trial court's disqualification of attorney Dan Albrechts as counsel for Petitioner. While it is true that a court's improper deprivation of a defendant's counsel of choice is structural error, the record in this case shows that is not what occurred here. Albrechts had advised Petitioner regarding a real estate transaction in California during the pendency of this murder case. The State*



**CASE SUMMARY****CASE No. 01C172534**

*asserted that this transaction involved fraud and expressed an intention to raise the issue at trial, later clarifying that they would not be calling Albregts as a witness but that they would likely raise this issue in a penalty phase if Petitioner was convicted of first degree murder. Albregts brought in co-counsel Mr. Bloom from California to work on the case as well, and sought to continue the trial because Albregts believed he would likely need to be a witness at trial to respond to the State's position on the real estate transaction. The State argued that Albregts could not be both a witness and trial counsel. The trial court held that Albregts could continue to be counsel for Centofanti but would not be able to be counsel at trial because he was likely to be a witness. In the end, the parties waived a penalty hearing to have the judge sentence Petitioner. Thus, Albregts was never called as a witness. However, the issue of the real estate transaction was argued by the parties at the sentencing hearing, and there was reference by Colucci in his arguments to the affidavit from Albregts which had been submitted on this subject. Pursuant to DiMartino v. Dist. Ct., 119 Nev. 119 (2003), the trial court handled this matter appropriately. Accordingly, Petitioner has not demonstrated that Colucci was ineffective for failure to raise this issue on appeal as it likely would have failed. Additionally, prejudice has not been shown as the raising of this issue would not have resulted in a different outcome on the appeal. The Court notes that on appeal from this Court's denial of the first post-conviction petition, the Nevada Supreme Court affirmed this Court's ruling that it was not ineffective for trial counsel to fail to seek writ relief regarding the disqualification issue. There is no need to expand the record on this issue. The next issue is the failure to raise on appeal the canvass of Petitioner pre-trial regarding his understanding that counsel would be presenting self-defense at trial, which would at least tacitly acknowledge that Petitioner was the shooter. On the appeal from this Court's denial of the first post-conviction petition where this issue was raised as to ineffective assistance of trial counsel, the Nevada Supreme Court found that there was never any question whether Petitioner was the shooter and even if the canvass was not proper, it was outside the presence of the jury and did not lock in the defense theory at trial or foreclose a mens rea defense. These findings apply equally to Colucci's failure to raise this issue on appeal. It was not ineffective nor prejudicial, as it was not an argument likely to succeed on the appeal. There is no need to expand the record on this issue. The next issue relates to alleged juror misconduct and the related issue of alleged prosecutorial misconduct, which Petitioner argues should have been raised on appeal. In fact, the juror misconduct and prosecutorial misconduct issues were raised by Colucci in the motion for new trial briefing as well as the appeal briefing, and were referenced during the oral argument before the Nevada Supreme Court on the direct appeal. Indeed, they are all discussed and rejected in the Nevada Supreme Court's Order of Affirmance filed December 27, 2006. This Court finds that Colucci raised these issues appropriately once he came on to the case. He did not substitute in as counsel until after the deadline for filing a motion for new trial had passed, so he cannot be blamed for the untimeliness. Additionally, he successfully convinced the Supreme Court that these issues should be addressed on the merits, as they did so, ultimately concluding that the required prejudice had not been shown. Given the overwhelming evidence of guilt in this case, it is not clear what else Colucci could or should have done to show prejudice. Contrary to Petitioner's assertions, Colucci noted in his appeal briefs that the motion for new trial had been denied without holding an evidentiary hearing, but the Nevada Supreme Court nevertheless found prejudice lacking rather than remanding to hold an evidentiary hearing. More telling, to this day, there is still no evidence before this Court which would show prejudice from the alleged misconduct, and thus a failure to meet the prejudice prong under Strickland because this Court cannot find that there would be a basis for the trial court or Nevada Supreme Court to have reached a different outcome. Petitioner seeks to have an evidentiary hearing on this Petition to address this matter, but an evidentiary hearing is only warranted if there are specific factual allegations which, if true, would entitle him to relief. Although this matter has been thoroughly briefed and argued through counsel, and later by Petitioner pro per and with the assistance of an investigator, this showing has not been made. Thus, this ground must be rejected. The next issue relates to alleged errors in the jury instructions given at trial. However, after review of the jury instructions, this Court does not find that there was any valid argument to raise on appeal in this regard and thus, neither ineffective assistance nor prejudice have been established. There is no need to expand the record on this issue. The next issue is whether alleged burden shifting by the State in its closing argument should have been raised on appeal. However, this Court is not persuaded that the decision to focus on other arguments on the appeal rather than this one was ineffective, nor has prejudice been shown in that this likely would not have succeeded on appeal given the overwhelming evidence against Petitioner. There is no need to expand the record on this issue. This Petition also raised the issue of the trial judge's expressed refusal to consider any plea negotiations, other than a straight plea to the charges, once the jury was impaneled. This issue itself is beyond the scope of this Petition, but this Court will consider the argument to the extent it asserts ineffective assistance of Colucci in not raising this argument on appeal. Whether or not the judge's policy was proper, this issue would not likely have been successful on appeal as there is no showing that any offer was contemplated or any negotiation might*

# CASE SUMMARY

CASE No. 01C172534

have been reached if not for the judge announcing this policy. Thus, prejudice has not been shown, nor was Colucci ineffective for failing to raise this issue on the appeal. There is no need to expand the record on this issue. Petitioner also argues that Colucci should have raised challenges to the admissibility of the testimony of the ten-year-old son of the victim. However, he has failed to demonstrate that a valid legal challenge to the testimony could have been raised on appeal or that it would have likely been successful, particularly since the Nevada Supreme Court already affirmed this Court's denial of the alleged ineffective assistance of trial counsel on the same issue. There is no showing that the testimony would have been ruled incompetent or otherwise precluded if it had been raised. There is no need to expand the record on this issue. Petitioner asserts Colucci should have argued cumulative prosecutorial misconduct on appeal. He did argue prosecutorial misconduct in his briefs and his argument before the Nevada Supreme Court. The failure to explicitly refer to it as cumulative would not likely have made a difference in the outcome of the appeal, and thus fails to satisfy the Strickland standard for prejudice. Moreover, the Court does not find Colucci ineffective for failure to make this argument. There is no need to expand the record on this issue. With regard to Colucci's alleged ineffectiveness regarding the motion for new trial, as discussed above regarding the appeal, he was not ineffective by filing an untimely motion for new trial as he was not counsel until after that deadline had passed. He did get an investigator involved, who gathered information about the jurors which was presented in the briefing and oral argument regarding the motion. Alleged prosecutorial misconduct was also alleged. There was discussion at the hearing about the possible need for an evidentiary hearing on the motion, but Judge Mosley ruled that the motion was untimely as a matter of law, over Colucci's objection. While Colucci did not present evidence which established prejudice from the juror misconduct, it is not clear what else he should have done or whether it would have made a difference. As there is still no showing of any prejudice from the alleged juror issues, the Court finds the Strickland standard has not been met on either ineffectiveness or prejudice. There is also no need for an evidentiary hearing on this claim as there are not specific factual allegations which, if true, would entitle Petitioner to relief. There is no need to expand the record on this issue. Regarding the claim that Colucci was ineffective at sentencing, the Court finds it meritless as Colucci submitted a lengthy sentencing memorandum and made appropriate arguments at sentencing for why Petitioner should have a possibility of parole. The sentencing judge explained his reasons for imposing two consecutive sentences of life without possibility of parole, none of which were things that Colucci had control over. The Court does not find Colucci ineffective or that any prejudice has been shown. There is no need to expand the record on this issue. Given the above findings, there is no basis for cumulative error relief, particularly given the overwhelming evidence of guilt in this case, even if cumulative error analysis applies in this context. Finally, Petitioner's request to do additional discovery about plea offers that might have been made is beyond the scope of this Petition which is limited to Colucci's part of the case, and which was only post-trial. Moreover, there are no facts presented which would warrant relief on this claim. Accordingly, Petitioner has not demonstrated ineffectiveness or prejudice as required by Strickland, nor is an evidentiary hearing warranted on this record. For all of these reasons, this Court denies the instant second post-conviction Petition for Writ of Habeas Corpus and denies the request for an evidentiary hearing. The State shall prepare and submit proposed findings and conclusions, which should detail the procedural history as well as the rulings on each claim, and provide a draft to Petitioner. CLERK'S NOTE: A copy of this Minute Order was placed in the attorney folder of the District Attorney's Office and mailed to Alfred Centofanti #85237, High Desert State Prison, 22010 Cold Creek Rd, PO Box 650, Indian Springs, NV 89070. //lk 12/26/18;

02/04/2019

**Motion For Reconsideration (8:30 AM)** (Judicial Officer: Bonaventure, Joseph T.)  
Denied;

DATE

FINANCIAL INFORMATION

**Defendant** Centofanti III, Alfred P

Total Charges

563.00

Total Payments and Credits

563.00

**Balance Due as of 2/22/2019**

**0.00**

**ORIGINAL**

Electronically Filed  
1/23/2019 2:36 PM  
Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

**FCL**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JAMES R. SWEETIN**  
Chief Deputy District Attorney  
Nevada Bar #005144  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-VS-

**ALFRED CENTOFANTI,**  
**#1730535**

Defendant.

CASE NO: **01C172534**

DEPT NO: **VI**

**FINDINGS OF FACT, CONCLUSIONS OF**

**LAW AND ORDER**

DATE OF HEARING: **DECEMBER 26, 2018**  
TIME OF HEARING: **CHAMBERS**

THIS CAUSE having presented before the Honorable ELISSA F. CADISH, District Judge, on the 26th day of December, 2018; parties not present having submitted briefs; and having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, the Court makes the following Findings of Fact and Conclusions of

Law:

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The parties agreed to waive a jury penalty hearing, and on March 4, 2005, the district court sentenced Defendant to two consecutive life terms in prison without the possibility of parole. The Judgment of Conviction was filed on March 11, 2005. The Nevada Supreme Court affirmed the conviction on December 27, 2006, and issued Remittitur on March 27, 2007. In rejecting Defendant's various claims, the Supreme Court described the evidence against Defendant as "voluminous." See Order of Affirmance, Docket No. 44984 (December 27, 2006, p.5).

The next day on May 10, 2011, Carmine Colucci filed a Motion to Withdraw as Counsel for Defendant. On May 19, 2011, Defendant filed a Motion for Reconsideration, Withdrawal, and Appointment of Alternative Counsel, Stay of Proceedings, and Other Relief. Although the

1 Motion was filed under Colucci's cover on May 19, 2011, as Colucci had not yet been  
2 permitted to withdraw as counsel, Defendant prepared the Motion in proper person and signed  
3 and dated the Motion on May 12, 2011.

4 Defendant's Motion for Reconsideration alleged that Colucci was conflicted when he  
5 represented Defendant during the post-conviction habeas proceedings because Colucci had  
6 also represented Defendant on direct appeal. As such, on June 1, 2011, the district court  
7 ordered the Motion off calendar, and appointed Rochelle Nguyen to review the alleged conflict  
8 issues, instructing Nguyen to re-calendar the matter if she deemed appropriate. On June 6,  
9 2011, the district court filed a Notice of Entry of Decision and Order regarding the May 9,  
10 2011, denial of Defendant's habeas Petition thereby beginning the 30-day period in which  
11 Defendant could file an appeal from the Order denying the Petition. Four days later on June  
12 10, 2011, Defendant filed a pro per Notice of Appeal from the denial of his Petition. On July  
13 11, 2011, pursuant to limited remand from the Nevada Supreme Court, the district court  
14 appointed Nguyen as Defendant's appellate counsel. Upon confirming as counsel, Nguyen  
15 advised that she may seek remand to the district court to file a Motion for Reconsideration.

16 On July 26, 2011, in the Nevada Supreme Court, Defendant filed a Motion to Remand  
17 in which he claimed that the filing of his Notice of Appeal had divested the district court of  
18 jurisdiction and thus sought remand for the district court to address his allegations of conflict  
19 related to Colucci's representation. The State filed an Opposition on August 2, 2011, arguing  
20 that Colucci and Defendant both indicated at the July 30, 2010, evidentiary hearing that  
21 Defendant had waived the alleged conflict, and thus remand was not warranted. On November  
22 18, 2011, the Nevada Supreme Court denied Defendant's Motion to Remand.

23 On June 3, 2013, the Nevada Supreme Court filed an Order of Affirmance in which the  
24 Court affirmed the denial of Defendant's Post-Conviction Petition and specifically declined to  
25 address Defendant's claims regarding Colucci's alleged conflict as it was not decided below.  
26 Defendant then filed a Petition for Rehearing on July 12, 2013, requesting that the Supreme  
27 Court reconsider addressing his conflict allegation. The Nevada Supreme Court denied  
28 rehearing on September 25, 2013. Defendant then filed a Petition for En Banc Reconsideration

1 on October 4, 2013, yet again requesting the Supreme Court entertain his conflict claim. The  
2 Nevada Supreme Court denied en banc reconsideration on November 6, 2013, and issued  
3 Remittitur on December 2, 2013.

4 While his appeal was pending, Defendant filed his second Post-Conviction Petition for  
5 Writ of Habeas Corpus on April 24, 2012, in proper person, and Supplemental Memoranda<sup>1</sup>  
6 on May 22, 2012, and June 1, 2012. On September 26, 2012, the State filed a Response and  
7 Motion to Dismiss Defendant's Petition on procedural grounds. On January 16, 2013, the  
8 district court appointed Karen A. Connolly, Esq. to represent Defendant.

9 On January 3, 2014, through counsel, Defendant filed a Supplement to his Petition for  
10 Writ of Habeas Corpus. The State filed its Response and Motion to Dismiss on March 12,  
11 2014. Defendant filed a Reply on April 21, 2014. On June 11, 2014, the district court set the  
12 matter for Evidentiary Hearing, noting it wanted to hear testimony from Mr. Colucci and  
13 Defendant. On November 14, 2014, Defendant filed an Additional Supplemental Authorities  
14 to his Petition for Writ of Habeas Corpus.

15 The Evidentiary Hearing was held on November 20, 2014 and focused solely on the  
16 issue of the alleged conflict. Both Mr. Colucci and Defendant were sworn and testified. The  
17 district court found that there was not a sufficient explanation of the risks and benefits of the  
18 conflict waiver, and did not believe that there was a valid constitutional waiver of the conflict  
19 that would keep defense counsel from raising any claims in regards to his own ineffectiveness,  
20 or analyzing if any claim can be raised in regards to his own ineffectiveness. The district court  
21 allowed counsel to brief the issue, specifically whether it constituted good cause to overcome  
22 the procedural bar to Defendant's Petition.

23 On February 18, 2015, Defendant filed a Supplemental Brief, and an addendum to his  
24 Supplemental Brief on May 12, 2015. The State did not file a written response. On May 27,  
25 2015, the district court noted it previously found there was a conflict of interest with Mr.  
26 Colucci regarding Defendant's first habeas petition, and additional briefing was set to address  
27 if that was good cause to proceed on the instant time-barred petition. The State represented

28 <sup>1</sup> The Supplemental Memoranda do not contain claims different from those raised in the April 24, 2012 Petition.

1 that Defendant's brief did not make it to the appellate division in time to file a written response,  
2 but made an argument that Defendant had failed to demonstrate good cause to overcome the  
3 procedural bars. The district court found that the conflict presented established good cause and  
4 prejudice to the extent that it prevented any argument from being raised in regards to the  
5 ineffective assistance of Mr. Colucci during the representation of Defendant in post-trial and  
6 appellate matters. The district court found that the procedural bar had been overcome to that  
7 limited extent regarding ineffective assistance of Mr. Colucci during his post-trial and pre-  
8 habeas representation; but no new argument would be allowed about the ineffectiveness of  
9 trial counsel. A Findings of Fact, Conclusions of Law, and Order was filed on July 29, 2015.

10 On March 22, 2016, Defendant, through counsel, filed a Second Supplement to  
11 Successive Petition for Writ of Habeas Corpus. The State responded on May 19, 2016. The  
12 Court then set a briefing schedule; during the intervening period Defendant filed various  
13 motions which pushed back the briefing schedule. On January 8, 2017, Defendant dismissed  
14 counsel and proceeded in proper person.

15 On May 1, 2017, Defendant filed the instant Petitioner's In Propria Persona Brief in  
16 Support of His Request for an Evidentiary Hearing. However, the District Attorney's  
17 Appellate Unit was not served; Defendant's Certificate of Service indicates he sent the instant  
18 Supplement to District Attorney Steve Wolfson's personal work e-mail, rather than the  
19 appropriate motion/petition intake email. On July 10, 2017, Defendant filed a Motion to Strike.  
20 The State's responded to both pleadings on August 24, 2017.

21 On May 24, 2018, Defendant filed a Supplemental Brief. This Court entered a minute  
22 order denying Defendant's claims on December 26, 2018.

### 23 ANALYSIS

24 Claims of ineffective assistance of counsel are analyzed under the two-pronged test  
25 articulated in Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984),  
26 wherein the defendant must show: (1) that counsel's performance was deficient, and (2) that  
27 the deficient performance prejudiced the defense. "A court may consider the two test elements  
28 in any order and need not consider both prongs if the defendant makes an insufficient showing

1 on either one.” Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1997); Molina v.  
2 State, 120 Nev. 185, 190, 87 P.3d 533, 537 (2004).

3 “Surmounting Strickland’s high bar is never an easy task.” Padilla v. Kentucky, 559  
4 U.S. 356, 371, 130 S. Ct. 1473, 1485 (2010). The question is whether an attorney’s  
5 representations amounted to incompetence under prevailing professional norms, “not whether  
6 it deviated from best practices or most common custom.” Harrington v. Richter, 562 U.S. 86,  
7 88, 131 S. Ct. 770, 778 (2011). Further, “[e]ffective counsel does not mean errorless counsel,  
8 but rather counsel whose assistance is ‘[w]ithin the range of competence demanded of  
9 attorneys in criminal cases.’” Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432, 537  
10 P.2d 473, 474 (1975) (quoting McMann v. Richardson, 397 U.S. 759, 771, 90 S. Ct. 1441,  
11 1449 (1970)).

12 The court begins with a presumption of effectiveness and then must determine whether  
13 the defendant has demonstrated by a preponderance of the evidence that counsel was  
14 ineffective. Means v. State, 120 Nev. 1001, 1011-1012, 103 P.3d 25, 32-33 (2004). The role  
15 of a court in considering alleged ineffective assistance of counsel is “not to pass upon the  
16 merits of the action not taken but to determine whether, under the particular facts and  
17 circumstances of the case, trial counsel failed to render reasonably effective assistance.”  
18 Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978) (citing Cooper v. Fitzharris,  
19 551 F.2d 1162, 1166 (9th Cir. 1977)).

20 This analysis does not indicate that the court should “second guess reasoned choices  
21 between trial tactics, nor does it mean that defense counsel, to protect himself against  
22 allegations of inadequacy, must make every conceivable motion no matter how remote the  
23 possibilities are of success.” Donovan, 94 Nev. at 675, 584 P.2d at 711 (citing Cooper, 551  
24 F.2d at 1166 (9th Cir. 1977)). In essence, the court must “judge the reasonableness of  
25 counsel’s challenged conduct on the facts of the particular case, viewed as of the time of  
26 counsel’s conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. However, counsel cannot  
27 be deemed ineffective for failing to make futile objections, file futile motions, or for failing to  
28 make futile arguments. Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006).

1 In order to meet the second “prejudice” prong of the test, the defendant must show a  
2 reasonable probability that, but for counsel’s errors, the result of the trial would have been  
3 different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999). “A reasonable  
4 probability is a probability sufficient to undermine confidence in the outcome.” Strickland,  
5 466 U.S. at 694, 104 S. Ct. at 2068.

6 Importantly, when raising a Strickland claim, the defendant bears the burden to  
7 demonstrate the underlying facts by a preponderance of the evidence. Means v. State, 120  
8 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). “Bare” or “naked” allegations are not sufficient to  
9 show ineffectiveness of counsel; claims asserted in a petition for post-conviction relief must  
10 be supported with specific factual allegations which if true would entitle petitioner to relief.  
11 Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

12 Furthermore, appellate counsel is not required to raise every issue that Defendant felt  
13 was pertinent to the case. The United States Supreme Court has held that there is a  
14 constitutional right to effective assistance of counsel in a direct appeal from a judgment of  
15 conviction. Evitts v. Lucey, 469 U.S. 387, 396-97, 105 S. Ct. 830, 835-37 (1985); see also  
16 Burke v. State, 110 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). The federal courts have held  
17 that in order to claim ineffective assistance of appellate counsel, the defendant must satisfy the  
18 two-prong test of deficient performance and prejudice set forth by Strickland. Williams v.  
19 Collins, 16 F.3d 626, 635 (5th Cir. 1994); Hollenback v. United States, 987 F.2d 1272, 1275  
20 (7th Cir. 1993); Heath v. Jones, 941 F.2d 1126, 1130 (11th Cir. 1991).

21 There is a strong presumption that counsel’s performance was reasonable and fell  
22 within “the wide range of reasonable professional assistance.” See United States v. Aguirre,  
23 912 F.2d 555, 560 (2nd Cir. 1990). The Supreme Court has held that all appeals must be  
24 “pursued in a manner meeting high standards of diligence, professionalism and competence.”  
25 Burke, 110 Nev. at 1368, 887 P.2d at 268. Finally, in order to prove that appellate counsel’s  
26 alleged error was prejudicial, a defendant must show that the omitted issue would have had a  
27 reasonable probability of success on appeal. Duhamel v. Collins, 955 F.2d 962, 967 (5th Cir.  
28 1992); Heath, 941 F.2d at 1132; Lara v. State, 120 Nev. 177, 184, 87 P.3d 528, 532 (2004);

1 Kirksey, 112 Nev. at 498, 923 P.2d at 1114.

2 The defendant has the ultimate authority to make fundamental decisions regarding his  
3 case. Jones v. Barnes, 463 U.S. 745, 751, 103 S. Ct. 3308, 3312 (1983). However, the  
4 defendant does not have a constitutional right to “compel appointed counsel to press non-  
5 frivolous points requested by the client, if counsel, as a matter of professional judgment,  
6 decides not to present those points.” Id. In reaching this conclusion, the United States Supreme  
7 Court has recognized the “importance of winnowing out weaker arguments on appeal and  
8 focusing on one central issue if possible, or at most on a few key issues.” Id. at 751-752, 103  
9 S. Ct. at 3313. In particular, a “brief that raises every colorable issue runs the risk of burying  
10 good arguments . . . in a verbal mound made up of strong and weak contentions.” Id. at 753,  
11 103 S. Ct. at 3313. The Court also held that, “for judges to second-guess reasonable  
12 professional judgments and impose on appointed counsel a duty to raise every 'colorable' claim  
13 suggested by a client would disserve the very goal of vigorous and effective advocacy.” Id. at  
14 754, 103 S. Ct. at 3314. The Nevada Supreme Court has similarly concluded that appellate  
15 counsel may well be more effective by not raising every conceivable issue on appeal. Ford v.  
16 State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989).

17 Before the Court is Petitioner's second post-conviction petition for writ of habeas  
18 corpus. The Court previously found good cause and prejudice to allow this petition to proceed  
19 solely as to alleged ineffective assistance of Mr. Colucci from when he came on as Petitioner's  
20 counsel after trial and up until the filing by Colucci of the first post-conviction petition. The  
21 Court notes that unfortunately Mr. Colucci passed away during the pendency of this petition.  
22 As background, the first petition raised five arguments that were dismissed by the Court  
23 because they were issues that could have been raised on direct appeal and were thus not a  
24 proper basis for post-conviction habeas relief. Petitioner now raises those issues as alleged  
25 ineffective assistance of Colucci in not raising these five matters on the direct appeal.

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1 **I. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE DISTRICT**  
2 **COURT DID NOT ERRONEOUSLY DISQUALIFY DANIEL J. ALBREGTS AS**  
3 **COUNSEL.**

4 The first is the trial court's disqualification of attorney Dan Albregts as counsel for  
5 Petitioner. While it is true that a court's improper deprivation of a defendant's counsel of choice  
6 is structural error, the record in this case shows that is not what occurred here. Albregts had  
7 advised Petitioner regarding a real estate transaction in California during the pendency of this  
8 murder case. The State asserted that this transaction involved fraud and expressed an intention  
9 to raise the issue at trial, later clarifying that they would not be calling Albregts as a witness  
10 but that they would likely raise this issue in a penalty phase if Petitioner was convicted of first  
11 degree murder. Albregts brought in co-counsel Mr. Bloom from California to work on the case  
12 as well, and sought to continue the trial because Albregts believed he would likely need to be  
13 a witness at trial to respond to the State's position on the real estate transaction. The State  
14 argued that Albregts could not be both a witness and trial counsel. The trial court held that  
15 Albregts could continue to be counsel for Centofanti but would not be able to be counsel at  
16 trial because he was likely to be a witness. In the end, the parties waived a penalty hearing to  
17 have the judge sentence Petitioner. Thus, Albregts was never called as a witness. However,  
18 the issue of the real estate transaction was argued by the parties at the sentencing hearing, and  
19 there was reference by Colucci in his arguments to the affidavit from Albregts which had been  
20 submitted on this subject. Pursuant to DiMartino v. Dist. Ct., 119 Nev. 119 (2003), the trial  
21 court handled this matter appropriately. Accordingly, Petitioner has not demonstrated that  
22 Colucci was ineffective for failure to raise this issue on appeal as it likely would have failed.  
23 Additionally, prejudice has not been shown as the raising of this issue would not have resulted  
24 in a different outcome on the appeal. The Court notes that on appeal from this Court's denial  
25 of the first post-conviction petition, the Nevada Supreme Court affirmed this Court's ruling  
26 that it was not ineffective for trial counsel to fail to seek writ relief regarding the  
disqualification issue. There is no need to expand the record on this issue.

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1 **II. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE COURT**  
2 **PROPERLY CANVASSED DEFENDANT REGARDING HIS ELECTION TO**  
3 **PROCEED ON A SELF-DEFENSE THEORY.**

4 The next issue is the failure to raise on appeal the canvass of Petitioner pre-trial  
5 regarding his understanding that counsel would be presenting self-defense at trial, which  
6 would at least tacitly acknowledge that Petitioner was the shooter. On the appeal from this  
7 Court's denial of the first post-conviction petition where this issue was raised as to ineffective  
8 assistance of trial counsel, the Nevada Supreme Court found that there was never any question  
9 whether Petitioner was the shooter and even if the canvass was not proper, it was outside the  
10 presence of the jury and did not lock in the defense theory at trial or foreclose a mens rea  
11 defense. These findings apply equally to Colucci's failure to raise this issue on appeal. It was  
12 not ineffective nor prejudicial, as it was not an argument likely to succeed on the appeal. There  
13 is no need to expand the record on this issue.

14 **III. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS DEFENDANT WAS**  
15 **NOT ENTITLED TO RECONSIDERATION OF HIS MOTION FOR NEW**  
16 **TRIAL AS THERE WAS NO PREJUDICIAL PROSECUTORIAL**  
17 **MISCONDUCT.**

18 The next issue relates to alleged juror misconduct and the related issue of alleged  
19 prosecutorial misconduct, which Petitioner argues should have been raised on appeal. In fact,  
20 the juror misconduct and prosecutorial misconduct issues were raised by Colucci in the motion  
21 for new trial briefing as well as the appeal briefing, and were referenced during the oral  
22 argument before the Nevada Supreme Court on the direct appeal. Indeed, they are all discussed  
23 and rejected in the Nevada Supreme Court's Order of Affirmance filed December 27, 2006.  
24 This Court finds that Colucci raised these issues appropriately once he came on to the case.  
25 He did not substitute in as counsel until after the deadline for filing a motion for new trial had  
26 passed, so he cannot be blamed for the untimeliness. Additionally, he successfully convinced  
27 the Supreme Court that these issues should be addressed on the merits, as they did so,  
28 ultimately concluding that the required prejudice had not been shown. Given the  
overwhelming evidence of guilt in this case, it is not clear what else Colucci could or should  
have done to show prejudice. Contrary to Petitioner's assertions, Colucci noted in his appeal

1 briefs that the motion for new trial had been denied without holding an evidentiary hearing,  
2 but the Nevada Supreme Court nevertheless found prejudice lacking rather than remanding to  
3 hold an evidentiary hearing. More telling, to this day, there is still no evidence before this  
4 Court which would show prejudice from the alleged misconduct, and thus a failure to meet the  
5 prejudice prong under Strickland because this Court cannot find that there would be a basis  
6 for the trial court or Nevada Supreme Court to have reached a different outcome. Petitioner  
7 seeks to have an evidentiary hearing on this Petition to address this matter, but an evidentiary  
8 hearing is only warranted if there are specific factual allegations which, if true, would entitle  
9 him to relief. Although this matter has been thoroughly briefed and argued through counsel,  
10 and later by Petitioner pro per and with the assistance of an investigator, this showing has not  
11 been made. Thus, this ground must be rejected. **Appellate Counsel Was Not Ineffective as**  
12 **the District Court's Jury Instructions on Reasonable Doubt and Premeditation Were**  
13 **Proper.**

14 The next issue relates to alleged errors in the jury instructions given at trial. However,  
15 after review of the jury instructions, this Court does not find that there was any valid argument  
16 to raise on appeal in this regard and thus, neither ineffective assistance nor prejudice have been  
17 established. There is no need to expand the record on this issue.

18 **V. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE STATE DID NOT**  
19 **IMPERMISSIBLY SHIFT THE BURDEN OF PROOF DURING CLOSING**  
20 **ARGUMENT.**

21 The next issue is whether alleged burden shifting by the State in its closing argument  
22 should have been raised on appeal. However, this Court is not persuaded that the decision to  
23 focus on other arguments on the appeal rather than this one was ineffective, nor has prejudice  
24 been shown in that this likely would not have succeeded on appeal given the overwhelming  
evidence against Petitioner. There is no need to expand the record on this issue.

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1 **VI. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE DISTRICT**  
2 **COURT DID NOT VIOLATE ANY OF DEFENDANT'S RIGHTS BY NOT**  
3 **ENTERTAINING ANY GUILTY PLEAS ONCE THE JURY WAS**  
4 **IMPANELED.**

5 This Petition also raised the issue of the trial judge's expressed refusal to consider any  
6 plea negotiations, other than a straight plea to the charges, once the jury was impaneled. This  
7 issue itself is beyond the scope of this Petition, but this Court will consider the argument to  
8 the extent it asserts ineffective assistance of Colucci in not raising this argument on appeal.  
9 Whether or not the judge's policy was proper, this issue would not likely have been successful  
10 on appeal as there is no showing that any offer was contemplated or any negotiation might  
11 have been reached if not for the judge announcing this policy. Thus, prejudice has not been  
12 shown, nor was Colucci ineffective for failing to raise this issue on the appeal. There is no  
13 need to expand the record on this issue.

14 **VII. APPELLATE COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO RAISE**  
15 **CHALLENGES TO THE ADMISSIBILITY OF TESTIMONY.**

16 Petitioner also argues that Colucci should have raised challenges to the admissibility of  
17 the testimony of the ten-year-old son of the victim. However, he has failed to demonstrate that  
18 a valid legal challenge to the testimony could have been raised on appeal or that it would have  
19 likely been successful, particularly since the Nevada Supreme Court already affirmed this  
20 Court's denial of the alleged ineffective assistance of trial counsel on the same issue. There is  
21 no showing that the testimony would have been ruled incompetent or otherwise precluded if it  
22 had been raised. There is no need to expand the record on this issue.

23 **VIII. APPELLATE COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO**  
24 **ARGUE CUMULATIVE PROSECUTORIAL MISCONDUCT.**

25 Petitioner asserts Colucci should have argued cumulative prosecutorial misconduct on  
26 appeal. He did argue prosecutorial misconduct in his briefs and his argument before the  
27 Nevada Supreme Court. The failure to explicitly refer to it as cumulative would not likely have  
28 made a difference in the outcome of the appeal, and thus fails to satisfy the Strickland standard  
for prejudice. Moreover, the Court does not find Colucci ineffective for failure to make this

1 argument. There is no need to expand the record on this issue.

2 **IX. PETITIONER'S OTHER CLAIMS ARE MERITLESS AND FAIL TO**  
3 **DEMONSTRATE INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL.**

4 With regard to Colucci's alleged ineffectiveness regarding the motion for new trial, as  
5 discussed above regarding the appeal, he was not ineffective by filing an untimely motion for  
6 new trial as he was not counsel until after that deadline had passed. He did employ an  
7 investigator, who gathered information about the jurors which was presented in the briefing  
8 and oral argument regarding the motion. Prosecutorial misconduct was also alleged. There was  
9 discussion at the hearing about the possible need for an evidentiary hearing on the motion, but  
10 Judge Mosley ruled that the motion was untimely as a matter of law, over Colucci's objection.  
11 While Colucci did not present evidence which established prejudice from the juror misconduct,  
12 it is not clear what else he should have done or whether it would have made a difference. As  
13 there is still no showing of any prejudice from the alleged juror issues, the Court finds the  
14 Strickland standard has not been met on either ineffectiveness or prejudice. There is also no  
15 need for an evidentiary hearing on this claim as there are not specific factual allegations which,  
16 if true, would entitle Petitioner to relief. There is no need to expand the record on this issue.

17 Regarding the claim that Colucci was ineffective at sentencing, the Court finds it  
18 meritless as Colucci submitted a lengthy sentencing memorandum and made appropriate  
19 arguments at sentencing for why Petitioner should have a possibility of parole. The sentencing  
20 judge explained his reasons for imposing two consecutive sentences of life without possibility  
21 of parole, none of which were things that Colucci had control over. The Court does not find  
22 Colucci ineffective or that any prejudice has been shown. There is no need to expand the record  
23 on this issue.

24 Given the above findings, there is no basis for cumulative error relief, particularly given  
25 the overwhelming evidence of guilt in this case, even if cumulative error analysis applies in  
26 this context.

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1 Finally, Petitioner's request to do additional discovery about plea offers that might have  
2 been made is beyond the scope of this Petition which is limited to Colucci's part of the case,  
3 and which was only post-trial. Moreover, there are no facts presented which would warrant  
4 relief on this claim. Accordingly, Petitioner has not demonstrated ineffectiveness or prejudice  
5 as required by Strickland, nor is an evidentiary hearing warranted on this record.

6 For all of these reasons, this Court denies the instant second post-conviction Petition  
7 for Writ of Habeas Corpus and denies the request for an evidentiary hearing.

8 **ORDER**

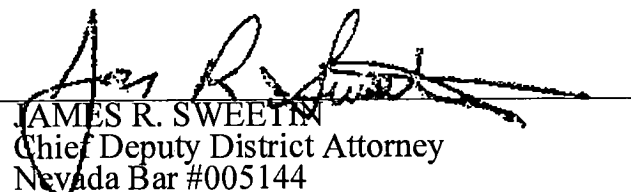
9 THEREFORE, **IT IS HEREBY ORDERED** that the Petition for Writ of Habeas  
10 Corpus shall be, and is, denied.

11 DATED this 22 day of January, 2019.

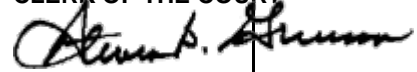
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DISTRICT JUDGE 

14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
Nevada Bar #001565

16 BY

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JAMES R. SWEETIN  
18 Chief Deputy District Attorney  
Nevada Bar #005144

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NEO

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

ALFRED P. CENTOFANTI III,

Petitioner,

vs.

THE STATE OF NEVADA,

Respondent,

Case No: 01C172534

Dept No: VI

**NOTICE OF ENTRY OF FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER**

**PLEASE TAKE NOTICE** that on January 23, 2019, the court entered a decision or order in this matter, a true and correct copy of which is attached to this notice.

You may appeal to the Supreme Court from the decision or order of this court. If you wish to appeal, you must file a notice of appeal with the clerk of this court within thirty-three (33) days after the date this notice is mailed to you. This notice was mailed on January 29, 2019.

STEVEN D. GRIERSON, CLERK OF THE COURT

/s/ Amber Lasby

Amber Lasby, Deputy Clerk

**CERTIFICATE OF E-SERVICE / MAILING**

I hereby certify that on this 29 day of January 2019, I served a copy of this Notice of Entry on the following:

☒ By e-mail:

Clark County District Attorney's Office  
Attorney General's Office – Appellate Division-

☒ The United States mail addressed as follows:

Alfred Centofanti # 85237  
P.O. Box 650  
Indian Springs, NV 89070

/s/ Amber Lasby

Amber Lasby, Deputy Clerk

**ORIGINAL**

Electronically Filed  
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Steven D. Grierson  
CLERK OF THE COURT

*Steven D. Grierson*

**FCL**  
**STEVEN B. WOLFSON**  
Clark County District Attorney  
Nevada Bar #001565  
**JAMES R. SWEETIN**  
Chief Deputy District Attorney  
Nevada Bar #005144  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

-VS-

**ALFRED CENTOFANTI,**  
**#1730535**

Defendant.

CASE NO: **01C172534**

DEPT NO: **VI**

**FINDINGS OF FACT, CONCLUSIONS OF**

**LAW AND ORDER**

DATE OF HEARING: **DECEMBER 26, 2018**  
TIME OF HEARING: **CHAMBERS**

THIS CAUSE having presented before the Honorable ELISSA F. CADISH, District Judge, on the 26th day of December, 2018; parties not present having submitted briefs; and having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, the Court makes the following Findings of Fact and Conclusions of

Law:

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The parties agreed to waive a jury penalty hearing, and on March 4, 2005, the district court sentenced Defendant to two consecutive life terms in prison without the possibility of parole. The Judgment of Conviction was filed on March 11, 2005. The Nevada Supreme Court affirmed the conviction on December 27, 2006, and issued Remittitur on March 27, 2007. In rejecting Defendant's various claims, the Supreme Court described the evidence against Defendant as "voluminous." See Order of Affirmance, Docket No. 44984 (December 27, 2006, p.5).

The next day on May 10, 2011, Carmine Colucci filed a Motion to Withdraw as Counsel for Defendant. On May 19, 2011, Defendant filed a Motion for Reconsideration, Withdrawal, and Appointment of Alternative Counsel, Stay of Proceedings, and Other Relief. Although the



1 Motion was filed under Colucci's cover on May 19, 2011, as Colucci had not yet been  
2 permitted to withdraw as counsel, Defendant prepared the Motion in proper person and signed  
3 and dated the Motion on May 12, 2011.

4 Defendant's Motion for Reconsideration alleged that Colucci was conflicted when he  
5 represented Defendant during the post-conviction habeas proceedings because Colucci had  
6 also represented Defendant on direct appeal. As such, on June 1, 2011, the district court  
7 ordered the Motion off calendar, and appointed Rochelle Nguyen to review the alleged conflict  
8 issues, instructing Nguyen to re-calendar the matter if she deemed appropriate. On June 6,  
9 2011, the district court filed a Notice of Entry of Decision and Order regarding the May 9,  
10 2011, denial of Defendant's habeas Petition thereby beginning the 30-day period in which  
11 Defendant could file an appeal from the Order denying the Petition. Four days later on June  
12 10, 2011, Defendant filed a pro per Notice of Appeal from the denial of his Petition. On July  
13 11, 2011, pursuant to limited remand from the Nevada Supreme Court, the district court  
14 appointed Nguyen as Defendant's appellate counsel. Upon confirming as counsel, Nguyen  
15 advised that she may seek remand to the district court to file a Motion for Reconsideration.

16 On July 26, 2011, in the Nevada Supreme Court, Defendant filed a Motion to Remand  
17 in which he claimed that the filing of his Notice of Appeal had divested the district court of  
18 jurisdiction and thus sought remand for the district court to address his allegations of conflict  
19 related to Colucci's representation. The State filed an Opposition on August 2, 2011, arguing  
20 that Colucci and Defendant both indicated at the July 30, 2010, evidentiary hearing that  
21 Defendant had waived the alleged conflict, and thus remand was not warranted. On November  
22 18, 2011, the Nevada Supreme Court denied Defendant's Motion to Remand.

23 On June 3, 2013, the Nevada Supreme Court filed an Order of Affirmance in which the  
24 Court affirmed the denial of Defendant's Post-Conviction Petition and specifically declined to  
25 address Defendant's claims regarding Colucci's alleged conflict as it was not decided below.  
26 Defendant then filed a Petition for Rehearing on July 12, 2013, requesting that the Supreme  
27 Court reconsider addressing his conflict allegation. The Nevada Supreme Court denied  
28 rehearing on September 25, 2013. Defendant then filed a Petition for En Banc Reconsideration

1 on October 4, 2013, yet again requesting the Supreme Court entertain his conflict claim. The  
2 Nevada Supreme Court denied en banc reconsideration on November 6, 2013, and issued  
3 Remittitur on December 2, 2013.

4 While his appeal was pending, Defendant filed his second Post-Conviction Petition for  
5 Writ of Habeas Corpus on April 24, 2012, in proper person, and Supplemental Memoranda<sup>1</sup>  
6 on May 22, 2012, and June 1, 2012. On September 26, 2012, the State filed a Response and  
7 Motion to Dismiss Defendant's Petition on procedural grounds. On January 16, 2013, the  
8 district court appointed Karen A. Connolly, Esq. to represent Defendant.

9 On January 3, 2014, through counsel, Defendant filed a Supplement to his Petition for  
10 Writ of Habeas Corpus. The State filed its Response and Motion to Dismiss on March 12,  
11 2014. Defendant filed a Reply on April 21, 2014. On June 11, 2014, the district court set the  
12 matter for Evidentiary Hearing, noting it wanted to hear testimony from Mr. Colucci and  
13 Defendant. On November 14, 2014, Defendant filed an Additional Supplemental Authorities  
14 to his Petition for Writ of Habeas Corpus.

15 The Evidentiary Hearing was held on November 20, 2014 and focused solely on the  
16 issue of the alleged conflict. Both Mr. Colucci and Defendant were sworn and testified. The  
17 district court found that there was not a sufficient explanation of the risks and benefits of the  
18 conflict waiver, and did not believe that there was a valid constitutional waiver of the conflict  
19 that would keep defense counsel from raising any claims in regards to his own ineffectiveness,  
20 or analyzing if any claim can be raised in regards to his own ineffectiveness. The district court  
21 allowed counsel to brief the issue, specifically whether it constituted good cause to overcome  
22 the procedural bar to Defendant's Petition.

23 On February 18, 2015, Defendant filed a Supplemental Brief, and an addendum to his  
24 Supplemental Brief on May 12, 2015. The State did not file a written response. On May 27,  
25 2015, the district court noted it previously found there was a conflict of interest with Mr.  
26 Colucci regarding Defendant's first habeas petition, and additional briefing was set to address  
27 if that was good cause to proceed on the instant time-barred petition. The State represented

28 <sup>1</sup> The Supplemental Memoranda do not contain claims different from those raised in the April 24, 2012 Petition.

1 that Defendant's brief did not make it to the appellate division in time to file a written response,  
2 but made an argument that Defendant had failed to demonstrate good cause to overcome the  
3 procedural bars. The district court found that the conflict presented established good cause and  
4 prejudice to the extent that it prevented any argument from being raised in regards to the  
5 ineffective assistance of Mr. Colucci during the representation of Defendant in post-trial and  
6 appellate matters. The district court found that the procedural bar had been overcome to that  
7 limited extent regarding ineffective assistance of Mr. Colucci during his post-trial and pre-  
8 habeas representation; but no new argument would be allowed about the ineffectiveness of  
9 trial counsel. A Findings of Fact, Conclusions of Law, and Order was filed on July 29, 2015.

10 On March 22, 2016, Defendant, through counsel, filed a Second Supplement to  
11 Successive Petition for Writ of Habeas Corpus. The State responded on May 19, 2016. The  
12 Court then set a briefing schedule; during the intervening period Defendant filed various  
13 motions which pushed back the briefing schedule. On January 8, 2017, Defendant dismissed  
14 counsel and proceeded in proper person.

15 On May 1, 2017, Defendant filed the instant Petitioner's In Propria Persona Brief in  
16 Support of His Request for an Evidentiary Hearing. However, the District Attorney's  
17 Appellate Unit was not served; Defendant's Certificate of Service indicates he sent the instant  
18 Supplement to District Attorney Steve Wolfson's personal work e-mail, rather than the  
19 appropriate motion/petition intake email. On July 10, 2017, Defendant filed a Motion to Strike.  
20 The State's responded to both pleadings on August 24, 2017.

21 On May 24, 2018, Defendant filed a Supplemental Brief. This Court entered a minute  
22 order denying Defendant's claims on December 26, 2018.

### 23 ANALYSIS

24 Claims of ineffective assistance of counsel are analyzed under the two-pronged test  
25 articulated in Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 2064 (1984),  
26 wherein the defendant must show: (1) that counsel's performance was deficient, and (2) that  
27 the deficient performance prejudiced the defense. "A court may consider the two test elements  
28 in any order and need not consider both prongs if the defendant makes an insufficient showing

1 on either one.” Kirksey v. State, 112 Nev. 980, 987, 923 P.2d 1102, 1107 (1997); Molina v.  
2 State, 120 Nev. 185, 190, 87 P.3d 533, 537 (2004).

3 “Surmounting Strickland’s high bar is never an easy task.” Padilla v. Kentucky, 559  
4 U.S. 356, 371, 130 S. Ct. 1473, 1485 (2010). The question is whether an attorney’s  
5 representations amounted to incompetence under prevailing professional norms, “not whether  
6 it deviated from best practices or most common custom.” Harrington v. Richter, 562 U.S. 86,  
7 88, 131 S. Ct. 770, 778 (2011). Further, “[e]ffective counsel does not mean errorless counsel,  
8 but rather counsel whose assistance is ‘[w]ithin the range of competence demanded of  
9 attorneys in criminal cases.’” Jackson v. Warden, Nevada State Prison, 91 Nev. 430, 432, 537  
10 P.2d 473, 474 (1975) (quoting McMann v. Richardson, 397 U.S. 759, 771, 90 S. Ct. 1441,  
11 1449 (1970)).

12 The court begins with a presumption of effectiveness and then must determine whether  
13 the defendant has demonstrated by a preponderance of the evidence that counsel was  
14 ineffective. Means v. State, 120 Nev. 1001, 1011-1012, 103 P.3d 25, 32-33 (2004). The role  
15 of a court in considering alleged ineffective assistance of counsel is “not to pass upon the  
16 merits of the action not taken but to determine whether, under the particular facts and  
17 circumstances of the case, trial counsel failed to render reasonably effective assistance.”  
18 Donovan v. State, 94 Nev. 671, 675, 584 P.2d 708, 711 (1978) (citing Cooper v. Fitzharris,  
19 551 F.2d 1162, 1166 (9th Cir. 1977)).

20 This analysis does not indicate that the court should “second guess reasoned choices  
21 between trial tactics, nor does it mean that defense counsel, to protect himself against  
22 allegations of inadequacy, must make every conceivable motion no matter how remote the  
23 possibilities are of success.” Donovan, 94 Nev. at 675, 584 P.2d at 711 (citing Cooper, 551  
24 F.2d at 1166 (9th Cir. 1977)). In essence, the court must “judge the reasonableness of  
25 counsel’s challenged conduct on the facts of the particular case, viewed as of the time of  
26 counsel’s conduct.” Strickland, 466 U.S. at 690, 104 S. Ct. at 2066. However, counsel cannot  
27 be deemed ineffective for failing to make futile objections, file futile motions, or for failing to  
28 make futile arguments. Ennis v. State, 122 Nev. 694, 706, 137 P.3d 1095, 1103 (2006).

1 In order to meet the second “prejudice” prong of the test, the defendant must show a  
2 reasonable probability that, but for counsel’s errors, the result of the trial would have been  
3 different. McNelton v. State, 115 Nev. 396, 403, 990 P.2d 1263, 1268 (1999). “A reasonable  
4 probability is a probability sufficient to undermine confidence in the outcome.” Strickland,  
5 466 U.S. at 694, 104 S. Ct. at 2068.

6 Importantly, when raising a Strickland claim, the defendant bears the burden to  
7 demonstrate the underlying facts by a preponderance of the evidence. Means v. State, 120  
8 Nev. 1001, 1012, 103 P.3d 25, 33 (2004). “Bare” or “naked” allegations are not sufficient to  
9 show ineffectiveness of counsel; claims asserted in a petition for post-conviction relief must  
10 be supported with specific factual allegations which if true would entitle petitioner to relief.  
11 Hargrove v. State, 100 Nev. 498, 502, 686 P.2d 222, 225 (1984).

12 Furthermore, appellate counsel is not required to raise every issue that Defendant felt  
13 was pertinent to the case. The United States Supreme Court has held that there is a  
14 constitutional right to effective assistance of counsel in a direct appeal from a judgment of  
15 conviction. Evitts v. Lucey, 469 U.S. 387, 396-97, 105 S. Ct. 830, 835-37 (1985); see also  
16 Burke v. State, 110 Nev. 1366, 1368, 887 P.2d 267, 268 (1994). The federal courts have held  
17 that in order to claim ineffective assistance of appellate counsel, the defendant must satisfy the  
18 two-prong test of deficient performance and prejudice set forth by Strickland. Williams v.  
19 Collins, 16 F.3d 626, 635 (5th Cir. 1994); Hollenback v. United States, 987 F.2d 1272, 1275  
20 (7th Cir. 1993); Heath v. Jones, 941 F.2d 1126, 1130 (11th Cir. 1991).

21 There is a strong presumption that counsel’s performance was reasonable and fell  
22 within “the wide range of reasonable professional assistance.” See United States v. Aguirre,  
23 912 F.2d 555, 560 (2nd Cir. 1990). The Supreme Court has held that all appeals must be  
24 “pursued in a manner meeting high standards of diligence, professionalism and competence.”  
25 Burke, 110 Nev. at 1368, 887 P.2d at 268. Finally, in order to prove that appellate counsel’s  
26 alleged error was prejudicial, a defendant must show that the omitted issue would have had a  
27 reasonable probability of success on appeal. Duhamel v. Collins, 955 F.2d 962, 967 (5th Cir.  
28 1992); Heath, 941 F.2d at 1132; Lara v. State, 120 Nev. 177, 184, 87 P.3d 528, 532 (2004);

1 Kirksey, 112 Nev. at 498, 923 P.2d at 1114.

2 The defendant has the ultimate authority to make fundamental decisions regarding his  
3 case. Jones v. Barnes, 463 U.S. 745, 751, 103 S. Ct. 3308, 3312 (1983). However, the  
4 defendant does not have a constitutional right to “compel appointed counsel to press non-  
5 frivolous points requested by the client, if counsel, as a matter of professional judgment,  
6 decides not to present those points.” Id. In reaching this conclusion, the United States Supreme  
7 Court has recognized the “importance of winnowing out weaker arguments on appeal and  
8 focusing on one central issue if possible, or at most on a few key issues.” Id. at 751-752, 103  
9 S. Ct. at 3313. In particular, a “brief that raises every colorable issue runs the risk of burying  
10 good arguments . . . in a verbal mound made up of strong and weak contentions.” Id. at 753,  
11 103 S. Ct. at 3313. The Court also held that, “for judges to second-guess reasonable  
12 professional judgments and impose on appointed counsel a duty to raise every 'colorable' claim  
13 suggested by a client would disserve the very goal of vigorous and effective advocacy.” Id. at  
14 754, 103 S. Ct. at 3314. The Nevada Supreme Court has similarly concluded that appellate  
15 counsel may well be more effective by not raising every conceivable issue on appeal. Ford v.  
16 State, 105 Nev. 850, 853, 784 P.2d 951, 953 (1989).

17 Before the Court is Petitioner's second post-conviction petition for writ of habeas  
18 corpus. The Court previously found good cause and prejudice to allow this petition to proceed  
19 solely as to alleged ineffective assistance of Mr. Colucci from when he came on as Petitioner's  
20 counsel after trial and up until the filing by Colucci of the first post-conviction petition. The  
21 Court notes that unfortunately Mr. Colucci passed away during the pendency of this petition.  
22 As background, the first petition raised five arguments that were dismissed by the Court  
23 because they were issues that could have been raised on direct appeal and were thus not a  
24 proper basis for post-conviction habeas relief. Petitioner now raises those issues as alleged  
25 ineffective assistance of Colucci in not raising these five matters on the direct appeal.

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1 **I. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE DISTRICT**  
2 **COURT DID NOT ERRONEOUSLY DISQUALIFY DANIEL J. ALBREGTS AS**  
3 **COUNSEL.**

4 The first is the trial court's disqualification of attorney Dan Albregts as counsel for  
5 Petitioner. While it is true that a court's improper deprivation of a defendant's counsel of choice  
6 is structural error, the record in this case shows that is not what occurred here. Albregts had  
7 advised Petitioner regarding a real estate transaction in California during the pendency of this  
8 murder case. The State asserted that this transaction involved fraud and expressed an intention  
9 to raise the issue at trial, later clarifying that they would not be calling Albregts as a witness  
10 but that they would likely raise this issue in a penalty phase if Petitioner was convicted of first  
11 degree murder. Albregts brought in co-counsel Mr. Bloom from California to work on the case  
12 as well, and sought to continue the trial because Albregts believed he would likely need to be  
13 a witness at trial to respond to the State's position on the real estate transaction. The State  
14 argued that Albregts could not be both a witness and trial counsel. The trial court held that  
15 Albregts could continue to be counsel for Centofanti but would not be able to be counsel at  
16 trial because he was likely to be a witness. In the end, the parties waived a penalty hearing to  
17 have the judge sentence Petitioner. Thus, Albregts was never called as a witness. However,  
18 the issue of the real estate transaction was argued by the parties at the sentencing hearing, and  
19 there was reference by Colucci in his arguments to the affidavit from Albregts which had been  
20 submitted on this subject. Pursuant to DiMartino v. Dist. Ct., 119 Nev. 119 (2003), the trial  
21 court handled this matter appropriately. Accordingly, Petitioner has not demonstrated that  
22 Colucci was ineffective for failure to raise this issue on appeal as it likely would have failed.  
23 Additionally, prejudice has not been shown as the raising of this issue would not have resulted  
24 in a different outcome on the appeal. The Court notes that on appeal from this Court's denial  
25 of the first post-conviction petition, the Nevada Supreme Court affirmed this Court's ruling  
26 that it was not ineffective for trial counsel to fail to seek writ relief regarding the  
disqualification issue. There is no need to expand the record on this issue.

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1 **II. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE COURT**  
2 **PROPERLY CANVASSED DEFENDANT REGARDING HIS ELECTION TO**  
3 **PROCEED ON A SELF-DEFENSE THEORY.**

4 The next issue is the failure to raise on appeal the canvass of Petitioner pre-trial  
5 regarding his understanding that counsel would be presenting self-defense at trial, which  
6 would at least tacitly acknowledge that Petitioner was the shooter. On the appeal from this  
7 Court's denial of the first post-conviction petition where this issue was raised as to ineffective  
8 assistance of trial counsel, the Nevada Supreme Court found that there was never any question  
9 whether Petitioner was the shooter and even if the canvass was not proper, it was outside the  
10 presence of the jury and did not lock in the defense theory at trial or foreclose a mens rea  
11 defense. These findings apply equally to Colucci's failure to raise this issue on appeal. It was  
12 not ineffective nor prejudicial, as it was not an argument likely to succeed on the appeal. There  
13 is no need to expand the record on this issue.

14 **III. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS DEFENDANT WAS**  
15 **NOT ENTITLED TO RECONSIDERATION OF HIS MOTION FOR NEW**  
16 **TRIAL AS THERE WAS NO PREJUDICIAL PROSECUTORIAL**  
17 **MISCONDUCT.**

18 The next issue relates to alleged juror misconduct and the related issue of alleged  
19 prosecutorial misconduct, which Petitioner argues should have been raised on appeal. In fact,  
20 the juror misconduct and prosecutorial misconduct issues were raised by Colucci in the motion  
21 for new trial briefing as well as the appeal briefing, and were referenced during the oral  
22 argument before the Nevada Supreme Court on the direct appeal. Indeed, they are all discussed  
23 and rejected in the Nevada Supreme Court's Order of Affirmance filed December 27, 2006.  
24 This Court finds that Colucci raised these issues appropriately once he came on to the case.  
25 He did not substitute in as counsel until after the deadline for filing a motion for new trial had  
26 passed, so he cannot be blamed for the untimeliness. Additionally, he successfully convinced  
27 the Supreme Court that these issues should be addressed on the merits, as they did so,  
28 ultimately concluding that the required prejudice had not been shown. Given the  
overwhelming evidence of guilt in this case, it is not clear what else Colucci could or should  
have done to show prejudice. Contrary to Petitioner's assertions, Colucci noted in his appeal



1 briefs that the motion for new trial had been denied without holding an evidentiary hearing,  
2 but the Nevada Supreme Court nevertheless found prejudice lacking rather than remanding to  
3 hold an evidentiary hearing. More telling, to this day, there is still no evidence before this  
4 Court which would show prejudice from the alleged misconduct, and thus a failure to meet the  
5 prejudice prong under Strickland because this Court cannot find that there would be a basis  
6 for the trial court or Nevada Supreme Court to have reached a different outcome. Petitioner  
7 seeks to have an evidentiary hearing on this Petition to address this matter, but an evidentiary  
8 hearing is only warranted if there are specific factual allegations which, if true, would entitle  
9 him to relief. Although this matter has been thoroughly briefed and argued through counsel,  
10 and later by Petitioner pro per and with the assistance of an investigator, this showing has not  
11 been made. Thus, this ground must be rejected. **Appellate Counsel Was Not Ineffective as**  
12 **the District Court's Jury Instructions on Reasonable Doubt and Premeditation Were**  
13 **Proper.**

14 The next issue relates to alleged errors in the jury instructions given at trial. However,  
15 after review of the jury instructions, this Court does not find that there was any valid argument  
16 to raise on appeal in this regard and thus, neither ineffective assistance nor prejudice have been  
17 established. There is no need to expand the record on this issue.

18 **V. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE STATE DID NOT**  
19 **IMPERMISSIBLY SHIFT THE BURDEN OF PROOF DURING CLOSING**  
20 **ARGUMENT.**

21 The next issue is whether alleged burden shifting by the State in its closing argument  
22 should have been raised on appeal. However, this Court is not persuaded that the decision to  
23 focus on other arguments on the appeal rather than this one was ineffective, nor has prejudice  
24 been shown in that this likely would not have succeeded on appeal given the overwhelming  
evidence against Petitioner. There is no need to expand the record on this issue.

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1 **VI. APPELLATE COUNSEL WAS NOT INEFFECTIVE AS THE DISTRICT**  
2 **COURT DID NOT VIOLATE ANY OF DEFENDANT'S RIGHTS BY NOT**  
3 **ENTERTAINING ANY GUILTY PLEAS ONCE THE JURY WAS**  
4 **IMPANELED.**

5 This Petition also raised the issue of the trial judge's expressed refusal to consider any  
6 plea negotiations, other than a straight plea to the charges, once the jury was impaneled. This  
7 issue itself is beyond the scope of this Petition, but this Court will consider the argument to  
8 the extent it asserts ineffective assistance of Colucci in not raising this argument on appeal.  
9 Whether or not the judge's policy was proper, this issue would not likely have been successful  
10 on appeal as there is no showing that any offer was contemplated or any negotiation might  
11 have been reached if not for the judge announcing this policy. Thus, prejudice has not been  
12 shown, nor was Colucci ineffective for failing to raise this issue on the appeal. There is no  
13 need to expand the record on this issue.

14 **VII. APPELLATE COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO RAISE**  
15 **CHALLENGES TO THE ADMISSIBILITY OF TESTIMONY.**

16 Petitioner also argues that Colucci should have raised challenges to the admissibility of  
17 the testimony of the ten-year-old son of the victim. However, he has failed to demonstrate that  
18 a valid legal challenge to the testimony could have been raised on appeal or that it would have  
19 likely been successful, particularly since the Nevada Supreme Court already affirmed this  
20 Court's denial of the alleged ineffective assistance of trial counsel on the same issue. There is  
21 no showing that the testimony would have been ruled incompetent or otherwise precluded if it  
22 had been raised. There is no need to expand the record on this issue.

23 **VIII. APPELLATE COUNSEL WAS NOT INEFFECTIVE FOR FAILING TO**  
24 **ARGUE CUMULATIVE PROSECUTORIAL MISCONDUCT.**

25 Petitioner asserts Colucci should have argued cumulative prosecutorial misconduct on  
26 appeal. He did argue prosecutorial misconduct in his briefs and his argument before the  
27 Nevada Supreme Court. The failure to explicitly refer to it as cumulative would not likely have  
28 made a difference in the outcome of the appeal, and thus fails to satisfy the Strickland standard  
for prejudice. Moreover, the Court does not find Colucci ineffective for failure to make this

1 argument. There is no need to expand the record on this issue.

2 **IX. PETITIONER'S OTHER CLAIMS ARE MERITLESS AND FAIL TO**  
3 **DEMONSTRATE INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL.**

4 With regard to Colucci's alleged ineffectiveness regarding the motion for new trial, as  
5 discussed above regarding the appeal, he was not ineffective by filing an untimely motion for  
6 new trial as he was not counsel until after that deadline had passed. He did employ an  
7 investigator, who gathered information about the jurors which was presented in the briefing  
8 and oral argument regarding the motion. Prosecutorial misconduct was also alleged. There was  
9 discussion at the hearing about the possible need for an evidentiary hearing on the motion, but  
10 Judge Mosley ruled that the motion was untimely as a matter of law, over Colucci's objection.  
11 While Colucci did not present evidence which established prejudice from the juror misconduct,  
12 it is not clear what else he should have done or whether it would have made a difference. As  
13 there is still no showing of any prejudice from the alleged juror issues, the Court finds the  
14 Strickland standard has not been met on either ineffectiveness or prejudice. There is also no  
15 need for an evidentiary hearing on this claim as there are not specific factual allegations which,  
16 if true, would entitle Petitioner to relief. There is no need to expand the record on this issue.

17 Regarding the claim that Colucci was ineffective at sentencing, the Court finds it  
18 meritless as Colucci submitted a lengthy sentencing memorandum and made appropriate  
19 arguments at sentencing for why Petitioner should have a possibility of parole. The sentencing  
20 judge explained his reasons for imposing two consecutive sentences of life without possibility  
21 of parole, none of which were things that Colucci had control over. The Court does not find  
22 Colucci ineffective or that any prejudice has been shown. There is no need to expand the record  
23 on this issue.

24 Given the above findings, there is no basis for cumulative error relief, particularly given  
25 the overwhelming evidence of guilt in this case, even if cumulative error analysis applies in  
26 this context.

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1 Finally, Petitioner's request to do additional discovery about plea offers that might have  
2 been made is beyond the scope of this Petition which is limited to Colucci's part of the case,  
3 and which was only post-trial. Moreover, there are no facts presented which would warrant  
4 relief on this claim. Accordingly, Petitioner has not demonstrated ineffectiveness or prejudice  
5 as required by Strickland, nor is an evidentiary hearing warranted on this record.

6 For all of these reasons, this Court denies the instant second post-conviction Petition  
7 for Writ of Habeas Corpus and denies the request for an evidentiary hearing.

8 **ORDER**

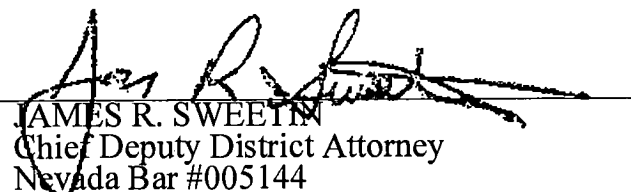
9 THEREFORE, **IT IS HEREBY ORDERED** that the Petition for Writ of Habeas  
10 Corpus shall be, and is, denied.

11 DATED this 22 day of January, 2019.

12  
13   
DISTRICT JUDGE 

14 STEVEN B. WOLFSON  
15 Clark County District Attorney  
Nevada Bar #001565

16 BY

17   
JAMES R. SWEETIN  
18 Chief Deputy District Attorney  
Nevada Bar #005144

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28 hjc/SVU

THE SEALED DOCUMENT(S)  
IN THIS CASE  
WILL FOLLOW VIA  
U.S. MAIL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 10, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

January 10, 2001

11:30 AM

Grand Jury Indictment

**GRAND JURY  
INDICTMENT**

**Court Clerk: TINA  
HURD Relief Clerk:  
GEORGETTE  
BYRD/GB**

**Reporter/Recorder:  
RENEE SILVAGGIO  
Heard By: Mark  
Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Adair, Valerie  
Goettsch, Becky S.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Grand Jury Foreperson Bob Blankenship stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. The State presented Grand Jury Case Number 00BGJ009X to the Court. COURT ORDERED, the indictment may be filed and is assigned Case Number C172534, Department VII. State requested a warrant be issued and bail set in the amount of \$250,000 cash or \$500,000 surety. COURT SO ORDERED. Ms. Goettsch stated Defendant's attorney is Peter Christiansen Jr.; Steve Wolfson is Defendant's former attorney. Exhibits 1 thru 3, 5 thru 8, 11, 17 thru 21 & 23 thru 27 lodged with Clerk of District Court. Exhibits 4, 9, 10, 12 thru 16, & 22 withdrawn. COURT ORDERED, matter set for Initial Arraignment.  
B.W. (CUSTODY)

**01C172534**

1/17/01 9:00 AM INITIAL ARRAIGNMENT (DEPT VII)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 12, 2001**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**January 12, 2001****2:25 PM****Minute Order****MINUTE ORDER  
RE: BAIL SETTING  
Court Clerk: TINA  
HURD Heard By:  
Mark Gibbons****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES  
PRESENT:****JOURNAL ENTRIES**

- Court met with attorneys Christopher Laurent, DDA, and Peter S. Christiansen, ESQ, in chambers to clarify the bail set by Judge Cherry at the time of the Grand Jury Indictment Return. COURT ORDERED, BAIL IS SET AT \$250,000.00 CASH OR SURETY WITH HOUSE ARREST as a condition. Court advised this is WITHOUT PREJUDICE to the State or defense to seek modification by written motion.

CUSTODY



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 17, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

January 17, 2001

9:00 AM

Initial Arraignment

**INITIAL  
ARRAIGNMENT**  
**Court Clerk: TINA  
HURD Relief Clerk:  
GEORGETTE  
BYRD/GB**  
**Reporter/Recorder:  
RENEE SILVAGGIO**  
**Heard By: Mark  
Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Christiansen, Peter S.  
 De La Garza, Melisa

Defendant  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- Mr. Christiansen stated he previously filed his substitution as counsel. DEFENDANT CENTOFANTI ARRAIGNED, PLED NOT GUILTY and WAIVED THE 60-DAY RULE. COURT ORDERED, matter set for trial. Mr. Christiansen stated the defendant will ultimately be released on a bond with house arrest. COURT FURTHER ORDERED, Mr. Christiansen has 21 days after filing of the preliminary hearing transcript to file any writs.

CUSTODY

07/05/01 9:00 AM CALENDAR CALL

07/09/01 1:30 PM TRIAL BY JURY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 03, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

April 03, 2001

9:00 AM

Motion

DEFT'S MTN TO  
EXTEND TIME  
WITHIN WHICH  
TO FILE A WRIT OF  
HABEAS CORPUS  
Court Clerk: TINA  
HURD  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Mark  
Gibbons

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Albregts, Daniel J.  
Goettsch, Becky S.

Attorney  
Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, deft's presence WAIVED for today. Court advised the transcript was filed January 25 according to Mr. Laurent. Mr. Albregts advised he received a file from Mr. Christiansen but he did not receive the transcript and the time for the Writ was extended to March 7, but he did not find out until after. Mr. Albregts advised he requested an extension from Mr. Laurent who refused and he received the transcript a few days after that, however, there were 10-12 pages missing and some pages copied in such a way that he cannot read them. Mr. Albregts advised there are issues he wants to raise and requested two weeks. State advised they have always had a copy of the transcript since January 25; one extension was granted and deft. Centofanti keeps changing counsel. State argued there is no reason to extend time. COURT ORDERED, motion GRANTED for two

weeks considering the magnitude of the charge; Mr. Albregts to obtain a copy of the transcript from Ms. Goettsch; Writ to be filed by April 17.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 03, 2001**

01C172534

The State of Nevada vs Alfred P Centofanti III

**May 03, 2001****9:00 AM****Petition for Writ of Habeas  
Corpus****DEFT'S PETITION  
FOR WRIT OF  
HABEAS  
CORPUS Court  
Clerk: AMBER  
FARLEY/AF Relief  
Clerk: APRIL  
WATKINS  
Reporter/Recorder:  
CINDY  
MAGNUSSEN  
Heard By: Gibbons,  
Mark****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Dragan, Diane  
Goettsch, Becky S.Attorney  
Attorney**JOURNAL ENTRIES**

- Defendant's presence WAIVED for the purposes of this hearing. Ms. Kappenman stated Mr. Albregts is requesting the matter be continued. There being no objection, COURT SO ORDERED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

May 15, 2001

9:00 AM

Petition for Writ of Habeas  
Corpus

**DEFT'S PETITION  
FOR WRIT OF  
HABEAS  
CORPUS Court  
Clerk: TINA  
HURD/th Relief  
Clerk: Keith Reed  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Michael  
Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Centofanti III, Alfred P

Defendant

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- Mr. Albregts requested the trial judge hear the Writ and advised Ms. Goettsch had to leave as she is picking a jury in another case, however, she will return if the Court wants to hear the Writ today. Colloquy. COURT ORDERED, continuance DENIED and the Court will hear argument as soon as Ms. Goettsch is available.

LATER: Matter recalled. Becky Goettsch, DDA, present for the State. Court advised he has discussed this case with Judge Mark Gibbons and has reviewed the case also. Ms. Goettsch advised, if Deft. Centofanti wants evidence of the Battery Domestic Violence in December in the record, they need to put on witnesses and advised her witnesses say something different than Deft. says. Mr. Albregts

advised, if other officers had been called at the Grand Jury hearing, they would have testified to other things that happened that night and that alcohol was found in the victim's vehicle as well as statements regarding other domestic violence incidents. The officer that testified was allowed to testify to inflammatory statements made by the victim at the prior incident. Ms. Goettsch advised the outcome of that incident was that MRS. Centofanti was arrested; the officer also testified that her statements could not be corroborated but they could corroborate that she was hitting Mr. Centofanti and she was arrested. Further arguments by counsel. Court stated his findings and advised there was ample evidence to support the decision and it was NOT an unfair hearing. COURT ORDERED, petition DENIED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 05, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

June 05, 2001

9:00 AM

Motion to Continue

**DEFT'S MOTION  
TO CONTINUE  
TRIAL Court Clerk:  
AMBER FARLEY  
Reporter/Recorder:  
DIANN PROCK  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Centofanti III, Alfred P

Defendant

Laurent, Christopher J.

Attorney

**JOURNAL ENTRIES**

- Court stated the State has no opposition, as this is the Defense's first request, conditioned upon trial being reset within a reasonable amount of time. COURT ORDERED, Motion GRANTED; trial date VACATED. Mr. Albregts requested the Court seal the State's Motion to revoke bail, and his response. COURT ORDERED, STATE'S MOTION and Mr. Albregts RESPONSE SEALED. Matter set for trial setting and status check an evidentiary hearing on the State's motion to revoke bail.  
BOND

6/12/01 9:00 AM TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING ON STATE'S MOTION TO REVOKE BAIL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 14, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

June 14, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 6-14-01  
Court Clerk: TINA  
HURD  
Reporter/Recorder:  
PATSY SMITH  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Centofanti III, Alfred P

Defendant

Goettsch, Becky S.

Attorney

Laurent, Christopher J.

Attorney

**JOURNAL ENTRIES**

- TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE STATE'S MOTION TO REVOKE BAIL

Mr. Albregts requested matter be sealed and advised the divorce decree was sealed by Family Court and he filed his response under seal. Mr. Laurent advised the divorce was sealed the day after the homicide and he does not understand why the defense is concerned about the information. COURT ORDERED, the divorce decree, the motion to revoke bail and Mr. Albregts' response are SEALED; the remainder of the proceedings are not. Court advised he is only sealing the divorce decree because of the Family Court decision and Mr. Laurent may refer to whatever he needs to. Mr. Laurent argued the attorney/client privilege is waived on several issues and would make Mr. Albregts a witness in these proceedings and others because Deft. authorized him to file these pleadings. Mr. Albregts



advised the State has complained all along that he is Deft's third attorney. Arguments by counsel regarding attorney/client privilege. Mr. Laurent argued Deft. Centofanti is a considerable flight risk and he is concerned about the fraud that Deft. has perpetrated on the Court so far. Further arguments. Conference at the bench. Court advised he is inclined to continue this matter to Monday. Mr. Laurent objected and argued the State holds Deft. has perpetrated a fraud on the Court at least twice while out on bail. The day after the murder, Deft. moved ex parte to seal the divorce decree; the house in California is only half his and he posted it as bail and told the bondsman it was his. Deft. then began sales proceedings in April of this year as a joint tenant and signed an affidavit as a widower; Deft. never disclosed information about his ex-wife. Deft. attempted to keep the money immediately after the sale of the property and did not disclose it to the estate and State believes Deft. had the decree sealed so it would not show up on the title search. COURT ORDERED, matter CONTINUED to Monday at 11:00 a.m.; HOUSE ARREST WILL CONTINUE. Mr. Laurent requested the Special Public Defender be present if Mr. Albregts is relieved as counsel. Court advised his office will contact the Special PD to be here. Deft. advised he has been served a subpoena for Family Court for Monday morning and he is trying to get it quashed. Court advised he expects Deft. to be HERE on Monday morning and will advise Family Court.

BOND/H.A.

CONTINUE TO: 6-18-01 11:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

June 18, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 6/18/01  
Court Clerk: AMBER  
FARLEY  
Reporter/Recorder:  
RENEE SILVAGGIO  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Albregts, Daniel J.      | Attorney  |
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Laurent, Christopher J.  | Attorney  |
| PUBDEF                   | Attorney  |

**JOURNAL ENTRIES**

- TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE: STATE'S MOTION TO REVOKE BAIL

Court stated it did some research and concurs with the point of having another attorney present. As such, the Court has requested Mr. Kohn be present today. Mr. Albregts stated that if he cannot continue on as counsel, he doesn't feel he can argue the bond issue. Mr. Albregts argued the State is trying to get over the first hurdle of the attorney-client privilege, and the Defendant has never waived that privilege. Mr. Albregts stated that under the affidavits nothing has been disclosed that would bring up the issue of the attorney-client privilege. Upon Court's inquiry regarding striking the affidavit, Mr. Albregts stated he doesn't think it is necessary. Mr. Albregts argued the 6th

Amendment.

Arguments regarding the sealing of the divorce proceedings after the murder. Mr. Albregts stated that was done by the Defendant's divorce attorneys without them discussing it with the Defendant. Mr. Laurent argued regarding the fraudulent transfer of the property which was held in joint tenancy in common. Mr. Laurent argued the sale of the property in San Diego can be used in either/or the State's case in chief or in the penalty phase. Further colloquy regarding Mr. Albregts knowledge of the transfer of the property into the Defendant's name prior to him doing it and whether that knowledge would necessitate Mr. Albregts' testimony at trial.

COURT ORDERED, Phil Kohn is APPOINTED as co-counsel. Motion to disqualify Mr. Albregts is DISMISSED without prejudice. The hearing on the bond issue will go forward. Court stated the Defense is now aware of some of what Mr. Laurent will be arguing before the Jury, and as such, may make a motion in limine. Court stated that by the appointment of co-counsel, it gives the Defendant of the right of affective assistance of counsel should Mr. Albregts have to disqualify from the case should he have to become a witness. Mr. Laurent argued that once counsel has notice that s/he may be called as a witness, that person would have to withdraw. Mr. Laurent moved to strike the affidavit and exhibits. COURT ORDERED, Motion DENIED, however, the State may object to anything that is hearsay. Court stated it needs to know the net proceeds on the sale of the San Diego property, what the Defendant did with the money from the sale of the property above and beyond the \$40,000 posted for bail. State requested that the source of any other collateral posted with the bail bondsman be disclosed.

COURT ORDERED, matter CONTINUED.

BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 19, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

June 19, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 6/19/01  
Court Clerk: AMBER  
FARLEY  
Reporter/Recorder:  
RENEE SILVAGGIO  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Albregts, Daniel J.      | Attorney  |
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| PUBDEF                   | Attorney  |
| Sweetin, James R.        | Attorney  |

**JOURNAL ENTRIES**

- TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE: STATE'S MOTION TO REVOKE BAIL

Court inquired as to the location of the property in San Diego. Mr. Albregts advised the Court that \$40,000 of the sale proceeds of that property went to the bond company as collateral, and the Defendant paid a 3% transaction fee. Mr. Albregts further stated he has a check drawn from the Defendant's family for payment of his services. Testimony and exhibits per worksheets. Mr. Laurent argued the bond should be revoked. Argument by Mr. Albregts. Court stated the divorce decree specifically states that the San Diego property would be held in joint tenancy in common, and the affidavit of the surviving tenant by the Defendant was improper, and thinks the Defendant knew

better than that. COURT FINDS Mr. Shaner's actions to marshal the funds from the sale of the property were proper. COURT ORDERED, 1/2 of the gross proceeds (which equals \$20,567.47) and 1/2 of the checks that Mr. Albrechts is holding shall be delivered to Mr. Shaner forthwith, who will deposit those funds into his trust account pending further order from District Court to transfer to the Special Administrator. Mr. Albrechts to further provide copies of the checks he is holding to Mr. Shaner. All monies shall be delivered within ONE WEEK. If there is non-compliance, this Court will revoke the Defendant's bail. The Court will allow the State to re-address the amount of the bail next date. MATTER CONTINUED.

Mr. Albrechts stated it is not confirmed that Mr. Kohn will be co-counsel, and he is looking into other co-counsel.

BOND

CONTINUED TO: 6/26/01 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 26, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

June 26, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 6-26-01  
Court Clerk: TINA  
HURD  
Reporter/Recorder:  
Renee Silvaggio  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Centofanti III, Alfred P

Defendant

Goettsch, Becky S.

Attorney

**JOURNAL ENTRIES**

- TRIAL SETTING...STATUS CHECK: EVIDENTIARY HEARING RE STATE'S MOTION TO REVOKE BAIL

Court advised he did receive a letter from Mr. Albregts regarding substitute collateral on the bond. Mr. Albregts stated he believes Deft. has complied and notice was sent to everyone and he has not heard from anybody. State advised she believes everything went through the way the Court ordered. Mr. Albregts advised the only other issue he would like the Court to correct is the minutes show there was a check drawn from the family to pay his fees. Court stated about \$1,300.00. Mr. Albregts advised that was for photographs. State advised no decision has been made whether they can have an increased bail; Deft. has paid the money back that he took fraudulently, which is a crime, and she believes the State is entitled to increase bail. Court stated he does not know if the State is going to elect to file a motion as he had indicated the State could. Deft. has complied with house arrest and

with the Court's order, therefore, COURT ORDERED, motion to revoke bail is DENIED, however the State may file a new motion if they feel it is appropriate. Colloquy regarding a trial date. Court advised he is going to keep this case after he assumes Chief Judge and will set the trial in early October. Colloquy. COURT ORDERED, matter set for trial on October 1.

BOND/H.A.

9-27-01 9:00 AM CALENDAR CALL

10-1-01 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 31, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

August 31, 2001

10:00 AM

Request

**STATE'S REQUEST:**  
**HEARING RE**  
**DEFT'S MTN TO**  
**ASSOCIATE**  
**CNSL/CONTINUE**  
**TRIAL DATE/22**  
**Court Clerk: Tina**  
**Hurd**  
**Reporter/Recorder:**  
**Patsy Smith Heard**  
**By: Mark Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Albregts, Daniel J.

Attorney

Laurent, Christopher J.

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, Deft's presence WAIVED. Court advised this is the State's request to move up the hearing, however, he is not going to rule on the motion today. Court advised he is disturbed that there is an out-of-state attorney who wants to come in, but says he is too busy to do it until December; Court appointed Philip Kohn, SPD, to assist in case there was a conflict and inquired why Mr. Kohn cannot do it. Mr. Albregts advised there were apparently representations to the Court that he approved moving this up to today and he did not; Mr. Bloom is out of the country until next week and the Court is not available next week. Mr. Albregts advised he wants to have a hearing on this issue. Court advised the State can go ahead and subpoena the case and have it ready to go. State advised he does not know why Mr. Albregts needs to have another attorney as they have already



indicated they do not intend to call Mr. Albregts; if he intends to call himself, he cannot be a witness and an advocate. Mr. Albregts advised he received the transcripts regarding the San Diego property and the State clearly indicated he was a potential witness. Mr. Albregts advised he has addressed this as diligently as he can while still trying to prepare for trial. Mr. Albregts advised the 14th is a good day for Mr. Bloom considering another matter he is involved in that week. State inquired if Mr. Albregts intends to call himself as a witness and advised he would have to give the State notice 5 days before trial anyway. Mr. Albregts advised he has not had an opportunity to sit down with Mr. Bloom and discuss it. Deft. Centofanti appeared at this time and Court advised him of the proceedings. Court advised, as of now, his decision is to go forward with the trial on October 1 and ORDERED, matter OFF CALENDAR and the motion will be heard on the date originally set, September 14th.  
BOND/H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 14, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

September 14, 2001 9:00 AM

Motion to Associate  
Counsel

DEFT'S MTN TO  
ASSOCIATE  
COUNSEL/CONTIN  
UETRIAL/21 Court  
Clerk: Tina Hurd  
Reporter/Recorder:  
Renee Silvaggio  
Heard By: Mark  
Gibbons

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Albregts, Daniel J.      | Attorney  |
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Laurent, Christopher J.  | Attorney  |
| PUBDEF                   | Attorney  |

**JOURNAL ENTRIES**

- Allen Bloom, ESQ, from California present also. Upon Court's inquiry, Mr. Albregts advised he has the verified application and the check that has to go through the State Bar and he expects it to be approved; after Court today, he will hand-deliver it to the State Bar and have it expedited. Mr. Albregts requested the Court allow Mr. Bloom to appear today pro hac vice to argue the motion. Mr. Laurent submitted it to the Court's discretion. COURT ORDERED, Mr. Bloom will be allowed to argue today. Mr. Bloom advised he is currently in trial in California and expects to finish by Thursday of next week; he could do this trial on October 1 but does not think it can be competently prepared by then. Mr. Bloom advised, if the sale of property in San Diego comes up, the defense will

ask the Court to review it in limine as to its admissibility; it is entirely possible the transaction will not come up in the State's case-in-chief, but may be raised on rebuttal if Deft. Centofanti testifies. If it comes in in any form, Mr. Albregts will definitely be a witness. Mr. Bloom advised the State may raise the transaction to question Deft's credibility. Court advised he saw this possible conflict months ago and appointed Mr. Kohn to assist Mr. Albregts and the defense should not have missed a beat. Mr. Bloom advised Mr. Kohn is not prepared to assist Mr. Albregts and will address the Court on that matter; further, Deft. has the right to choose counsel. Mr. Bloom advised 60 days would be sufficient for Mr. Albregts and himself to prepare the case, however, it would be much longer if Mr. Albregts is removed from the case. Court inquired if Mr. Bloom is prepared to be in this case for the duration of the trial. Mr. Bloom advised there is no question he is and he cannot see any prejudice in this matter being continued as it would still only be 11 months from the date of the incident. Further, Deft's state of mind is a crucial issue and is not anywhere near ready for trial as there is considerable evidence of the decedent's violent history which must be developed and goes back to Deft's state of mind. Mr. Bloom advised he believes the December 1 date to be a very firm date. Upon Court's inquiry, Mr. Kohn advised it was clear to him Deft. wanted to hire private counsel and had the means to do so; his role was never well-defined and he never saw himself taking over a role in this case. Mr. Laurent advised the defense puts the State in a box with their representations of unpreparedness and stated he does not know why these things have not been done. When the State suggested Mr. Albregts might be a witness, the defense categorically denied it, now they are saying he will be a witness. Mr. Laurent advised Mr. Albregts is definitely in conflict and there is a long-standing standard of jurisprudence that an advocate cannot be a witness; the State does not want a continuance, but it appears the Court must grant a continuance to preserve the integrity of the trial as counsel have already set their record of ineffective assistance of counsel. Mr. Laurent stated he believes it is wrong to let Mr. Albregts remain as counsel if he is going to be a witness. Upon Court's inquiry, Mr. Laurent advised they do not intend to bring up the San Diego transaction in their case-in-chief, but it could come up in rebuttal or in the penalty phase; further, it was also his impression that Mr. Kohn was to have a very limited role. State anticipates being ready to go forward. Court suggested December 10 and stated he believes he will have to remove Mr. Albregts from the case. Mr. Bloom advised he would be ready to go in December, and that is very firm, but is contingent on Mr. Albregts and himself working together. Court advised the issue of Mr. Albregts being a witness must be resolved prior to trial. Mr. Bloom stated he believes that will be a fairly small point and the State's representation that Mr. Albregts would only testify on rebuttal makes it an even smaller issue; further, there will be a motion in limine regarding whether the San Diego transaction will come in at all. Further arguments by counsel. COURT ORDERED, motion to associate counsel GRANTED contingent on the application being approved by the State Bar; continuance GRANTED and trial date VACATED AND RESET on November 26; matter set for hearing on counsel issues on October 1. Mr. Bloom advised, on October 1, they will need to know how crucial a witness Mr. Albregts will be and what the State intends to present and requested a briefing schedule. Colloquy. COURT ORDERED, the State's Opening Brief to be filed by September 19, 2001; Deft's Responding Brief to be filed by September 26; State's Reply Brief to be filed by September 28. Court directed all counsel to provide courtesy copies to the Court.

BOND/H.A.

10-1-01 9:30 AM FURTHER PROCEEDINGS

**01C172534**

11-21-01 9:00 AM CALENDAR CALL

11-26-01 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 01, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

October 01, 2001

9:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS 10-1-01**  
**Court Clerk: Tina  
Hurd**  
**Reporter/Recorder:  
Patsy Smith Heard**  
**By: Mark Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Albregts, Daniel J.      | Attorney  |
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Laurent, Christopher J.  | Attorney  |
| Richards, Daren B.       | Attorney  |

**JOURNAL ENTRIES**

**- STATE'S MOTION TO DISQUALIFY COUNSEL...STATE'S MOTION IN LIMINE...FURTHER PROCEEDINGS**

Allen Bloom, ESQ, counsel from California, present for Deft. also. Order Admitting to Practice FILED IN OPEN COURT regarding Mr. Bloom. Court 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

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 29, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

October 29, 2001

9:30 AM

All Pending Motions

**ALL PENDING  
MOTIONS 10-29-01**  
**Court Clerk: Tina  
Hurd**  
**Reporter/Recorder:  
Patsy Smith Heard**  
**By: Mark Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Laurent, Christopher J.  | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Allen Bloom, out-of-state counsel for Deft. Centofanti, present also.

STATE'S MOTION TO COMPEL DISCOVERY...Court stated he understands the defense has no objection. Mr. Bloom concurred. COURT ORDERED, motion GRANTED. Upon Court's inquiry, Mr. Laurent advised they want any photographs, books, papers that are not attorney/client privilege so they can inspect that prior to trial. Mr. Bloom stated his understanding is anything the defense is going to use at trial must be provided and they will do so, whatever form it is in, and advised they have continued to provide discovery and are giving it to the State as soon as it is available. Court acknowledged.

STATE'S MOTION TO REQUIRE PARTIES TO DECLARE WITNESSES...Court stated he understands the defense is still going through the process of determining witnesses. Mr. Bloom concurred and

advised Mr. Albrechts is continuing to help them prepare in a limited fashion and Ms. Navarro has a professional conflict wherein she will not be able to participate in trial. COURT ORDERED, motion GRANTED and the witnesses are to be disclosed by 21 days before trial, however, the defense may continue to do preparation and see what comes out of it. Mr. Laurent advised Mr. Albrechts was to participate fully in the preparation, but cannot participate in trial. Court concurred. Mr. Laurent advised Mr. Bloom has indicated he does not have all of his expert witnesses, however, this trial has been continued twice and the experts should be known. Mr. Bloom advised this may be a third trial call on this case, but it is the first trial call for him. Court advised he would request Mr. Albrechts continue to participate fully in trial preparation at this time. Mr. Bloom advised there is no bad faith. Court advised Mr. Bloom to continue to move preparation along.

STATE'S MOTION IN LIMINE TO DECLARE DEFT'S PARENTS ADVERSE WITNESSES...Court advised the defense believes this motion is premature. Colloquy. COURT ORDERED, motion GRANTED and Deft's parents may be asked leading questions by the State.

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...Court advised this motion is regarding the December 5 incident between Deft. and his wife, the domestic violence incident, and he believes it is something the defense intends to go into anyway. Mr. Bloom concurred and advised there may be some foundational issues to be taken up by the Court and he believes there should be a Petrocelli Hearing. Court advised incident #2 is that Deft. Centofanti said he would kill his wife before he would agree to a divorce and there must be a Petrocelli Hearing on that. Court advised incident #3 is the alleged fact that Deft. went into a public relations campaign to paint the victim as a bad mother, alcoholic, etc., and a hearing is needed on that. The last issue is the allegation that when Deft. attempted to get a Temporary Protective Order, he lied about ownership of the gun and Court advised they will need a Petrocelli Hearing on that issue. Colloquy regarding Dr. Smith in New York and doctor/patient privilege. Mr. Laurent advised they have submitted discovery and inquired regarding billing; Deft. has hired private counsel and he does not believe the Court intended to circumvent that by appointing the Special Public Defender. Court advised that is correct and the defense is responsible for the cost of discovery. Mr. Laurent advised it appears the defense will be requesting a continuance and he would like to settle that now. Court advised he has set a trial date and expects to go forward with it and will only address a continuance by formal motion. Mr. Bloom requested a status conference for a week from tomorrow and a Petrocelli Hearing just prior to trial. Colloquy. COURT ORDERED, matter set for status check on November 7 and he will set the Petrocelli Hearing at that time. Colloquy regarding a Widdis motion. COURT ORDERED, Widdis motion to be filed under seal. Colloquy regarding a credit bureau report of the victim. Court advised he does not want to violate any Federal credit reporting guidelines. Ms. Navarro advised the credit bureau will provide the report with a court order and she does not believe it will violate any guidelines. Mr. Laurent advised he was out of town and cannot address this issue. COURT ORDERED, request GRANTED and, if the credit reporting agency has a problem, they can bring it to court.

STATE'S MOTION IN LIMINE...Court stated he believes he has dealt with all the issues. Mr. Laurent concurred and advised this motion was filed at the request of the defense. COURT ORDERED, OFF CALENDAR.

BOND/H.A.

11-7-01 9:00 AM STATUS CHECK: TRIAL READINESS / SET PETROCELLI HEARING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 07, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

November 07, 2001

9:00 AM

Status Check

**STATUS CHECK:**  
**TRIAL READINESS /**  
**SET PETROCELLI**  
**HEARING Court**  
**Clerk: Tina Hurd**  
**Reporter/Recorder:**  
**Renee Silvaggio**  
**Heard By: Mark**  
**Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Albregts, Daniel J.      | Attorney  |
| Centofanti III, Alfred P | Defendant |
| Laurent, Christopher J.  | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Allen Bloom, out-of-state counsel for Deft. Centofanti, present also.

Court advised he received a motion to continue from the defense yesterday which he read. Affidavit of Robert Larson marked and admitted as Deft's exhibit A. Mr. Bloom advised the motion also regards Ms. Navarro's schedule. State advised the defense alleges they are interviewing 40 witnesses but there are not 40 percipient witnesses to this case; the defense has also indicated they have not been able to get Deft. to a psychologist because he cannot travel, however, they can do it here. State advised they anticipate being ready for trial, though they do not have all of their subpoenas in yet. State advised it is their opinion Deft. has perpetrated fraud after fraud and their position is Deft.

should not be out of custody. Mr. Bloom argued there would be no prejudice to the State if this trial is continued and he cannot see how Deft's custody status figures in at all and advised Deft. is under very rigorous control with house arrest. Court stated he does not believe custody status is relevant. Court inquired why the defense needs ballistics tests. Mr. Bloom advised the state has alleged Deft. shot the victim with malice and the tests would be done on stippling and what shots were fatal and which were not; there would be a focus on the question of what the scene tells as to where the 2 people were in relation to each other as self defense is an aspect of this case; there would be ballistics, pathological and criminalist testing. Colloquy regarding the work done on the case before Mr. Bloom took over. Mr. Bloom advised there is circumstantial evidence as to where the victim was before the shooting. Mr. Bloom advised a lot of the time before he came into the case was spent on bail hearings and whether Mr. Albregts would be a witness; what he asks is necessary. Colloquy regarding scheduling. Mr. Bloom advised Ms. Navarro is second chair on a Murder case starting next Tuesday. Ms. Navarro advised her trial is before Judge Vega; that Deft. is in custody and has invoked and they are definitely going to trial. Upon Court's inquiry, Ms. Navarro advised there is a substantial defense case as well. Ms. Navarro advised she has an old track case going in December, then she has a capital case in March. State advised, if this case is continued to January, they would like to start on January 2. COURT ORDERED, defense motion to continue is GRANTED; trial date VACATED AND RESET. Court advised Ms. Navarro may appear at Calendar call and Mr. Bloom's presence may be waived. Colloquy regarding a Petrocelli Hearing. State advised he intends to submit an offer of proof. Court advised he will accept it if defense counsel stipulates. COURT ORDERED, matter set for hearing. State requested the 21-day notice continue. COURT ORDERED, the 21-day witness notice is CONTINUED to 21 days before trial. Colloquy regarding witnesses. State advised they copied the tapes and the billing is \$65.00. COURT ORDERED, the court will pay the \$65.00. State provided the tapes to Mr. Bloom in open court. Mr. Bloom advised case P45451 is the probate case of Virginia Centofanti and shows assigned to this Court. Colloquy regarding probate procedure. Court advised he does not know if he has signed any orders or heard any matters in that case, however, he will recuse himself to avoid any appearance of impropriety. BOND/H.A.

12-19-01 10:00 AM EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS

12-27-01 9:00 AM CALENDAR CALL

1-2-02 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 21, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

December 21, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 12-21-01  
Relief Clerk: Kristen  
Brown  
Reporter/Recorder:  
Renee Silvaggio  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Laurent, Christopher J.  | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT FROM CALLING THOSE EXPERTS...STATE'S MOTION TO COMPEL DISCOVERY OF EXPERT'S REPORTS, NOTES AND ALL ITEMS CONSIDERED BY EXPERTS IN FORMING AN OPINION...DEFT'S REQUEST FOR ORDER TO PRODUCE CASSETTE TAPE

Also present, Allen Bloom, out-of-state counsel for Deft. Centofanti and Lou Brandon on behalf of Eva Cisneros.

Secon Amended Notice of Witnesses FILED IN OPEN COURT. Notice of Motion and Motion in Limine to Prohibit the Introduction of Character Evidence of the Victim or any State's Witness Absent

a Petrocelli Hearing and Notice of Motion and Motion in Limine to Conduct an Evidentiary Hearing to Establish to What Extent Ms. Cisneros has an Obligation of Attorney Client Privilege FILED IN OPEN COURT and set for December 27, 2001 at 9:00.

Arguments by counsel regarding serving Ms. Cisneros and having her present for today's hearing. Mr. Laurent requested a material witness warrant be issued for Ms. Cisneros. COURT ORDERED, Mr. Laurent's request DENIED; subpoena will continue and Mr. Brandon is to contact Ms. Cisneros to have her present at the Calendar Call. RECALLED: Mr. Brandon stated he is waiting for a call back from Ms. Cisneros' office. Following a conference in chambers, COURT ORDERED, State's Motion in Limine to Conduct an Evidentiary Hearing to Establish to What Extent Ms. Cisneros has an Obligation of Attorney Client Privilege RESET to January 8, 2002.

Arguments by counsel regarding the shell casings that were found in Defendant's house after incident. Mr. Bloom advised those were turned over to the police. Further arguments by counsel regarding the lack of reports by parties experts. COURT ORDERED, parties are to provide summaries that will comply with the statute by 4:00 pm on December 26, 2002.

State's Motion to Admit Evidence of Other Bad Acts: Ms. Goettsch advised she will not proceed with the third bad act; it may be brought in rebuttle but will not be in her case in chief. Arguments by counsel regarding the December 5, 2000 incident and misrepresentations by the Deft. regarding the ownership of the gun when filing the TPO. EXCLUSIONARY RULE INVOKED. Testimony and exhibits presented. (See worksheets.) Regarding the December 5, 2000 incident, Court stated that there is some confusion with the testimony of the victim's son regarding certain statements by the Defendant and under NRS 51.085, 51.095, or 51.105 they could possibly come in but there needs to be some testimony from the officer; regarding the TPO, COURT FINDS that the State has presented its case. Arguments by counsel regarding the competence of the victim's son. COURT FINDS the victim's son to be competent to testify about the gun subject to cross examination and impeachment. COURT ORDERED, Evidentiary Hearing CONTINUED for the testimony of the officer. Mr. Bloom requested the other officer, Officer Lawrence be present as well. COURT FURTHER ORDERED, Mr. Bloom to subpoena Officer Lawrence and the State is to subpoena the other officer. Mr. Bloom requested to withdraw his "no objection" to State's exhibit #2. Colloquy between Court and counsel regarding exhibit #2. Court stated it will order the original file from Family Court and counsel may review it at the next hearing.

Ms. Navarro requested an order for the actual lab packet and to retest the samples. Mr. Laurent stated he would like the same thing from Defendant's experts. Mr. Bloom requested that if experts did not prepare a report, he will tell the State the items they relied upon and will get any notes they have with regards to it. COURT ORDERED, Defendant's allowed to do testing by an independant lab and counsel to provide the underlying data, work product, and notes the experts relied upon.

Mr. Laurent requested Defendant be made available for a phsychological evaluation. Mr. Bloom argued the State is required to show that they have the right to have an evaluation of the Defendant done. COURT ORDERED, State to let Court and counsel know what they are going to do from a phsychological stand point and if State is going to do what is permitted under the law.

Mr. Bloom inquired if the search warrant of the Defendant's house is filed with the Court. Ms. Goettsch advised it was a telephonic search warrant and the certification is not with the Clerk's office. Mr. Bloom argued the tape recording must be present. Upon Court's inquiry, Ms. Goettsch stated the judge signed the certification. COURT ORDERED, matter CONTINUED for the State to locate the

**01C172534**

original certification signed by the judge.

COURT FURTHER ORDERED, all matters set on today's calendar CONTINUED.

CONTINUED TO: 12/27/01 9:00

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 27, 2001

01C172534

The State of Nevada vs Alfred P Centofanti III

December 27, 2001

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 12-27-01**  
**Court Clerk: Tina  
Hurd**  
**Reporter/Recorder:  
Renee Silvaggio**  
**Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Laurent, Christopher J.  | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Allen Bloom, out-of-state counsel for Deft. Centofanti, present also.

The following motions were FILED IN OPEN COURT: State's Opposition to Deft's Motion to Dismiss...State's Supplemental Notice of Expert Witnesses...Deft's Reply to Prosecution's Oral Request to 1) Require the Deft. to be Examined by a Prosecution Psychiatric Expert if He Wishes to Present Psychological Evidence in His Defense and 2) Require Deft. to Provide Experts' Notes and Reports...Deft's Supplemental Notice of Expert Witnesses/Statement of Subject Matter. Court advised the State has indicated they served Deft's parents with subpoenas to appear for trial and the Court understands, through a conference at the bench, that the State will not contact them directly, but will contact Mr. Bloom and he will have them present in Court when it is time for them to testify. Court

advised the State has requested to pre-trial these witnesses, however, it is not required for them to speak with the State and the witnesses may speak with Mr. Bloom and decide what they want to do. Court stated he has advised the parties they need to decide if there will be penalty phase by the jury if there is a conviction of First Degree Murder; if the penalty phase is waived, it must be in writing and signed by both sides. Colloquy regarding the remaining issues. EVIDENTIARY HEARING: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER BAD ACTS...As to the Temporary Protective Order (TPO) issue, Ms. Goettsch advised, when she received the TPO copy, the gun registration records were attached; if they were not, they were not, but if it comes up later that they were attached, she would reserve the right to move them in at a later time. Court acknowledged and ORDERED, the last two pages of exhibit #1, the gun registrations, are REDACTED from that exhibit. Testimony and exhibits presented. (See worksheets.) Arguments by Ms. Goettsch and Mr. Bloom regarding the statements, oral and written, made by Virginia Centofanti at the time of the December 5 domestic violence incident. Court stated, when Ms. Centofanti was interviewed, she said things that were bad for her and ORDERED, the conversation she had with the officers is ADMISSIBLE under NRS 51.075 and 51.095, excited utterance; it also may be admissible under present sense impression, but the Court will allow it under the prior two statutes. COURT ORDERED, what Deft. said to the officers WILL ALSO BE ALLOWED under NRS 51.075. Ms. Goettsch advised the testimony is Deft. was cool, calm and collected, so it was not excited utterance. Court advised it will be allowed under 51.075 as Deft. can be cross-examined. COURT FURTHER ORDERED, he WILL NOT ADMIT the conversations of the next day or Sgt. Winslow's conclusions. COURT ORDERED, State's motion to admit evidence of other bad acts is GRANTED as what happened that evening will come in. Mr. Bloom inquired as to the observations by Quito. COURT ORDERED, Quito WILL BE ALLOWED to testify and Mr. Bloom can bring out any prior inconsistencies in cross-examination. STATE'S MOTION IN LIMINE TO PROHIBIT THE INTRODUCTION OF CHARACTER EVIDENCE OF THE VICTIM OR ANY STATE'S WITNESS ABSENT A PETROCELLI HEARING... Mr. Bloom stated he does not believe he has to offer it as the State has no right to reduce their burden regarding presentation of information. Court referred Mr. Bloom to the Coleman case and stated he believes counsel may be splitting hairs as the Court believes the main evidence Mr. Bloom is concerned with is the picture frame and that is coming in; further, Mr. Bloom can offer the evidence that the victim knew Karate. Mr. Bloom advised he has not formed a full response to that at this time. Mr. Laurent advised admission of other crimes, wrongs or acts is not admissible as character evidence and if it is intended to be offered for the purposes stated under statute, a Petrocelli Hearing must be had. Mr. Bloom advised this does not go to the victim's character, it would go to Deft's state of mind. Colloquy. COURT ORDERED a brief recess at this time. Back on the record, Mr. Bloom objected to any ruling or requirement that the defense reveal any information regarding the defense under these circumstances and stated he does not believe the statute cited was meant for discovery purposes. Mr. Bloom discussed the Coleman case and cited the Petty case and argued that conviction was reversed and the Court advised the prior bad acts of the victim can be presented without that person testifying. Court advised he did the re-trial of Petty and the opinion evidence was allowed as to whether the victim was violent. Mr. Bloom argued the Nevada Supreme Court did not make a ruling that it was only as to opinion evidence and argued, whether opinion or acts which support the element of self-defense, it is allowed to come in. Court advised the law in Petty and Shoels speak for themselves as to what they permit and what they do not and advised statute is Mr. Bloom's problem

as it tells counsel when they can offer specific acts. Court advised, if counsel has specific acts of the victim that he wants to get in under NRS 48.045, he has to tell the Court so he can rule whether they come in. Mr. Bloom argued Coleman was the Deft. claiming a third party committed the crime and advised Deft. is not claiming a third party, he is claiming the victim had conduct that justified his conduct. COURT ORDERED, State's motion to prohibit character evidence absent a Petrocelli hearing is GRANTED. Mr. Bloom advised his concerns is, if these observations came from the mind of the Deft., he does not believe there is law that states Deft. has to testify regarding those. Court advised the only way to put it at issue is for Deft. to testify, it would not be admissible at trial. Mr. Laurent stated he believes these are statements that are coming from the Deft. regarding what he believes has to come in and his concern is proving it through other people; the State wants the opportunity to have a Petrocelli Hearing to prove these things through other people. Court advised Deft. can testify to his perceptions without a Petrocelli Hearing. Mr. Bloom stated, for example, Ms. Centofanti had gang tattoos and there are pictures of them and Deft. had concerns about that history. Court advised those are the issues they need to flesh out. Mr. Laurent advised, if the defense intends to present pictures of gang tattoos, the State should have been provided with those and they have not and advised any tattoos the victim had were removed by laser; further, if anyone else is going to testify regarding those, they need a Petrocelli Hearing. COURT ORDERED, a Petrocelli Hearing will NOT be required if it is testimony from Deft.; if it is by third parties, a hearing WILL BE REQUIRED. Mr. Bloom advised his other concern is the State has indicated Deft. has set out on a campaign to paint the victim in a negative light. Court stated he does not believe that would come in in the State's case-in-chief but rather during cross-examination IF Deft. testifies. As to the jury questionnaire, Court advised he ordered the jury during the break, 50 people, and has requested they come in early to fill out questionnaires, however, if counsel cannot agree to the questionnaires, they will not be used. Court suggested the State and the defense sit down together after court today and go through this and, if they can agree, make them up and have them copied and to the Jury Commissioner by Wednesday morning. Mr. Bloom requested the Court look at it and make a ruling if counsel cannot agree. Court advised counsel to have it to him by Monday morning if they cannot agree. Court advised there will be two alternates and counsel will have eight peremptory challenges apiece and one each on the alternates. Colloquy regarding whether or not to have the alternates selected at the beginning or at the end of trial. Court advised counsel may think about it and let him know. As to the autopsy photographs, Court advised they are relevant for identification purposes, however, he will not allow them to be cumulative. Court requested the State to be selective as to what they need for identity purposes and would ask the State to pick out the pictures they intend to use and advise the defense before Wednesday morning and Mr. Bloom can make his objections. Mr. Bloom advised he is concerned about the prejudicial effect as there are not many pictures after the victim was cleaned up, most still have blood dripping. Mr. Laurent advised they would not be able to make that decision until they speak with Dr. Simms, but will let Mr. Bloom know as soon as possible. As to hearsay issues of the statements by the victim and Deft. on the December 5 incident, Court advised he wants to know what they are and will present a balanced picture to the jury. Mr. Bloom advised, technically, he wants to consider this and re-visit it before opening statements. As to whether Deft. has to submit to a psychological evaluation by the State, Mr. Laurent advised he received Deft's response this morning when he got in and advised, over the years, the Courts have held that a psychiatric examination does not violate the 5th or 6th Amendment rights and cited case law. Court



inquired if there is any authority that requires Deft. Centofanti to submit to a psychological evaluation before trial. Mr. Laurent advised there is no State case, but the 9th Circuit has held the Court can order it when the defense asserts an insanity defense or a state-of-mind defense and argued the State is entitled to that information. State advised the Deft. becomes a piece of physical evidence and is being examined and argued the defense puts this kind of evidence at issue and the attorney/client privilege does not pertain. Court stated he believes, under the Constitution, Deft. cannot be compelled to testing by the State and ORDERED, motion DENIED; if the defense puts this kind of evidence at issue, if the psychologist testifies, the State may have an expert in the courtroom to hear the testimony and rebut it. Mr. Laurent requested a stay to do an interlocutory appeal. Colloquy. COURT ORDERED, STAY DENIED and either side may file a Writ. Mr. Laurent advised the defense has declared an expert and he cannot adequately prepare his cross-examination as he does not know what testing has been done. Court advised, if that person testifies, he will give the State a break to review that information with their expert. Mr. Laurent requested the transcript from today's hearing. COURT ORDERED, the Court Reporter is to prepare today's transcript and provide it to both counsel. As to the canvass of Deft., Mr. Laurent advised he never said it was required, however, he believes it is prudent under the Beets case and advised it is a cautionary measure to make sure the record is clean. Mr. Laurent advised he wants to make sure defense counsel is authorized to argue what he does. COURT ORDERED, motion DENIED WITHOUT PREJUDICE. Court advised he will see how things develop. Court advised the defense has requested the weapon be released for testing. Mr. Laurent advised he would object due to the late date as the State needs to be provided the results. COURT ORDERED, the weapon will be RELEASED to the defense expert. Mr. Bloom advised the test is for rapidity of fire. Mr. Laurent objected as the defense expert is well-trained in operation of the weapon. COURT ORDERED, the weapon WILL BE RELEASED, however, that does not mean the test results are admissible. As to the release of juvenile records in California, Mr. Laurent objected as juvenile records are sacrosanct and are protected all the time and can only be reviewed in camera. Mr. Bloom advised that is what is being done in California and he is only asking this Court to say the theory of self-defense makes them necessary. COURT ORDERED, this Court has no objection to the Judge in California inspecting the records in camera and making a ruling under California law on whether there is anything in the record that could possibly relate to the defense theory of self-defense. DEFT'S MOTION REQUESTING ORDER TO PRODUCE CASSETTE TAPE...As to the search warrant issue, Mr. Laurent stated he believes the document was filed under a different District Court case number. Mr. Bloom stated he believes the law states the cassette tape is to be made available to the defense. COURT ORDERED, the defense objection is OVERRULED and the motion is DENIED. Court advised the search warrant is an exact transcription of the tape recording and, when the Judge signed the written search warrant, that was written certification of the transcription. Mr. Laurent advised he will make a copy of the document and provide it to the defense. As to the TPO issue, Mr. Laurent advised the State is not offering it at this time. Mr. Bloom stated he believes portions will come in on the defense side. Court advised, if either side wants to offer it with or without redactions, he will consider it at that time. DEFT'S MOTION TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT.... COURT ORDERED, motion CONTINUED to Wednesday at 10:00 a.m. STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT. FROM CALLING THOSE EXPERTS...Mr. Bloom advised there was a requirement to provide a list of experts and subject matter. Ms. Goettsch advised what she received

is the same thing she received before and advised she needs to know what the opinions are or it is impossible for her to hire an expert to rebut; she received a 6-page designation of who the experts are and very general statements of the subject matter. Ms. Goettsch advised she still does not have the reports. Mr. Bloom advised he would invite the Court to read the 2-page document he received from the State. COURT ORDERED, matter CONTINUED to Wednesday at 10:00 a.m. and the Court will look at the documents. Ms. Goettsch advised she has provided the reports. DEFT'S MOTION TO PERMIT COUNSEL TO REFER TO THIS BRIEF IN PLACE OF LENGTHY, RECORD-MAKING OBJECTIONS...Court stated his understanding is either side reserves their objections for appellate purposes and can object in two words. Mr. Bloom advised he wants to avoid having to make a record on each objection and advised this preserves the federalization of the objections. Mr. Laurent argued, if the defense can just refer to a document, the State cannot fix it at the time and argued contemporaneous objections need to be made. Mr. Bloom argued this document does not create objections, it just states that when he makes his objections under State and Federal authority and that the document is incorporated. Mr. Laurent advised he needs to have the opportunity to respond to specific objections as there are exceptions to every rule. COURT ORDERED, motion DENIED; counsel will have to state the grounds for their objections. MOTION TO REQUEST THAT COMPLAINING WITNESSES AND THE DEFT. SHOULD BE ADDRESSED BY THEIR NAMES AND NOT BY CONCLUSORY AND ARGUMENTATIVE LABELS WHICH ASSUME FACTS NOT IN EVIDENCE AND UNDERMINE THE PRESUMPTION OF INNOCENCE...Court requested counsel refer to the victim by her name or by "decedent", but not use the word "victim". MOTION TO INSURE THAT THE PROSECUTION DOES NOT TELL THE JURY IT REPRESENTS THE "PEOPLE" IN A MANNER THAT IMPLIES THAT HE/SHE REPRESENTS THE JURORS AGAINST THE DEFT... COURT ORDERED, the prosecution can tell the jury they represent the State of Nevada and that the District Attorney is a duly-elected official. MOTION TO INCLUDE THE NECESSARY LEVEL OF CERTITUDE TO THE REASONABLE DOUBT INSTRUCTION TO PREVENT UNDERMINING DEFT'S DUE PROCESS AND SIXTH AMENDMENT RIGHT TO A JURY DECISION BASED UPON SUFFICIENT EVIDENCE OF EVIDENTIARY CERTAINTY... COURT ORDERED, the reasonable doubt instruction that the defense wants is DENIED as there is a statutory definition of reasonable doubt and that is what the Court will use. Court adjourned at 12:13 p.m. BOND/H.A.

1-2-02 10:00 AM STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT. FROM CALLING THOSE EXPERTS...DEFT'S MOTION TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 02, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

January 02, 2002

1:30 PM

All Pending Motions

**ALL PENDING  
MOTIONS 1-2-02  
Court Clerk: Tina  
Hurd  
Reporter/Recorder:  
Renee Silvaggio  
Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| PUBDEF                   | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- STATE'S MOTION TO STRIKE EXPERT WITNESS LIST AND PROSCRIBE DEFT. FROM CALLING THOSE EXPERTS...DEFT'S MOTION TO EXCLUDE EVIDENCE AND DISMISS CHARGES AGAINST DEFT.

1:30 P.M.--Court advised this matter is on to see where they are at as the Supreme Court has issued a stay of all proceedings and this Court does not believe he has jurisdiction to rule on any motions at this time. State concurred. Court advised the parties may be able to do a stipulation to proceed with other matters and submit it to the Supreme Court. State advised she believes the State would prefer to wait. COURT ORDERED, matter STAYED, however, ministerial matters may go forward. Court advised he is considering setting a tentative date, possibly April 15. Ms. Navarro stated she believes

the State and herself both have a problem with that date as she is starting a trial on April 29. State advised she has a murder trial starting on April 22 and would prefer a date after early May. Court inquired if counsel would prefer to set a tentative trial date after May. State advised she would prefer May as she will be on maternity leave in March. Court advised he has a trial coming down from up North that will take about a month and may be using this courtroom and advised he will be gone to the Bar convention in June. Colloquy. Court advised he will set a tentative date of June 17, but will not put it in the computer yet because of the stay. Colloquy regarding a status check. COURT ORDERED, matter set for status check on February 14.

BOND/H.A.

2-14-02 9:00 AM STATUS CHECK: SUPREME COURT PROCEEDINGS...SET TIME CERTAIN: PRE-TRIAL MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 14, 2002**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**February 14, 2002****9:00 AM****All Pending Motions**

**ALL PENDING  
MOTIONS 2-14-02  
Court Clerk: Tina  
Hurd  
Reporter/Recorder:  
Dina Dalton Heard  
By: Mark Gibbons**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: SUPREME COURT PROCEEDINGS...SET TIME CERTAIN: PRE-TRIAL  
MOTIONS

Counsel advised they have not heard anything from the Supreme Court. Court advised there is a  
tentative trial date in June. Colloquy. COURT ORDERED, matter CONTINUED 60 days.

BOND/H.A.

CONTINUED TO: 4-18-02 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 18, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

April 18, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 4-18-02**  
**Court Clerk: Tina  
Hurd**  
**Reporter/Recorder:  
Renee Silvaggio**  
**Heard By: Mark  
Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Laurent, Christopher J.  
 Navarro, Gloria M.  
 Special Public Defender

Defendant  
 Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: SUPREME COURT PROCEEDINGS...SET TIME CERTAIN: PRE-TRIAL  
 MOTIONS

Court advised he received a copy of the order from the Supreme Court indicating they have set this matter for oral argument at the end of June. Court suggested a status check in late July or early August. Counsel concurred. COURT ORDERED, matter CONTINUED to August 1. Court advised, once the Supreme Court rules, he intends to set the trial quickly so Mr. Bloom needs to remain flexible. Ms. Navarro advised the only problem she foresees is they have out-of-state witnesses. Court acknowledged.

BOND/H.A.

CONTINUED TO: 8-1-02 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 01, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

August 01, 2002

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8-1-02  
Court Clerk: Tina  
Hurd  
Reporter/Recorder:  
Diann Prock Heard  
By: Mark Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court stated he understands the Supreme Court has not ruled so this matter is still in limbo, however, they need to discuss a trial date as this Court's time is getting limited. Court advised he has September 30 in mind. Ms. Navarro advised she has a number to reach Mr. Bloom today and he wanted her to remind the Court that they have out-of-state witnesses and need a little extra time. Court advised his schedule is pretty full for the rest of the year and he may have to transfer this case to another Court. Court at ease for Ms. Navarro to call Mr. Bloom. Ms. Navarro advised Mr. Bloom indicates the certification process in California cannot start until there is a trial date and to go ahead and set the September date. State advised she does not think they should set the date as, if the Supreme Court rules in the State's favor, they would be entitled to an independent psychological exam which would take time. Colloquy regarding the certification process in California. Ms. Navarro advised there is also an individual in another state. Court advised the clock is going to run

out on him being able to do this case. Ms. Navarro advised the defense is okay with the September 30 date. State advised she has another trial set for September 30 and stated she foresees a problem with setting a trial date as things will go forward as if there was no stay. Colloquy regarding the trial date. Upon Court's inquiry, State advised she will stipulate only to setting the trial date so the subpoena process can begin. COURT ORDERED, matter set for trial ONLY for the issuing of subpoenas subject to the approval of the Nevada Supreme Court and further subject to any substantive decision made by the Nevada Supreme Court. Ms. Navarro to prepare the stipulation. BOND/H.A.

10-4-02 9:00 AM CALENDAR CALL

10-7-02 1:30 PM JURY TRIAL



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 05, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

September 05, 2002

9:00 AM

Request

**STATE'S REQUEST  
FOR STATUS  
CHECK ON TRIAL  
DATE/60 Court  
Clerk: Tina Hurd  
Reporter/Recorder:  
Julie Lever Heard  
By: Mark Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Court stated it is his understanding there has been no ruling from the Supreme Court. Counsel concurred. Court advised the trial is set in October and he understands counsel have agreed to move the trial date to mid-November. Counsel concurred. Court stated he understands the parties stipulate he may set the trial subject to the Supreme Court's stay order. Counsel concurred. COURT ORDERED, trial date VACATED AND RESET to November 18. Ms. Navarro advised she does have another case set for trial on November 18 that is a double homicide and she does not know what is going to happen with that case. State suggested a status check. Colloquy. COURT ORDERED, matter set for status check regarding the Supreme Court appeal.

BOND/H.A.

10-10-02 9:00 AM STATUS CHECK: SUPREME COURT APPEAL

**01C172534**

11-14-02 9:00 AM CALENDAR CALL

11-18-02 1:30 PM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 10, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

October 10, 2002

9:00 AM

Status Check

**STATUS CHECK:**  
**SUPREME COURT**  
**APPEAL Court**  
**Clerk: Tina Hurd**  
**Reporter/Recorder:**  
**Renee Silvaggio**  
**Heard By: Mark**  
**Gibbons**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Goettsch, Becky S.  
 Navarro, Gloria M.  
 Special Public Defender

Defendant  
 Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- Court advised he has heard nothing from the Supreme Court. Counsel concurred. Court advised he inquired of the staff at the Supreme Court and they suggested the parties do a motion requesting a decision and include the November trial date. State advised her concerns are it is time for her to start subpoenaing witnesses and she does not want to go through all that work if they still do not have a decision. Court advised, if the November trial date is vacated, he will not be able to hear the trial. Ms. Navarro advised she would like to do the suggested motion and see if they get a response. Colloquy. COURT ORDERED, matter CONTINUED one week for status check regarding the trial date.

BOND/H.A.

10-21-02 9:00 AM STATUS CHECK: TRIAL DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

October 21, 2002

9:00 AM

Status Check

**STATUS CHECK:**  
**TRIAL DATE** Relief  
**Clerk:** Cindy  
 Lory/CNL  
**Reporter/Recorder:**  
 Renee Silvaggio  
**Heard By:** Mark  
 Gibbons

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Goettsch, Becky S.  
 Navarro, Gloria M.  
 Special Public Defender

Defendant  
 Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- Colloquy between the Court and counsel regarding selection of judge. Ms. Goettsch stated she will be filing a motion to the Supreme Court for a decision. COURT ORDERED, matter CONTINUED for Status Check. Court directed counsel to set matter back on calendar when they find a judge to hear the trial. FURTHER, trial date VACATED.

BOND/H.A.

11-04-02 9:00 AM STATUS CHECK

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 04, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

November 04, 2002

9:00 AM

Status Check

TRIAL SETTING /65

Court Clerk: Carole  
D'Aloia

Reporter/Recorder:

Renee Silvaggio

Heard By: Gibbons,  
Mark

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Goettsch, Becky S.

Attorney

Navarro, Gloria M.

Attorney

Special Public Defender

Attorney

**JOURNAL ENTRIES**

- Upon Court's inquiry, counsel advised they have not been able to agree upon Judge and Ms. Goettsch requested matter be randomly reassigned. Statements by Ms. Navarro regarding the e-mails received from both Ms. Goettsch and Mr. Laurent regarding selection of a Judge to hear this matter and Ms. Navarro requested the e-mail marked as Court Exhibits. Ms. Goettsch stated her objections. FOLLOWING CONFERENCE AT THE BENCH, COURT ORDERED, Ms. Navarro's request DENIED and matter sent to MASTER CALENDAR FOR RANDOM REASSIGNMENT with today's STATUS CHECK date CONTINUED for TWO WEEKS. Court further instructed Clerk to notify counsel of the new date and Department. Regarding the e-mails, Court instructed Ms. Navarro to prepare an Affidavit with the appropriate information contained therein.  
BOND/H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 20, 2002

01C172534

The State of Nevada vs Alfred P Centofanti III

November 20, 2002

9:00 AM

Status Check

**TRIAL SETTING /65**  
**Court Clerk: Linda**  
**Skinner Relief Clerk:**  
**Carole D'Aloia/CD**  
**Reporter/Recorder:**  
**Joe D'Amato Heard**  
**By: Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Albregts, Daniel J.      | Attorney  |
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Mr. Allen Bloom Pro Hoc Vice, lead counsel from San Diego, California, also present. Court inquired if this case were a capital matter and counsel advised it is not. Ms. Navarro advised Mr. Albregts was originally retained by the Defendant and the Special Public Defender was appointed co-counsel at that time and will now remain co-counsel and local counsel since Defendant has now retained Mr. Bloom. Mr. Albregts advised a complicated issue arose and that is whether or not he will be called as a witness. Mr. Albregts further advised he will remain on the case, in the background, to provide support to defense counsel. Mr. Bloom requested matter be set for trial and advised he already discussed dates with Court's Clerk, who suggested a dual trial setting since the first date given this matter would be #2 on the stack. COURT ORDERED, matter set for JURY TRIAL (dual setting) and STATUS CHECK.

**01C172534**

BOND/H.A.

5/5/03 9:00 AM STATUS CHECK: TRIAL READINESS

7/1/03 9:00 AM CALENDAR CALL (#2 ON STACK)

7/7/03 1:30 PM JURY TRIAL (#2 ON STACK)

11/25/03 9:00 AM CALENDAR CALL (#1 ON STACK)

12/1/03 1:30 PM JURY TRIAL (#1 ON STACK)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2003

01C172534

The State of Nevada vs Alfred P Centofanti III

January 09, 2003

2:16 PM

Minute Order

**MINUTE ORDER  
RE: POTENTIAL  
EVIDENCE Relief  
Clerk: Connie Kalski  
Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- MINUTE ORDER CONCERNING POSSIBLE EVIDENCE...

At 2:16 PM, today's date, this Clerk was notified by chambers to type the minute order reflected below. This minute order was dictated over the telephone from the department secretary and is to be placed into the case as soon as possible.

Judge Donald Mosley conducted a conference call with the following parties:

1) Ms. Becky Goettsch, Deputy District Attorney, Criminal Division; 2) Ms. Gloria Navarro, Special Public Defender, Criminal Division; 3) Mr. Bloom, out of state counsel involved with the case.

The following is a summary of the conversation and the Court's Order:

A conference call occurred at approximately 2:10 PM, this date, involving the above-noted parties. It has been agreed that the Court will assume custody of an envelope alleged to contain a floppy disk with possible evidentiary value to this case. This Court will maintain the item in a safe place with the status of the contents to be decided at a later time.

Above-noted counsel is to work together to arrange this matter be placed on the Court's calendar at counsel's convenience.

Mr. John Moran is to deliver the subject envelope to the Court as early as possible./ck



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2003

01C172534

The State of Nevada vs Alfred P Centofanti III

January 16, 2003

9:00 AM

Request

**STATUS CHECK ON  
EVIDENCE-  
AGREED REQUEST  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
Laurent, Christopher J.

Defendant  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen Bloom, lead counsel from San Diego, California present. Court noted this matter was discussed in chambers and stated this Court has taken into evidence an envelope containing a disk. Counsel concurred. Mr. Laurent stated the disk will be checked for fingerprints and then sent to an expert. COURT ORDERED, matter RESOLVED.  
BOND/H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 05, 2003

01C172534

The State of Nevada vs Alfred P Centofanti III

May 05, 2003

9:00 AM

Status Check

**STATUS CHECK:**  
**READINESS Court**  
**Clerk: Linda Skinner**  
**Reporter/Recorder:**  
**Maureen Schorn**  
**Heard By: Donald**  
**Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Goettsch, Becky S.  
 Navarro, Gloria M.  
 Special Public Defender

Defendant  
 Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- Mr. Bloom, counsel from San Diego present. Ms. Goettsch advised this matter is no longer stayed as a decision has come down from the Supreme Court and she will be ready for trial in July. Mr. Bloom advised he will not be ready; that they are second on the July stack and because of the out of state witnesses and experts, he has scheduled another trial with multiple attorneys in July and requested to utilize the December date when he will be ready. Objections by Ms. Goettsch. Following arguments by counsel, COURT ORDERED, trial date of 7/7/03 is VACATED and date of 12/1/03 for trial will be maintained and this Court expects to go forward. Mr. Bloom advised that an expert has been found to review the disk. Court so noted. Further, Mr. Bloom advised the State has filed motions to be heard on 5/12/03 and he would request they be moved to 5/27/03. There being no objection, COURT SO ORDERED.

BOND/H.A.

5/27/03 9:00 AM STATE'S MOTION TO PLACE ON CALENDAR, RELEASE AND  
EXAMINATION OF EVIDENCE...STATE'S MOTION FOR EVIDENTIARY HEARING RE:  
ATTORNEY/CLIENT PRIVILEGE 5/27/03 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 27, 2003

01C172534

The State of Nevada vs Alfred P Centofanti III

May 27, 2003

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 5/27/03  
Court Clerk: Linda  
Skinner/ls Relief  
Clerk: Melissa Davis  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Richards, Daren B.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- STATE'S MOTION TO PLACE ON CALENDAR FOR RELEASE AND EXAMINATION OF EVIDENCE...STATE'S MOTION FOR EVIDENTIARY HEARING REGARDING ATTORNEY-CLIENT PRIVILEGE

Alan Bloom, lead counsel from San Diego, present.

As to State's Motion for Release and Examination of Evidence: Ms. Goettsch advised they are very close to having this resolved. COURT SO ORDERED.

As to State's Motion for Evidentiary Hearing: Mr. Bloom agrees there should be a hearing. Ms. Goettsch advised there are 2 other attorneys involved. Upon review of schedules, COURT ORDERED, matter set for hearing.

**01C172534**

BOND/H.A.

7/18/03 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 13, 2003

01C172534

The State of Nevada vs Alfred P Centofanti III

August 13, 2003

9:00 AM

Status Check

**STATUS CHECK:**  
**EVIDENTIARY**  
**HEARING Court**  
**Clerk: Linda Skinner**  
**Reporter/Recorder:**  
**Maureen Schorn**  
**Heard By: Donald**  
**Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Laurent, Christopher J.  
 Richards, Daren B.  
 Special Public Defender

Defendant  
 Attorney  
 Attorney  
 Attorney

**JOURNAL ENTRIES**

- Alan Bloom, lead counsel from San Diego, present. Court noted Mr. Laurent, Mr. Bloom, Mr. Moran and Mr. Richards were in chambers prior to calendar. Pursuant to discussion in chambers, COURT ORDERED, trial set for 12/1/03 is VACATED and RESET, Evidentiary Hearing set in January and blind briefs to be supplied by counsel.

BOND/H.A.

1/9/04 9:00 AM EVIDENTIARY HEARING

3/9/04 9:00 AM CALENDAR CALL (#1 ON STACK)

3/15/04 1:30 PM JURY TRIAL (#1 ON STACK)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 23, 2004**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**January 23, 2004****9:00 AM****Hearing**

**EVIDENTIARY  
HEARING Relief  
Clerk: April Watkins  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Bawa, Ravindar N.

Attorney

PUBDEF

Attorney

Special Public Defender

Attorney

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED at request of interested parties.  
BOND/H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 20, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

February 20, 2004

9:00 AM

Request of Court

**AT THE REQUEST  
OF THE COURT**  
**Relief Clerk: Melissa  
Swinn**  
**Reporter/Recorder:  
Maureen Schorn**  
**Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Peterson, Clark A.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, defense counsel from California also present. Mr. John Moran Jr. and Mr. Brandon present with Eva Cisneros and Janeen Isaacson.

Colloquy between Court and counsel regarding original floppy disc and copies. Mr. Bloom to review within 10 days regarding attorney/client privilege. If there appears to be none, then they can be turned over to Metropolitan Police Department. Additionally, Mr. Bloom requested original not be opened to maintain authenticity.

COURT ORDERED, Transcript of the testimony of Ms. Cisneros and Ms. Isaacson SEALED and COURTROOM CLEARED but for necessary staff, Mr. Moran, Mr. Brandon and Defense counsel. Testimony by Ms. Cisneros and Ms. Isaacson.



ALL PARTIES PRESENT: Arguments by counsel. Court FINDS that Ms. Cisneros was merely a conduit and that Defendant aired concerns. Further, no legal advice was given and therefore, nothing to protect. However as to Ms. Isaacson, Court FINDS that she was involved and the attorney/client privilege WILL BE PROTECTED. Mr. Moran requested that the State not have investigators contact Ms. Isaacson or Ms. Cisneros prior to trial as they are not interested in speaking with investigators. Court sees no reason for them to be contacted, however it is not a blanket order absent some abuse. Mr. Peterson requested Ms. Cisneros testimony be unsealed and COURT SO ORDERED. Colloquy between counsel regarding expert witnesses and the lack of reports. Mr. Bloom advised that papers filed will have reports and CV's attached. Court directed parties to work together to have matter prepared for trial. FURTHER, all motions to be filed by 2/27/04 and if filed, will be heard one week thereafter.

BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 05, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 05, 2004

9:00 AM

Hearing

**AT REQUEST OF  
COURT: PRETRIAL  
ISSUES Relief Clerk:  
Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

**JOURNAL ENTRIES**

- Allen Bloom, California counsel present. Court noted this is an ex-parte matter on the record. Colloquy regarding the certification of out of state expert witnesses. Upon Court's inquiry, Mr. Bloom advised there are possibly 24 expert witnesses. Additionally witnesses Kruger and Tibbetts (phonetic) will testify as to victims rage and violence which goes to character and the Defendant's belief of fear and self defense. Mark Wright, who was the neighbor of the victim and Defendant can testify as to the events that took place on December 5th. Mr. Wright is willing to testify, however needs a subpoena for work purposes and COURT SO ORDERED. Court advised Mr. Bloom that duplicative testimony will not be allowed and a hearing prior to trial will be necessary regarding victim's gang involvement and drug usage. Mr. Bloom advised he will work on having this matter heard and witnesses present in the San Diego court to have the subpoena's issued in time for this trial. COURT ORDERED, matter SET to resolve outstanding witness issues.

BOND

3/12/04 9AM PRETRIAL MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 09, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 09, 2004

9:00 AM

Calendar Call

**CALENDAR CALL  
(#1 ON STACK)**

**Court Clerk: Linda  
Skinner**

**Reporter/Recorder:**

**Joe D'Amato Heard**

**By: Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Goettsch, Becky S.

Attorney

Navarro, Gloria M.

Attorney

Peterson, Clark A.

Attorney

Special Public Defender

Attorney

**JOURNAL ENTRIES**

- Court noted Ms. Navarro appeared prior to calendar and advised she is ready for trial. Ms. Goettsch advised she is ready as well with 35 witnesses, 5 out of State and lasting 2-3 weeks. Court advised there is a hearing on Friday as to witnesses and that is when any additional pre-trial motions should be addressed. COURT ORDERED, jury selection would begin at 1:30 on 3/15/04 in this Dept. BOND/H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 12, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 12, 2004

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 3/12/04**  
**Court Clerk: Linda  
Skinner**  
**Reporter/Recorder:  
Joe D'Amato Heard  
By: Donald Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Jackson, Alzora B.       | Attorney  |
| Peterson, Clark A.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- STATUS CHECK: WITNESSES...STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE REGARDING THE VICTIM'S ALLEGED PRIOR DRUG USE AND ALLEGED PRIOR VIOLENCE UNLESS AND UNTIL DEFENDANT TESTIFIES HE WAS AWARE OF SUCH VIOLENCE...STATE'S MOTION IN LIMINE TO ADMIT EVIDENCE REGARDING THE VICTIM'S STATE OF MIND Mr. Allen R. Bloom, counsel from California, present.

Mr. Peterson stated there is recent case law that says Defendant can claim there was no offer and that is why he had to go to trial. For the record, the offer is Defendant plead to First Degree Murder and stipulate to a sentence of Life with parole after 20, plus an equal and consecutive Life with parole after 20. Mr. Bloom stated they have rejected this offer and made a counter offer which the State has refused.

Mr. Peterson requested Defendant authorize Mr. Bloom to admit that he was the shooter; that they are using a self defense theory and that is one of the elements. Following discussion with counsel, Defendant so authorized.

State requested that the father and mother of Defendant be considered as adverse witnesses and if a problem arises, will approach the Bench and review it at that time. Court so noted.

State has submitted Proposed Voir Dire questions; the Court will incorporate some of them and will also address the issue of graphic pictures to the Jury.

Mr. Bloom advised Dr. Lipson has examined Defendant, however, will not be testifying as to him, but in general. Mr. Peterson concurred and stated unless the door is opened, he will not pursue anything further.

AS TO MOTION IN LIMINE TO PRECLUDE: Mr. Peterson stated he would like to withdraw the later part of the motion. Following arguments and statements about the victim's past, Mr. Peterson requested to WITHDRAW the motion entirely as he wants to hear how Defendant will explain how he was afraid of the victim. Following further colloquy, Mr. Bloom advised he has 6 witnesses that will attest to the violence issues.

AS TO MOTION IN LIMINE TO ADMIT: Mr. Peterson advised there are several statements made by victim that are now admissible because the defendant has made the victim unavailable. Following arguments, Mr. Bloom requested a list of the statements to be used and COURT SO ORDERED.

Mr. Bloom stated Mr. Peterson spoke to the witnesses and he would like his notes or any statements made that are Brady material. Mr. Peterson stated the notes are his own personal ones when interviewing witnesses and there were no surprise statements made; if he uncovered Brady material, he would have given it to Mr. Bloom.

BOND/H.A.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 15, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 15, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California present. 1:55 PM Roll call taken of prospective jury panel, three prospective jurors not present. Court noted one of the potential jurors had to be taken to the hospital, however COURT ORDERED, WARRANTS ISSUED on the other two potential jurors that failed to appear. 2:08 p.m. Clerk administered Voir Dire Oath. Counsel conducted jury selection. 5 p.m. COURT ADMONISHED potential jurors and ORDERED, matter CONTINUED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 16, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 16, 2004

9:00 AM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California present. Clerk called roll of prospective jurors taken, potential jurors #287, 329 and 330 not present when roll was taken, however #287 and 330 appeared late. Counsel continued jury selection. 4:55 p.m. Jury selected and sworn. Five names drawn for the purpose of alternates and ORDERED to return tomorrow. Matter CONTINUED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 17, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**March 17, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Peterson, Clark A.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California present. OUTSIDE PRESENCE OF JURY. Parties discussed admissibility of various items and what the State will be submitting to. The first issue is found to be Excited Utterance and statements made by victim on the event of 12/5. Arguments. State advised the Judge Gibbons previously ruled that the entire conversation is admissible. Further arguments regarding statements and whether or not they are admissible. Court advised the oral statement can be included however, has a problem regarding possible police interrogation and the question of whether or not the question, "what happened" is in fact interrogation. Court noted the Nevada Supreme Court intentions is broad and not all statements are interrogations. 2:38 p.m. JURY PRESENT. Clerk sworn the Alternate Jurors. Clerk read Indictment. Court issued pretrial instructions. Parties invoked the exclusionary rule and COURT SO ORDERED. 2:49 p.m. OUTSIDE PRESENCE OF JURY. Colloquy between parties regarding witnesses that may be called. Court will reserve ruling as to each witness and will not be allowed during opening arguments. Arguments as



to Post Partum. COURT RESERVED RULING and ORDERED Tom Thompson will be admitted to mental makeup of state of mind and finds the probative value outweighs the prejudicial value. 4:06 p.m. JURY PRESENT. Continued testimony and exhibits. 5:52 p.m. COURT ORDERED, matter CONTINUED and jury ADMONISHED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 22, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present.

1:33 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 23, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 23, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:37 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 2:49 PM OUTSIDE PRESENCE OF JURY: Mr. Bloom advised a witness, Mr. Wright observed another witness, Trisha Miller speaking to the sister of the victim and learned details of the victim's background. Ms. Miller told Mr. Wright that she was the "best friend" when in reality she did not really know that much about her past. Further Ms. Miller was seen speaking to a juror from Dept. 15 and was told to act a certain way for the Jury; then she burst into tears on the stand and he feels it was an act. He feels she could be impeached. Arguments by Mr. Peterson. Court noted that it did not feel Ms. Miller was "acting" on the stand, that after a few hours of being on the stand, she did start crying, however, regained her composure and did not drag it out. The Court feels there is no consequence of the juror talking to Ms. Miller and

she was explaining her role to Mr. Wright, that of being the friend. 3:24 PM JURY PRESENT: All present as before. Testimony continues and exhibits presented, see worksheets. 4:57 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 24, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**March 24, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:34 PM OUTSIDE PRESENCE OF JURY: Arguments by counsel regarding issues of conduct as to 12/20. 1:35 PM JURY PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 4:00 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 25, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 25, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:38 PM OUTSIDE PRESENCE OF JURY:  
Ms. Goettsch requested Mark Smith testify, however, due to confidentiality, would need this Court to  
Order him to. Upon review of Mr. Smith, COURT ORDERED, HE TESTIFY. 1:45 PM JURY  
PRESENT: Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING  
RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 26, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**March 26, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:36 PM JURY PRESENT: Roll call taken.  
Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 29, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 29, 2004

1:30 AM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California present. 1:35 PM OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel regarding photos taken at the crime scene as well as the autopsy photos. Mr. Bloom believes there is relevant evidence, but the photos are cumulative and the probative value does not outweigh the prejudice. Mr. Bloom argued that the 8 photos of the victims head could be reduced to one photo. Response by the State. Court does not feel that the photos are duplicative and ruling on admission will be reserved. Further colloquy regarding keys and who they were given to. Mr. Bloom argued that the victim's entrance into the Defendant's home was improper and the jury will need to take into consideration the victim was not invited on the day of the incident. Court noted victim was expected due to the fact that she was to pick up the infant. Court advised counsel that the key issue can be resolved during questioning. 1:57 PM Jury present; roll call taken.



**01C172534**

Testimony and exhibits continued, see worksheets. 5:01 PM EVENING RECESS.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 30, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**March 30, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego, California also present. 1:38 p.m. JURY PRESENT:  
Roll call taken. Testimony and exhibits presented, see worksheets. 4:59 PM EVENING RECESS,  
Court ADMONISHED JURORS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

March 31, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California present. 1:30 PM JURY PRESENT. Roll call taken. Testimony and exhibits continued per worksheets. 3:32 p.m. OUTSIDE PRESENCE OF JURY. Mr. Bloom requested the side bar from yesterday be placed on the record. The first issue regarding Defendant being terminated from his employment with Traveler's Insurance and owning a gun. Response by Ms. Goettsch. Court feels it is relevant that having a gun is against Traveler's Insurance. The second issue is regarding testimony and possible excited utterance; response by the State. Court FINDS the statements are ADMISSIBLE. The third issue is regarding the investigator Tom Thompson's notes and believes notes and documents should be provided to the Defense. Court questioned if there is Brady Material and State does not believe it is. COURT ORDERED, that work product is protected pursuant to Nevada Revised Statutes and will NOT BE TURNED OVER TO THE

**01C172534**

DEFENSE. JURY PRESENT. Continued testimony and exhibits. COURT ADMONISHED Jurors and ORDERED, matter CONTINUED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 01, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 01, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Peterson, Clark A.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego, California also present. 1:30 p.m. JURY PRESENT:  
Roll call taken. Testimony and exhibits presented, see worksheets. 5:00 PM EVENING RECESS,  
Court ADMONISHED JURORS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 02, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 02, 2004****9:00 AM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Maningo, Ivette A.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego, California also present. 1:41 p.m. JURY PRESENT:  
Roll call taken. Testimony and exhibits presented, see worksheets. 4:18 PM EVENING RECESS,  
Court ADMONISHED JURORS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 05, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

April 05, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:47 PM JURY PRESENT: Roll call taken. Testimony and exhibits continued, see worksheets. 4:03 PM OUTSIDE PRESENCE OF JURY: Objection by Mr. Bloom that victim made a statement to Police that the Defendant did not even know how to use his own gun. Arguments by Mr. Peterson. Court noted it could be under the excited utterance exception. Discussion regarding bags that were admitted, however not opened. Mr. Bloom is stipulating that they go back to the Jury Room, unopened and the Jury can open them if they wish. ABSENT A REQUEST OF THE COURT, THE BAGS WILL NOT BE OPENED. Jury instruction submitted last week was discussed and decided as to when it will be read. 4:12 PM JURY PRESENT: All present as before. Testimony and exhibits continued, see worksheets. 5:00 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 06, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 06, 2004****1:30 PM****Jury Trial****TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public DefenderDefendant  
Attorney  
Attorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:37 PM JURY PRESENT: Stipulations as to evidence stated on the record. Testimony and exhibits continued, see worksheets. 4:31 PM STATE RESETS. 5:55 PM EVENING RECESS.



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 07, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 07, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:41 PM JURY PRESENT: Roll call taken.  
Testimony and exhibits continued, see worksheets. 5:02 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 08, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

April 08, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- 1:34 PM JURY PRESENT: Roll call taken. Testimony and exhibits continued, see worksheets. 2:13 PM OUTSIDE PRESENCE OF JURY: Defendant admonished of his rights to testify. 2:16 PM JURY PRESENT: All present as before. 4:58 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 09, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 09, 2004****1:30 PM****Jury Trial****TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public DefenderDefendant  
Attorney  
Attorney  
Attorney  
Attorney**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from San Diego present. 1:37 PM JURY PRESENT. Roll call taken.  
Testimony and exhibits continued, see worksheets. 5:01 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 12, 2004**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 12, 2004****1:30 PM****Jury Trial**

**TRIAL BY JURY (#1  
ON STACK) Court  
Clerk: Linda Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- 1:40 PM JURY PRESENT: Roll call taken. Testimony and exhibits continue, see worksheets. 5:05 PM EVENING RECESS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 13, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

April 13, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Joe D'Amato Heard  
By: Mosley, Donald  
M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California present. 1:38 PM JURY PRESENT. Roll call taken. Testimony and exhibits continued, see worksheets. 3:30 p.m. OUTSIDE PRESENCE OF JURY. Colloquy between Court and counsel regarding witness(es). State believes witnesses mentioned are cumulative. COURT ORDERED, State not to use the van hitting incident as an accident; parties stipulate that the victim was the driver of the vehicle. FURTHER, and witness Lopez is DISALLOWED. JURY PRESENT, continued testimony. 4:41 p.m. Mr. Bloom advised he needs to check on 2 possible witnesses for tomorrow, however due to scheduling they may not be present. If witnesses are unavailable, the Defense will rest. Court ADMONISHED Jury and matter CONTINUED.  
BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 14, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

April 14, 2004

1:30 PM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Mosley,  
Donald M.**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Goettsch, Becky S.  
Navarro, Gloria M.  
Peterson, Clark A.  
Special Public Defender

Defendant  
Attorney  
Attorney  
Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Allen R. Bloom, counsel from California also present. 1:37 PM JURY PRESENT. Roll call taken. Testimony and exhibits continued per worksheets. 1:40 p.m. Defense RESTED. State's rebuttal witnesses per worksheet. 2:51 p.m. State RESTED. JURY NOT PRESENT: Jury Instructions settled. 3:51 p.m. All parties present. Court read Jury Instructions. 4:16 PM EVENING RECESS; Jury ADMONISHED.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 16, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

April 16, 2004

9:00 AM

Jury Trial

**TRIAL BY JURY (#1  
ON STACK) Relief  
Clerk: Melissa Swinn  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

**HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Peterson, Clark A.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- 9:00 a.m. Jury returned and began deliberations. Mr. Allen R. Bloom, counsel from California present. 4:27 PM JURY PRESENT. Roll call taken. Jury returned with a verdict. JURY FOUND DEFENDANT GUILTY OF FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). At request of Mr. Bloom, Jury polled. CONFERENCE AT THE BENCH. Defendant having been found guilty of First Degree Murder with Use of a Deadly Weapon, COURT ORDERED, matter set for Penalty Hearing to begin on Tuesday. COURT ADMONISHED JURORS. OUTSIDE PRESENCE OF JURY: Ms. Goettsch requested Defendant be remanded to custody. Objection by Mr. Bloom, stating Defendant has not violated his House Arrest. Defendant now having been found guilty, COURT ORDERED, Defendant REMANDED TO CUSTODY - NO BAIL SET. BOND, if any, EXONERATED.

**01C172534**

CUSTODY

4/20/04 1:30 PM PENALTY HEARING



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 22, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

April 22, 2004

9:00 AM

Status Check

**STATUS CHECK:**  
**SET SENTENCING**  
**Court Clerk: Linda**  
**Skinner**  
**Reporter/Recorder:**  
**Maureen Schorn**  
**Heard By: Donald**  
**Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

|                          |           |
|--------------------------|-----------|
| Centofanti III, Alfred P | Defendant |
| Goettsch, Becky S.       | Attorney  |
| Navarro, Gloria M.       | Attorney  |
| Peterson, Clark A.       | Attorney  |
| Special Public Defender  | Attorney  |

**JOURNAL ENTRIES**

- Ms. Navarro advised Mr. Bloom is in California. Mr. Peterson advised a Stipulation and Order to Waive Jury Penalty Hearing has been provided for signature. Court so noted and ORDERED, matter referred to the Division of Parole and Probation for a Pre-sentence Investigation Report and set for sentencing.

CUSTODY

5/28/04 9:00 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 26, 2004

01C172534

The State of Nevada vs Alfred P Centofanti III

August 26, 2004

9:00 AM

All Pending Motions

**ALL PENDING  
MOTIONS 8/26/04  
Court Clerk: Linda  
Skinner  
Reporter/Recorder:  
Maureen Schorn  
Heard By: Donald  
Mosley**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
Colucci, Carmine J.  
Peterson, Clark A.

Defendant  
Attorney  
Attorney

**JOURNAL ENTRIES**

- STATE'S MOTION TO COMPEL AUDIO TAPED INTERVIEW...DEFT'S MOTION FOR A NEW TRIAL

AS TO STATE'S MOTION: Mr. Peterson advised this issue is moot as he has received a transcript from the interview. COURT SO ORDERED.

AS TO DEFT'S MOTION: Following arguments by Mr. Colucci and Mr. Peterson, COURT ORDERED, Motion DENIED.

Mr. Colucci requested the sentencing date of 8/27 be continued as he would like to file a writ to the Supreme Court and possibly obtain a stay of the sentencing. COURT SO ORDERED.

CUSTODY

9/10/04 9:00 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****September 10, 2004**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**September 10, 2004****9:00 AM****Sentencing****SENTENCING****Court Clerk: Linda  
Skinner****Reporter/Recorder:****Maureen Schorn****Heard By: Mosley,  
Donald M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Centofanti III, Alfred P  
Holthus, Mary KayDefendant  
Attorney**JOURNAL ENTRIES**

- Court noted the Supreme Court has stayed this matter and ORDERED, the following briefing schedule: Ms. Holthus to answer by 10/11; Mr. Colucci to reply by 10/25; matter set for argument on 11/5 and sentencing CONTINUED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 17, 2004**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**November 17, 2004****9:00 AM****Sentencing****SENTENCING****Court Clerk: Linda  
Skinner****Reporter/Recorder:****Maureen Schorn****Heard By: Mosley,  
Donald M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Colucci, Carmine J.

Attorney

Ponticello, Frank M.

Attorney

**JOURNAL ENTRIES**

- Court noted Mr. Colucci appeared prior to calendar; as this matter is still in the Supreme Court,  
COURT ORDERED, matter CONTINUED.  
CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2005**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**February 04, 2005****9:00 AM****Sentencing****SENTENCING****Relief Clerk: Melissa  
Swinn****Reporter/Recorder:****Maureen Schorn****Heard By: Mosley,  
Donald M.****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Colucci, Carmine J.

Attorney

Gaskill, Sarah A.

Attorney

Ponticello, Frank M.

Attorney

**JOURNAL ENTRIES**

- Mr. Colucci and Ms. Gaskill present prior to Court. Court advised that Mr. Colucci and Ms. Goettsch both spoke to Court in chambers prior to court and counsel agreed to a continuance.

COURT ORDERED, matter CONTINUED.

CUSTODY

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 04, 2005**

01C172534

The State of Nevada vs Alfred P Centofanti III

**March 04, 2005****9:00 AM****Sentencing****SENTENCING****Relief Clerk:****Georgette Byrd/gb****Reporter/Recorder:****Maureen Schorn****Heard By: Donald****Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:** Maureen Schorn**PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Colucci, Carmine J.

Attorney

Goettsch, Becky S.

Attorney

Peterson, Clark A.

Attorney

**JOURNAL ENTRIES**

- DEFT. CENTOFANTI ADJUDGED GUILTY of FIRST DEGREE MURDER WITH USE OF A DEADLY WEAPON (F). Pursuant to statute, the \$25.00 Administrative Assessment fee is imposed. Statements of mitigation. Witnesses Robert and Lisa Isom and Keto Sanchez sworn and testified. COURT ORDERED, Deft. SENTENCED to LIFE WITHOUT THE POSSIBILITY OF PAROLE plus an equal and consecutive LIFE SENTENCE WITHOUT THE POSSIBILITY OF PAROLE for use of a deadly weapon. Mr. Colucci requested defendants three year house arrest go towards his credit for time served. Objection by the State. COURT ORDERED, request DENIED; Deft will received (374) days credit for time served.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 15, 2008**

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 15, 2008****8:30 AM****Petition for Writ of Habeas  
Corpus****DEFT'S PTN FOR  
WRIT OF HABEAS  
CORPUS /93 Court  
Clerk: Tina Hurd  
Relief Clerk: Dana  
Cooper/dc  
Reporter/Recorder:  
Renee Vincent  
Heard By: Stewart  
Bell****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Martinovsky, Charles

Attorney

**JOURNAL ENTRIES**

- Court stated it had worked on this case as a District Attorney in the past, therefore, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, this matter be REASSIGNED at random.

NDC

CLERK'S NOTE: Cathy Nelson appeared afterwards and was informed./dc

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 21, 2008

01C172534

The State of Nevada vs Alfred P Centofanti III

July 21, 2008

9:00 AM

**Motion to Disqualify  
Attorney**

**DEFT'S MTN TO  
DISQUALIFY  
ATTORNEY  
/DISTRICT ATTY/94  
Court Clerk:  
Katherine Streuber  
Reporter/Recorder:  
Sonia Riley Heard  
By: Lee Gates**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Colucci, Carmine J.  
Sweetin, James R.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Counsel pointed out at time of trial Ms. Navarro was with Special Public Defender Office and is now working at District Attorney's Office. Counsel then argued for ineffectiveness of counsel due to failure to follow rules of professional conduct and should have obtain written waiver from Deft. Court advised it would agree however, case is not currently active. Counsel believes conflict still remains even though she changed office at conclusion of trial, they are unaware of her position within District Attorney's Office and if she were to be called to testify, Ms. Navarro could not testify for both sides. Lastly, counsel requested disqualification of District Attorney and have Attorney General handle this case. Stated objected and referenced Judge Bell being with District Attorney's Office prior to be seated on bench and Chinese Walled himself. Arguments by counsel. COURT ORDERED, matter TAKEN UNDER ADVISEMENT.



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 22, 2008**

01C172534

The State of Nevada vs Alfred P Centofanti III

**July 22, 2008****9:00 AM****Minute Order****MINUTE ORDER****RE:****DISQUALIFICATION OF ATTORNEY****Court Clerk:****Katherine Streuber****Heard By: Lee Gates****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Court hereby DENIES Motion to Disqualify District Attorney. Court FINDS Ms. Navarro is in the civil division of District Attorney's Office and went to that office after trial had been concluded and prior to filing of Petition for Writ of Habeas Corpus. COURT ORDERS, Ms. Navarro not to work on this case even though it is unclear as to type of work done in civil division. State to prepare the order. CLERK'S NOTE: The above minute order has been distributed to: James Sweetin, DDA and Carmine Colucci Esq. 07/24/08 kls

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 02, 2009

01C172534

The State of Nevada vs Alfred P Centofanti III

December 02, 2009

8:30 AM

Petition for Writ of Habeas  
Corpus

**PTN FOR WRIT OF  
HABEAS CORPUS**  
**Court Clerk: Keith  
Reed**  
**Reporter/Recorder:  
Jessica Ramirez**  
**Heard By: CADISH,  
ELISSA**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Colucci, Carmine J.

Attorney

Schwartzter, Michael J.

Attorney

**JOURNAL ENTRIES**

- Argument in support of petition by Mr. Colucci requesting an evidentiary hearing be scheduled based upon ineffective assistance of counsel. Argument in opposition by Mr. Schwartzter. COURT ORDERED, ALL CLAIMS DISMISSED EXCEPT for the claim as to ineffective assistance of counsel which is to be scheduled for an evidentiary hearing. Colloquy regarding the scheduling of the hearing which is expected to last an entire day. COURT ORDERED, state to prepare the transport order. Parties advised any discovery issues will be calendared to be addressed by the Court.

NDC

3-19-10 9:00 AM EVIDENTIARY HEARING PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 20, 2010

01C172534

The State of Nevada vs Alfred P Centofanti III

January 20, 2010

8:30 AM

Motion

DEFT'S MTN TO  
ALLOW  
DISCOVERY/098  
Court Clerk: Keith  
Reed  
Reporter/Recorder:  
Jessica Ramirez  
Heard By: ELISSA  
CADISH

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Colucci, Carmine J.  
Ferreira, Amy L.

Attorney  
Attorney

**JOURNAL ENTRIES**

- Mr. Colucci advised the Deft. is in the Nevada Department of Corrections. Court inquired as to why this particular deposition needs to be taken. Argument by Mr. Colucci in regards to the need for the deposition of California attorney Bloom. Argument in opposition by Ms. Ferreira; the statute requires the Deft. must show good cause for the taking of the deposition, which has not been shown and could be accomplished at an evidentiary hearing; matter submitted on the opposition. Court stated findings and ORDERED, the one deposition of Mr. Bloom will be allowed to be taken in California; as a courtesy, the defense is to coordinate with the state on the date of the deposition and it will be up to the state as to their participation. Mr. Colucci stated if Mr. Bloom will not comply, that issue will be addressed in California and he will come back before this Court if additional time is needed.

NDC

**01C172534**

3-19-10 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS AND EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 28, 2010

01C172534

The State of Nevada vs Alfred P Centofanti III

April 28, 2010

8:30 AM

Status Check

**STATUS CHECK:**  
**Court Clerk: Keith**  
**Reed**  
**Reporter/Recorder:**  
**Jessica Ramirez**  
**Heard By: ELISSA**  
**CADISH**

HEARD BY:

COURTROOM: No Location

COURT CLERK:

RECORDER:

REPORTER:

**PARTIES****PRESENT:**

Colucci, Carmine J.  
 Coumou, Frank

Attorney  
 Attorney

**JOURNAL ENTRIES**

- Mr. Colucci advised the 227 page deposition of Mr. Bloom took place and requested a continuance of the May 21st hearing which is expected to take a full day. Colloquy regarding further proceedings. There being no opposition, COURT ORDERED, matter CONTINUED. Mr. Colucci advised Mr. Bloom has voluntarily agreed to come into the jurisdiction to testify, the Court & state will be notified should there be any issues with the hearing date.

NDC

7-30-10 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS...EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 30, 2010

01C172534

The State of Nevada vs Alfred P Centofanti III

July 30, 2010

9:00 AM

All Pending Motions

**State's Motion to  
Strike Deft's  
Expert...Evidentiary  
Hearing...Petition for  
Writ of Habeas  
Corpus**

**HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Karina Kennedy**RECORDER:** Jessica Ramirez**REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Colucci, Carmine J.  
Schwartzter, Michael J.  
State of Nevada

Defendant  
Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Mr. Schwartzter argued for Deft's Motion to Strike stating Mr. Luken's testimony is irrelevant to establish what the standards of care were in 2001 and 2004. The Court FINDS it is reasonable Mr. Luken's version of standard of care and ORDERED, Motion DENIED.

Arguments by counsel regarding ineffective counsel. Both counsel Invoked the Exclusionary Rule. Witness Marilee Wright sworn and testified. Witness Steve Franks sworn and testified. Mr. Collucci requested to WITHDRAW ineffective counsel regarding Daniel Albregts, COURT SO ORDERED. Witness Daniel Albregts sworn and testified. John Lukens sworn and testified.

Recess.

Alfred Centofanti sworn and testified. The Court NOTED it needed to read the deposition before it

could make a ruling. Mr. Collucci advised District and Supreme Court's denied a psychological evaluation. Colloquy regarding canvassing issues and ineffective counsel not being raised on direct appeal. The Court NOTED Deft WAIVED that appeal. Colloquy over Court reading the transcript. COURT ORDERED, matter CONTINUED for argument. Mr. Collucci stated he would order the transcripts and have them sent to the Court in one week.

09.24.10 9:00 A.M. CONTINUED

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 24, 2010

01C172534

The State of Nevada vs Alfred P Centofanti III

September 24, 2010 9:00 AM

All Pending Motions

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Shelly Landwehr

RECORDER: Jessica Ramirez

REPORTER:

**PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Centofanti III, Alfred P | Defendant |
|                 | Colucci, Carmine J.      | Attorney  |
|                 | Nyikos, Noreen C.        | Attorney  |
|                 | Schwartzter, Michael J.  | Attorney  |
|                 | State of Nevada          | Plaintiff |

**JOURNAL ENTRIES**

- EVIDENTIARY HEARING...PETITION FOR WRIT OF HABEAS CORPUS

Court stated it understands the issues raised and had received records of the proceedings and deposition of Mr. Bloom. Further, Court advised it has found the minutes from the trial; however, cannot find a transcript of the proceedings and advised this Court would have to take this matter under advisement. Mr. Schwartzter stated he would submit a copy of the transcript for the Court's perusal. Mr. Colucci inquired as to the Reply to Petition. Court noted it had received it.

Colloquy regarding issues with the self-defense theory. Mr. Colucci argued as to the Strickland standards. Mr. Colucci stated Mr. Bloom had acknowledged he had all of the discovery. Mr. Colucci argued as to Defendant's rights under the 6th and 14th amendments. Further arguments as to the quality and credibility of witnesses and the self-defense theory. Mr. Colucci stated the deficiencies of that theory in this case. Mr. Colucci stated the self-defense theory was ludicrous in this case, in light of the forensic evidence. Mr. Bloom was the only one to think self-defense was a good defense; however, he was not prepared to provide support of that theory of defense. Argument regarding opening statement by Mr. Bloom, wherein he stated Lieutenant Franks and other witnesses would testify and



they did not. Mr. Bloom did not talk to Lieutenant Franks and did not know what he was going to say on the stand. Mr. Bloom advised Judge Mosley he had a meeting with Lieutenant Franks about testifying; however, Mr. Franks said he never met with Mr. Bloom. Further arguments regarding Doctor Eisele, whom Mr. Colucci stated did not help the defense case; instead, Doctor Eisele hurt them, the expert was impeached by his own words.

Mr. Colucci further argued regarding Dr. Sessions's hand-written notes regarding the rhinoplasty and perforated septum. Mr. Colucci stated Mr. Bloom should have impeached Dr. Sessions and should have put that in the closing arguments. The State raised the credibility issue as they stated Dr. Sessions testified there was no hole in the victim's nose but the notes say there was. Mr. Colucci argued Mr. Bloom should have reviewed the medical records and contacted Doctor Sessions; Mr. Bloom put Deft. on the stand to be evasive, as Deft. maintained and still does, that Deft. could not remember what happened that night. Further, prejudice should be presumed.

Mr. Schwartzer argued Mr. Bloom believed his client, that this conversation took place with Doctor Sessions. Arguments regarding Strickland. Mr. Schwartzer argued Mr. Bloom was a very experienced attorney and defense expert, who would have testified, had not tried a murder during that time and admits this is a hard case to prove and further, believed that the self-defense theory was the best defense available. An argument as to battered spouse syndrome was not being feasible. Mr. Schwartzer stated the expert said the psych-evaluation done on the Deft. was negative. Arguments as to Doctor Eisele changing his initial position. Further arguments by Mr. Schwartzer regarding Judge Mosley's admonishment of Deft. Further, there is no prejudice as other witnesses testified as to what Lieutenant Franks would have said.

Court inquired as to the verdict forms. Mr. Schwartzer advised the options were first, second, manslaughter and not guilty.

Court stated it would go back through the arguments and read portions of the transcript and trial. COURT ORDERED, this matter, UNDER ADVISEMENT.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 23, 2011**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**May 23, 2011****8:30 AM****Motion to Withdraw as  
Counsel****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Denise Trujillo  
Monique Alberto**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Centofanti III, Alfred P | Defendant |
|                 | Nelson, Catherine L.     | Attorney  |
|                 | State of Nevada          | Plaintiff |
|                 | Westmeyer, Daniel        | Attorney  |

**JOURNAL ENTRIES**

- There being no opposition, COURT ORDERED, Motion to Withdraw GRANTED and CONTINUED for Confirmation of Counsel. Court directed Mr. Christiansen's office to appoint counsel to represent Deft.

NDC

6/1/11 8:30 A.M. CONFIRMATION OF COUNSEL

CLERK'S NOTE: Mr. Christiansen's office notified of this date./dt

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 01, 2011**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**June 01, 2011****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Monique Alberto**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Nguyen, Rochelle T.

Attorney

State of Nevada

Plaintiff

Stephens, Robert

Attorney

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION FOR CONSOLIDATION AND OTHER RELIEF...DEFENDANT'S MOTION FOR CONSIDERATION, WITHDRAWAL AND APPOINTMENT OF ALTERNATIVE COUNSEL, STAY OF PROCEEDINGS AND OTHER RELIEF...CONFIRMATION OF COUNSEL

Deft. not present. Rochelle Nguyen, Esq., CONFIRMED as counsel. Colloquy between Court and counsel regarding previous proceedings. COURT ORDERED, Defendant's Motion for Consolidation and Other Relief, DENIED as MOOT. Court directed Ms. Nguyen to review the Deft's Motion for Reconsideration and proceed accordingly. COURT ORDERED, Deft's Motion for Consideration, Withdrawal and Appointment of Alternative Counsel, Stay of Proceedings and Other Relief, OFF CALENDAR; Ms. Nguyen to re-calendar if deemed appropriate. Court directed Mr. Stephens to submit Findings of Fact and run it past Ms. Nguyen.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 06, 2011**

01C172534

The State of Nevada vs Alfred P Centofanti III

**July 06, 2011**

**8:30 AM**

**Appointment of Counsel**

**HEARD BY:** Cadish, Elissa F.

**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed

**RECORDER:** Jessica Kirkpatrick

**REPORTER:**

**PARTIES**

**PRESENT:**

Nance, Aaron M.  
State of Nevada

Attorney  
Plaintiff

**JOURNAL ENTRIES**

- COURT ORDERED, matter CONTINUED for the presence of Rochelle Nguyen Esq.

NDC

7-11-11 8:30 AM APPOINTMENT OF COUNSEL

CLERK'S NOTE: The above minute order has been distributed to: Rochelle T. Nguyen Esq.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 11, 2011**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**July 11, 2011****8:30 AM****Appointment of Counsel****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed  
Louisa Garcia  
Christine Erickson  
Noelle Peguese  
Sharon Coffman

**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

**PRESENT:** Nguyen, Rochelle T. Attorney

**JOURNAL ENTRIES**

- Ms. Nguyen stated she will confirm as counsel. COURT ORDERED, Rochelle Nguyen CONFIRMED as counsel on the pending appeal. Ms. Nguyen advised she may seek a remand for a motion for reconsideration. Court directed counsel file whatever motions are appropriate; Supreme Court to be notified of the appointment.

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2012

01C172534

The State of Nevada vs Alfred P Centofanti III

June 04, 2012

8:30 AM

Motion

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

Dulce Romea

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**Brown, Colleen R.  
State of NevadaAttorney  
Plaintiff**JOURNAL ENTRIES**

- Deft. not present. Court noted the Deft. filed a new petition scheduled for hearing on June 25th; the denial of the prior petition is still pending an appeal before the Supreme Court. The Court has reviewed the motion and the State's opposition, and ORDERED, matter CONTINUED for the Court to have a clearer understanding of the pleadings; Deft. to be transported. With respect to the opposition, Court advised exhibit 1, a memo, is not attached. Ms. Brown stated she can provide it to the Court. COURT ORDERED, both the Deft.'s Pro Per Motion to Disqualify the Clark County District Attorney's Office and Petition for Writ of Habeas Corpus CONTINUED to July 2nd. Ms. Brown inquired as to whether they should supplement the motion and provide information that Mr. Wolfson has not been involved in the case. Court concurred, and advised briefing for the Petition for the Writ of Habeas Corpus will be determined after the ruling on the motion.

NDC

7-2-12 8:30 AM DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE...PETITION FOR WRIT OF HABEAS CORPUS

**01C172534**

CLERK'S NOTE: Minutes corrected. / dr 6-18-12

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 02, 2012**

01C172534

The State of Nevada vs Alfred P Centofanti III

**July 02, 2012****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Dulce Romea**RECORDER:** Patti Slattery**REPORTER:****PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Barrie, Krista D.        | Attorney  |
|                 | Centofanti III, Alfred P | Defendant |
|                 | State of Nevada          | Plaintiff |

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE...DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

Ms. Barrie advised Ms. Nguyen is no longer the Deft.'s attorney of record. Court concurred; Ms. Nguyen was counsel on a prior petition. As to the Deft.'s Pro Per Motion to Disqualify the Clark County District Attorney's Office: Court noted District Attorney Steven Wolfson represented the Deft. at a bail hearing in Justice Court. Argument in support of the motion by the Deft, and in opposition by Ms. Barrie. Court stated findings, noting there may be a need for an evidentiary hearing; however, disclosure of confidential information will not be required then. Deft. inquired whether discovery can be a solution short of an evidentiary hearing. Court advised the possibility of Mr. Wolfson being a witness plays into whether or not disqualification is warranted; if the Deft.'s representation that Mr. Wolfson was aware of any plea offers at the time he was his attorney could resolve for him the disqualification issue on a motion to disqualify, not an evidentiary hearing, that would require Mr. Wolfson to respond. Deft. concurred with the Court in that he would like to serve some interrogatories. Regarding his contact with Ms. Nguyen, Deft. advised that as late as March this year he believes she was going to file a supplement to the writ; there may be a conflict between them as he thinks she used to work for Mr. Wolfson. COURT finds, given the Deft.'s representation that Mr.



Wolfson is a potential witness in the Deft.'s case before the Supreme Court, ORDERED, State to submit another supplement on points and authorities; briefing set as follows:

State's supplement due July 16th;

Defendant's reply due August 16th.

COURT ORDERED, matter SET for hearing on August 27th; if the Deft. does not wish to be transported, the Court can rule based on the papers. At the Deft.'s request, Court stated they will look into the possibility of him appearing telephonically, and directed a copy of the minutes and transcript of today's proceedings be provided to him.

As to the Deft.'s Petition for Writ of Habeas Corpus: COURT ORDERED, matter STAYED pending Deft.'s Motion to Disqualify the Clark County District Attorney's Office.

NDC

8-27-12 8:30 AM HEARING: DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE...DEFT'S PRO PER MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

CLERK'S NOTE: Minutes distributed to Alfred Centofanti III, ID #85237 High Desert State Prison P.O. Box 650 Indian Springs, NV 89018. / dr 7-6-12

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 27, 2012

01C172534

The State of Nevada vs Alfred P Centofanti III

August 27, 2012

8:30 AM

All Pending Motions

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

State of Nevada

Plaintiff

Sweetin, James R.

Attorney

**JOURNAL ENTRIES**

- DEFT'S MOTION TO STRIKE SUPPLEMENT TO STATE'S OPPOSITION...DEFT'S PRO SE MOTION TO DISQUALIFY THE CLARK COUNTY DISTRICT ATTORNEY'S OFFICE

Argument in support of motions by Deft. Centofanti. Matter submitted on the pleadings by Mr. Sweetin. Court stated findings and ORDERED, Deft's Motion To Strike Supplement To State's Opposition & Deft's Pro Se Motion To Disqualify The Clark County District Attorney's Office DENIED. Deft. moved for the cost of postage to bring the motion. COURT ORDERED, request for cost DENIED. Upon the inquiry of the Court, Mr. Sweetin advised additional time is needed to respond to the Deft's petition. COURT ORDERED, state's response to the Deft's Petition For Writ of Habeas Corpus is due October 29th; Deft. to file a response once received. Deft. advised that within his Petition For Writ of Habeas Corpus there is a motion for the appointment of counsel; the time needed to respond to the state depends on if counsel is appointed. Mr. Sweetin stated he does not have the motion for appointment of counsel. Deft. noted the motion was filed April 24th. Court stated counsel will not be appointed at this time; Deft. is to file his response and after matters are briefed, if an Evidentiary Hearing is needed a determination will be made if counsel is needed. Upon the inquiry of the Court, Deft. advised there will probably be a motion to dismiss and requested 60 days to respond. COURT ORDERED, Deft's reply is due December 31st; matter set for argument and at

which time the motion for appointment of counsel will also be considered; Deft. may file any additional supplements to the motion for appointment of counsel by December 31st; state to prepare the transport order for the Deft's presence. Deft. requested a copy of his original Presentence Investigation Report (PSI) advising Mr. Collucci cannot find it. Court stated a copy of the PSI will be sent.

NDC

1-16-13 8:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...DEFT'S MOTION FOR APPOINTMENT OF COUNSEL

CLERK'S NOTE: The above minute order and a copy of the Deft's original PSI have been distributed to: Alfred P. Centofanti III # 85237, HDSP, POB 650, Indian Springs Nv. 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 01, 2012**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**October 01, 2012****8:30 AM****Motion****Notice of Motion and  
Motion for Transcript  
of Proceedings and  
Other Relief****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Sharon Chun**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:** GIORDANI, JOHN Attorney  
State of Nevada Plaintiff**JOURNAL ENTRIES**

- Mr. Giordani noted this was on calendar, this is Deft's pro per motion and he should probably be present. COURT NOTED that Deft is seeking a copy of the transcript and minutes and ORDERED, MOTION GRANTED.

NDC

CLERK'S NOTE: A copy of this minute order has been mailed to:

Alfred Centofanti #85237, High Desert State Prison, P.O. Box 650, Indian Springs, NV 89070.

Also mailed to Defendant is a copy of the 8/27/12 minutes held in this Department.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 16, 2013

01C172534

The State of Nevada vs Alfred P Centofanti III

January 16, 2013

8:30 AM

All Pending Motions

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed  
Katrina Hernandez

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Centofanti III, Alfred P | Defendant |
|                 | Scow, Richard H.         | Attorney  |
|                 | State of Nevada          | Plaintiff |

**JOURNAL ENTRIES**

- DEFT'S PETITION FOR WRIT OF HABEAS CORPUS... DEFT'S MOTION FOR APPOINTMENT OF COUNSEL

Court noted Ms. Nguyen is appeal counsel. Deft. concurred and upon the inquiry of the Court stated the appeal remains pending and is fully briefed awaiting a decision. Colloquy regarding the status of the Deft's issues on appeal. Court informed the Deft. matters on appeal cannot be heard by this Court; nor can his appeals be supplemented here. Argument in support of Deft's Motion For Appointment of Counsel by Deft. Centofanti citing ineffective assistance of counsel. Argument in opposition by Mr. Scow. Upon the inquiry of the Court, Deft. stated he does not want Ms. Nguyen as counsel. COURT ORDERED, Deft's Motion for Appointment of counsel GRANTED to address the Deft's District Court matters, Ms. Nguyen was appointed for appellant proceedings ; proceedings set for confirmation of counsel to represent the Deft. on the writ; Deft. need not be transported per his request. Colloquy regarding the proceedings of January 28th that will take place without the Deft's presence. Upon the request of the Deft. and there being no opposition, COURT ORDERED the transcripts of the proceedings of August 27th are to be provided to the Deft.; FURTHER ORDERED, transcripts of today's proceedings to be provided to the Deft. and state at the request of Mr. Scow.

**01C172534**

NDC

1-28-13 8:30 AM CONFIRMATION OF COUNSEL FSTATUS CHECK:BRIEFING

CLERKS NOTE: Drew Christiansen notified of scheduled proceedings.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 28, 2013**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**January 28, 2013****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Katrina Hernandez**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS.....CONFIRMATION OF COUNSEL

Deft. not transported.

Present on behalf of the State of Nevada, Deputy District Attorney Kelly Williams, and on behalf of the Defendant, Christopher Oram Esq. Court advised Mr. Oram of the case history leading to his appointment as counsel. Mr. Oram requested a 30 day continuance for a status check advising he will figure out the case and send a letter to the Deft. Mr. Oram further advised Mr. Colluci would like him to look at a case for him to determine if assistance can be given on a possible petition denied by the Court. Ms. Williams noted there may be issues in regards to Mr. Colluci. COURT ORDERED, proceedings CONTINUED.

NDC

2-27-13 8:30 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS...CONFIRMATIONOF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 27, 2013**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**February 27, 2013****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

State of Nevada

Plaintiff

Williams, Kelly

Attorney

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPSU...CONFIRMATION OF COUNSEL (ORAM)

Present on behalf of the Deft., Christopher Oram Esq. Mr. Oram advised he has spoken with the Deft. and looked into any potential conflicts, the state's position is there are potential conflicts with his representation of the Deft., but the Deft. would like him to remain on the case and has written a letter in that regard. Mr. Oram further advised he was contacted by prior post conviction counsel to act as an expert for post conviction matters in this case, to which counsel was informed that could not happen for one reason or another; the case has been read and discussed with Mr. Colloci. Upon the inquiry of the Court, Deft. stated he is aware of the conflicts and without waiving any privilege advised he spoke with Mr. Oram and is comfortable with Mr. Oram continuing to represent him; a waiver was sent to Mr. Oram as requested. Deft. stated anything else he may say would get into attorney client privilege. Without hearing what was discussed between Mr. Oram and Collucci, Court noted concerns if Mr. Oram can fully represent the Deft. without conflict. Mr. Oram stated he understands the concerns of the state, but reiterated the Deft. could like to be represented by him, and he believes he can represent the Deft., realizing it's an interesting issue. Argument in opposition of allowing Mr. Oram to remain on the case by Ms. Williams. Colloquy regarding the work done on



the case by Mr. Oram and his interactions with Mr. Collucci. Court stated findings noting based upon Mr. Oram's prior consultations with Mr. Collucci and discussions regarding strategy and the work he has done on the case with Mr. Collucci, and Mr. Oram has still not confirmed, the Court believes there is at least a potential conflict, if not an actual conflict with Mr. Oram proceeding on the petition and ORDERED, proceedings CONTINUED for the appointment of new counsel to assist the Deft. with his petition. Upon the inquiry of the Court, Deft. stated he does not wish to be transported to the next hearing.

NDC

3-6-13 8:30 AM STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS  
CORPUS...CONFIRMATION OF COUNSEL

CLERK'S NOTE: Drew Christensen notified of scheduled proceedings.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 06, 2013**

01C172534

The State of Nevada vs Alfred P Centofanti III

**March 06, 2013****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B

**COURT CLERK:** Keith Reed  
 Teresa Slade  
 Sharon Coffman  
 Dania Batiste

**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Centofanti III, Alfred P | Defendant |
|                 | Connolly, Karen Ann      | Attorney  |
|                 | State of Nevada          | Plaintiff |
|                 | Williams, Kelly          | Attorney  |

**JOURNAL ENTRIES**

- STATUS CHECK: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS...CONFIRMATION OF COUNSEL

Ms. Connolly advised she will confirm as counsel for Deft. COURT ORDERED, matter continued to allow Ms. Connolly time to review the file and speak with Deft. Colloquy regarding file's location. Court directed Ms. Connolly to contact Deft.'s previous attorney, Ms. Nguyen to obtain the file. Deft. advised Court he would like a copy of the prior hearing's transcripts. Court directed Deft. to contact his counsel for the requested information. COURT ORDERED, matter continued and noted that Deft. is not to be transported at the next hearing.

NDC

4/10/2013 8:30 AM STATUS CHECK: RECEIPT OF FILES

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 10, 2013

01C172534

The State of Nevada vs Alfred P Centofanti III

**April 10, 2013****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
 Connolly, Karen Ann  
 State of Nevada  
 Williams, Kelly

Defendant  
 Attorney  
 Plaintiff  
 Attorney

**JOURNAL ENTRIES**

- Deft. not present.

Ms. Connolly advised a box of documents and the file were received and requested 120 days to file a supplement. Ms. Connolly noted the Defendant continues to be transported. Court stated the Deft. was not to be transported for today's hearing and ORDERED, Deft's supplement to be filed by August 14th; state's response is due October 14th, and the Defense reply is due November 14th; matter set for argument, and after which it will be determined if an Evidentiary Hearing is needed; Deft. to be transported for the November 25th hearing at his request.

NDC

11-25-13 8:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****January 06, 2014**

01C172534

The State of Nevada vs Alfred P Centofanti III

**January 06, 2014****8:30 AM****Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Connolly, Karen Ann  
 Coumou, Frank  
 State of Nevada

Attorney  
 Attorney  
 Plaintiff

**JOURNAL ENTRIES**

- Defendant not present.

Ms. Connolly advised the supplement was filed Friday. Mr. Coumou requested the April 21st hearing be vacated to allow for briefing. COURT ORDERED, State s response is due March 6th with the defense reply due May 5th; argument CONTINUED to May 19th. Upon the inquiry of the Court Ms. Connolly stated the Deft. can be transported for argument and she will notify the State should he wish not to be transported.

NDC

5-19-14 8:30 AM ARGUMENT: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 04, 2014

01C172534

The State of Nevada vs Alfred P Centofanti III

June 04, 2014

8:30 AM

All Pending Motions

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed  
Marwanda Knight

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Centofanti III, Alfred P | Defendant |
|                 | Flinn, William W.        | Attorney  |
|                 | State of Nevada          | Plaintiff |

**JOURNAL ENTRIES**

- ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S RESPONSE AND MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS.

Attorney Monique McNeil standing in for Attorney Karen Connolly on behalf of the Defendant. Ms. McNeil stated Ms. Connolly is requesting a one week continuance due to child care issues. There being no opposition, COURT ORDERED, matter CONTINUED one week.

NDC

06/11/2014 8:30 A.M. ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS ... STATE'S RESPONSE AND MOTION TO DISMISS DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS.

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 11, 2014**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**June 11, 2014****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Athena Trujillo  
Emma Knauss**RECORDER:** Jessica Kirkpatrick  
Francesca Haak**REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- William Flinn, Deputy District Attorney, present for the State of Nevada.  
Defendant Centofanti, present in custody, with Karen Connolly, Esq.

**ARGUMENT: DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS ... STATE' RESPONSE  
AND MOTION TO DISMISS DEFENDANT'S PETITION FOR WRITE OF HABEAS CORPUS (POST -  
CONVICTION) AND SUPPLEMENT TO PETITION FOR WRIT OF HABEAS CORPUS**

Court noted the petition may be time barred and subject to laches. Ms. Connolly advised she has reserved the right to file a supplement and argued that Mr. Colucci was ineffective as counsel and that she has additional research to do. Court noted the potential claims are that Mr. Colucci was ineffective when he took over the case in District Court and on direct appeal. Ms. Connolly advised they have good cause for an untimely filing due to the conflict with Mr. Colucci and that the Defendant was not aware that Mr. Colucci had filed motions. Ms. Connolly further argued that Mr. Colucci should not have represented the Defendant both before and after conviction. Court noted it appointed Mr. Colucci because he was already counsel on the case. Ms. Connolly advised a waiver of conflict should have been signed, and there was an additional conflict because Mr. Colucci would have been required to argue his own ineffectiveness. Court noted the Defendant used to be an attorney. Ms. Connolly argued there was not a suitable waiver and that the same attorney cannot

represent a Defendant before and after conviction. Further, Ms. Connolly requested the Court take judicial notice of the unpublished decisions she has noted. Ms. Connolly advised that the Defendant filed the motion as soon as the Court made its decision and laches does not apply. State argued that the unpublished opinions were not appropriate and the Defendant's equal protection claim relies on those opinions. Further, State argued the Defendant waived conflict and had the counsel of his choice, who was only appointed because the Defendant ran out of money to pay him. State argued that the Defendant used to be an attorney and understood the issues, and per the transcript, Mr. Colucci advised that they discussed the conflict and the Defendant was asked by the Court if the conflict was waived, to which the Defendant answered yes. State further argued that Hayes is not applicable to this case and that the Court was confident the Defendant waived conflict. With respect to laches, State advised the Defendant only provided an excuse for the delay, not good cause. Ms. Connolly argues it is not clear if Mr. Colucci discussed the waiver with the Defendant and that the Defendant was not aware the first five claims were dismissed by the Court, or he would have acted sooner. COURT noted it cannot make a determination at this time and ORDERED, matter SET for Evidentiary Hearing, noting it would like to hear from both the Defendant and Mr. Colucci. Ms. Connolly requested the Court notify Mr. Colucci. Court advised Ms. Connolly to have him subpoenaed, but noted she could contact him ahead of time to see if he is available.

NDC

08/07/14 9:00 AM EVIDENTIARY HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****July 23, 2014**

01C172534

The State of Nevada vs Alfred P Centofanti III

**July 23, 2014****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Dania Batiste**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Connolly, Karen Ann

Attorney

Heap, Hilary

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- ALSO PRESENT: Carmine Colucci, Esq.

Defendant not present, incarcerated in the Nevada Department of Corrections (NDC). Following a colloquy between the Court and counsel regarding scheduling, COURT ORDERED, matter is RESCHEDULED and SET for an Evidentiary Hearing.

NDC

11/20/2014

8:30 am

Evidentiary Hearing



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 20, 2014**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**November 20, 2014 8:30 AM****Evidentiary Hearing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**Connolly, Karen Ann  
Ferreira, Amy L.  
State of NevadaAttorney  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- Court noted the hearing will focus on the issue of the alleged conflict, which is raised as good cause for the procedural default; supplemental points and authorities have been submitted, but in the view of the Court it must be discussed whether there was a conflict, and if there was a knowing, voluntary waiver of such conflict. The Defendant stated attorney client privilege is being WAIVED for purposes pertaining to the conflict, or any potential conflict issues. Carmine Collucci SWORN AND TESTIFIED. Alfred Centofanti SWORN AND TESTIFIED. Ms. Connolly stated she will address the waiver, whether there was a conflict, and the canvass that should be given by the Court; presented argument in support thereof, and requested the Court find the issues were not waived, and return the Defendant to post-conviction proceedings. Argument in opposition by Ms. Ferreira in regards to procedural bars. Ms. Connolly requested time to address the procedural bar issue if conflict is found, as she thought only the conflict issue was being addressed. Court stated the issue is whether there is a conflict to establish good cause to overcome the procedural bar. Ms. Connolly stated her understanding was the only issue being addressed is if there was a conflict. Colloquy regarding the basis of the hearing. Continued arguments by counsel as to their respective positions. Court stated findings noting there was not a sufficient explanation of the risks, and benefits of the waiver, and it's not believed there was a valid constitutional waiver of that conflict that would keep defense counsel from raising any claims in regards to his own ineffectiveness, or analyzing if any claim can be raised in regards to his own ineffectiveness. Court noted Ms. Connolly would like to brief the impact of it;

the Court will allow counsel briefing to address it, and whether it constitutes good cause to overcome the procedural bar, and as to what claim; the Court needs to understand the scope of what there will be going forward to consider the petition. COURT ORDERED, the Defense supplemental brief is due, February 18th; State's response is due April 13th; the Defense reply is due May 13th; matter SET for hearing in regards to the argument as to the effect of today's ruling, and what is being looked at procedurally going forward with the petition; Defendant to be transported for the hearing; State to prepare the transport order.

NDC

5-27-15 8:30 AM HEARING: Legal Argument

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 27, 2015

01C172534

The State of Nevada vs Alfred P Centofanti III

May 27, 2015

8:30 AM

Hearing

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
Connolly, Karen Ann  
State of Nevada  
Sudano, Michelle L.

Defendant  
Attorney  
Plaintiff  
Attorney

**JOURNAL ENTRIES**

- Court noted it was previously found there was a conflict of interest with Mr. Colucci, counsel for the Defendant on his first habeas petition, and additional briefing was set to address if that was good cause to proceed in this petition or not; supplemental briefing has been seen from the defense; nothing from the State. Ms. Sudano stated it did not make it to the appellant division in time to respond; It's uncertain if the State would like time to respond, or matters can proceed as to why the State does not believe the conflict rose to the level of good cause. Court stated if it's to be argued good cause has not been established that it be placed in writing; someone from the District Attorney's office was present at the last hearing and knew of the deadlines and could have checked. Ms. Sudano concurred stating that is why the State is not necessarily asking for more time; prepared to make the legal argument good cause has not been established. Argument by Ms. Sudano in regards to the lack of a showing of good cause. Argument in support of a showing of good cause and prejudice by Ms. Connolly. Continued argument in opposition Ms. Sudano. Argument by counsel regarding claims of ineffective assistance of counsel. Court stated findings noting it's believed the conflict establishes a good cause and prejudice to the extent it prevented any argument being made in regards to the ineffective assistance of Mr. Colucci in the prior representation of the Defendant in post-trial and appellant representation of the Defendant, the Court FINDS the procedural bar has been overcome to that limited extent that claims that would allow ineffective assistance of counsel claims to be raised in

regards to the ineffective assistance of Mr. Colucci in his post-trial and pre habeas representation; new argument will not be allowed to be raised about the ineffectiveness of trial counsel, Mr. Colucci was fully able to represent the Defendant in that area and did not have a conflict of interest in that regard; claims as to alleged ineffectiveness in the first habeas petition will not be allowed. Court inquired if supplementation is needed to brief the underlying claim that can be raised and is not procedurally bared. Ms. Connolly requested 180 days to file a supplement and an order to conduct discovery relative to these particular claims. Court stated it depends on the discovery. Argument in support of discovery by Ms. Connolly. COURT ORDERED, if discovery needs to be conducted to present the narrow issue to be presented by counsel, it will be allowed, but it will depend on what is being asked for. Ms. Sudano noted on post-conviction the defense is not entitled to additional discovery until the writ is granted and it's set for an Evidentiary Hearing. Court stated should there be any issues a motion should be filed and ORDERED, the Defendant's supplement is to be filed by November 23rd, States response is due by January 25th, Defendant's reply is due by March 1st with the matter SET for hearing March 14th, for argument; an Evidentiary Hearing will be scheduled at that point if needed; Ms. Connolly to prepare the order running it past Ryan McDonald, or someone in the States appellant division prior to submission.

NDC

3-14-15 8:30 AM ARGUMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 09, 2015**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**December 09, 2015      8:30 AM      Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Natalie Ortega**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:** Holthus, Mary Kay      Attorney  
State of Nevada      Plaintiff**JOURNAL ENTRIES**

- Defendant not present.

Court noted the matter was calendared by Ms. Connolly to request additional time to file a supplement and ORDERED, matter CONTINUED for the presence of Ms. Connolly.

NDC

12-16-15 8:30 AM PETITIONER'S MOTION REQUESTING AN ADDITIONAL 120-DAYS TO FILE A SUPPLEMENT TO THE PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****December 16, 2015**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**December 16, 2015      8:30 AM      Motion****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed  
Natalie Ortega**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES  
PRESENT:**

**JOURNAL ENTRIES**

- Defendant not present. Appearing on behalf of the Defendant, and Karen Connolly Esq. Betsy Allen Esq.

There being no opposition, COURT ORDERED, Petitioner's Motion Requesting 120 Days To File A Supplement To The Petition For Writ Of Habeas Corpus (Post- Conviction) GRANTED; Defendant's supplement to be filed by March 22nd; States opposition by May 24th; Defendant's reply by June 21st; matter CONTINUED for argument to July 13th @ 8:30 am, at which time it will be determined if an Evidentiary Hearing is needed; State to transport the Defendant.

NDC

7-13-16 8:30 AM ARGUMENT: DEFT'S PETITION FOR WRIT OF HABEAS CORPUS (POST CONVICTION)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 13, 2016**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**July 13, 2016****8:30 AM****Hearing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Denise Husted**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P  
Connolly, Karen Ann  
Holthus, Mary Kay  
State of Nevada

Defendant  
Attorney  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Pursuant to CONFERENCE AT BENCH, COURT ORDERED, matter CONTINUED as Ms. Holthus just received the paperwork and needs time to review it.

NDC

CONTINUED TO: 8/3/16 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****August 03, 2016**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**August 03, 2016****8:30 AM****Hearing****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Jennifer Kimmel**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**Centofanti III, Alfred P  
Connolly, Karen Ann  
Schwartzter, Michael J.  
State of NevadaDefendant  
Attorney  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- Court clarified the purpose of today's hearing is Ineffective Assistance of Counsel claim against Mr. Colucci in Post Trial and Pre Habeas representation. Matter argued and submitted.

COURT stated it will review the record again, Court wants a transcript from the Supreme Court and is not sure how long that takes and will look at the briefing for appeal as well. Mr. Schwartzter, Esq. advised he will look into that for the Court and get back to Staff with an estimated date for those transcripts. COURT ORDERED, matter set for Decision.

NDC

9/7/16 8:30 A.M. DECISION



**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 07, 2016**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**September 07, 2016 8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Shelley Boyle**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**Centofanti III, Alfred P  
Connolly, Karen Ann  
Holthus, Mary Kay  
State of NevadaDefendant  
Attorney  
Attorney  
Plaintiff**JOURNAL ENTRIES**

- PETITIONER S PRO PER EX PARTE MOTION (UNDER SEAL) FOR LEAVE TO PROCEED IN POPRIA PERSONA, AND OTHER RELIEF, ON AN ORDER SHORTENING TIME PURSUANT TO EJDC 7.40 DECISION

Ms. Holthus noted Deputy District Attorney Michael Schwartzer is assigned to the case, he is not present and she does not have a file in Court today. COURT NOTED, there are items the Court would like to review, and ORDERED, matters CONTINUED.

NDC

CONTINUED TO: 10/05/16 8:30 A.M. (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 05, 2016**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**October 05, 2016****8:30 AM****All Pending Motions****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Connolly, Karen Ann

State of Nevada

Plaintiff

Thoman, Charles W.

Attorney

**JOURNAL ENTRIES**

- PETITIONER'S PRO PER EX PARTE MOTION (UNDER SEAL) FOR LEAVE TO PROCEED IN PROPRIA PERSONA, AND OTHER RELIEF ON AN ORDER SHORTENING TIME PURSUANT TO EJDC 7.40...DECISION

Court noted since the argument on the petition, the Court has taken additional time to review a bunch of information and go over the file and legal authorities in regards to the issues raised, and the Court has received a disk of the argument on the direct appeal from October 10, 2006, and the minutes submitted on the direct appeal; there's also a motion to dismiss counsel based in part on additional information the Defendant believes should have been submitted. Ms. Connolly stated if the Defendant would like to represent himself, he's entitled to do so; there's a fundamental difference between the Defendant and counsel, and he should be allowed to represent himself. Court noted concern, was ready to rule on what the Court has, but for the issues the Defendant is raising he has filed additional information the Court should have before ruling; part of the issues are the Court was not provided with transcripts of the appeal, and for which there is none, but the Court has listened to the recording and inquired if there is anything else the Court needs to see or hear about based on the original argument that has been had. Defendant stated the other issue is whether Mr. Collucci was ineffective for which there is concern as the transcripts of proceedings would have allowed the Court

additional information not previously presented before in determining if his presentation before the Supreme Court was effective or not; which is the reason the particular motions were filed. Court noted the whole point of the Defendant's petition is the alleged ineffective assistance of Mr. Collucci when he came into the case post trial; Defendant would like to dismiss counsel, and raise issues in regards to the ineffectiveness of Mr. Collucci. Defendant stated he thought he would have the Court determine if there is a need for an Evidentiary Hearing, would like to have counsel dismissed, and the ability to argue himself as counsel failed to present additional incidents of prosecutorial misconduct. Court noted the Court must consider the ineffective assistance of counsel argument and determine if an Evidentiary Hearing is warranted. Defendant concurred. Post Conviction Faretta Canvas of the Defendant by the Court. Defendant requested he be allowed to have Standby Counsel. COURT ORDERED, Defendant will be allowed to represent himself. Colloquy regarding the issuance of subpoenas, and proceedings going forward. Court stated the Defendant will be allowed to supplement with additional argument he needs raised, and it will be determined if an Evidentiary Hearing is needed. Ms. Connolly stated at that point the issue can be raised again in regards to the subpoenaing of witnesses. Martin Hart Esq. stated Drew Christensen will send someone to help Pro Per Defendants. Colloquy between Court and Defendant in regards to the issuance of subpoenas's. Court stated Chambers will contact Mr. Christensen's office to potentially appoint an investigator to help the Defendant with things he may need.

Defendant stated if counsel withdraws he cannot have the file, and requested the file be forwarded to Federal Public Defender Kirshbaum; matters have been discussed with him about what is going on, and the files will end up with him regardless if the State Court case has concluded. Upon the inquiry of the Court in reference to the Defendant's file, Ms. Connolly stated he has all that she has.

Defendant stated he's just saying he's not in a position to accept all of those files. COURT ORDERED, Defendant's Motion for self representation GRANTED; request Ms. Connolly contact Mr. Kirshbaum and let him know what took place in Court, and provide him with what parts of the file she has. Ms. Connolly stated it will take time to transmit the files because she has to copy them, and it may take some time due to the logistics. Defendant stated he has an understanding with the Federal P.D.'s office that should he need portions of the file they will send it to him as he does not need the entire file. At this point, Court stated an Evidentiary Hearing is not being scheduled and the Defendant can supplement arguments he needs to raise that were not raised. Defendant stated he would like to refer to the recording the Court has; the biggest challenge is there is no transcript; a copy of the transcript he has was given to Ms. Connolly, but it's not an official transcript. Even though it's not an official transcript, COURT ORDERED, the transcript is to be filed, and made an exhibit to the supplement. Ms. Connolly stated a copy will be sent. Colloquy regarding briefing. COURT ORDERED, Defendant's supplement to be filed by January 14th, State's supplemental response by March 7th; Defendant's reply by May 11th; matter SET for argument June 14th @ 8:30 AM. At the request of the Defendant, and there being no opposition, COURT ORDERED, the Defendant is to be provided with a copy of the August 3rd transcript.

NDC

6-14-17 8:30 AM ARGUMENT

CLERK'S NOTE: The above minute order has been distributed to: Alfred P. Centofanti III #85237, HDSP, POB 650, Indian Springs Nv. 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

January 09, 2017

01C172534

The State of Nevada vs Alfred P Centofanti III

January 09, 2017

8:30 AM

Motion for Leave

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

Heap, Hilary

Attorney

State of Nevada

Plaintiff

**JOURNAL ENTRIES**

- Court noted the State's response was just seen this morning. Defendant moved for the striking of the response, and presented argument in support thereof. Court noted motions on order shortening time changes the rules on the response time; matter needs to be addressed on the merits; the matter was fully briefed until the Defendant decided to represent himself, and now would like to continue the briefing schedule, to which the Court is not opposed; the Court would like to understand the discovery the Defendant is looking to do with the limited scope of the petition. Defendant stated he did not receive the minutes of the prior hearing and would like a copy of the transcripts from that hearing as well. COURT ORDERED, a transcript of the October 5, 2016 proceedings is to be provided to the Defendant. Argument in support of motion by Defendant in regards to the ineffectiveness of Mr. Colucci, and the need for an investigator. Motion submitted on the opposition by Ms. Heap. Court stated the underlying claim does not warrant an Evidentiary Hearing, and the issue is whether an Evidentiary Hearing will be needed on the additional supplementation presented by the Defendant; to the extent the Defendant is looking for further correspondence with Mr. Colucci, it's ORDERED, that Mr. Colucci, or subsequent counsel Ms. Nguyen and/or Ms. Connolly, are to forward correspondence, if any, they have between the Defendant and Mr. Colucci, to the Defendant. Defendant stated documents should be provided to Peter Schulz, 600, W. Broadway, Suite 960, San Diego California, 92101. FURTHER ORDERED, the minutes are to be sent to the Defendant, and prior counsel within 15 days; to the extent additional discovery is sought from the State's file, it will not be

ordered, but is to be addressed in the supplemental brief and the Defendant is to indicate what additional discovery is needed to fully address the petition. Court inquired of the Defendant as to his issues regarding the investigator to track down the Bailiff of Judge Mosely. Defendant stated it was just an example; there are other investigative task; was trying to give the Court a good faith showing. The Court did not follow up with Mr. Christensen, and it's believed the Defendant should have an investigator; will follow up with Mr. Christensen in regards to the investigator to assist with the supplementation, and ORDERED, briefing schedule and argument dates VACATED without opposition; matter SET for status check; Defendant to be provided with the minutes, and a copy of today's proceedings.

NDC

2-22-17 8:30 AM Status Check: Briefing

CLERK S NOTE: Minutes distributed to Alfred P. Centofanti III #85237, HDSP, 22010 Cold Creek Road, POB 650, Indian Springs Nv. 89070, Carmen J. Colucci Esq., Karen A. Connolly Esq., & Rochelle T. Nguyen (Nguyen & Lay)

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 22, 2017**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**February 22, 2017      8:30 AM      Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES**

|                 |                          |           |
|-----------------|--------------------------|-----------|
| <b>PRESENT:</b> | Centofanti III, Alfred P | Defendant |
|                 | Rose, Steven             | Attorney  |
|                 | State of Nevada          | Plaintiff |

**JOURNAL ENTRIES**

- Also present, Mark Preusch, Private Investigator assisting the Defendant. Mr. Rose stated it's his understanding proceedings were calendared to set a briefing schedule. Upon the inquiry of the Court, Defendant stated he met with the investigator at the prison, and they spoke today, and are anticipating needing 60 days for the completion of investigations that have been identified; a copy of the minutes and transcripts were received. Upon the inquiry of the Defendant, Court acknowledged the receipt of the non compliance notice. Defendant stated it's not believed the minutes are entirely accurate in regards to what counsel was to do, and it's the Court's preference in regards to seeking compliance from Mr. Colucci in a time frame when investigations can be completed, and then set a briefing schedule; the minutes don't accurately reflect what the attorney's were to do; Ms. Nguyen is the only one that complied. Court requested Mr. Preusch contact Mr. Colucci's office to inform him of the order, and to provide his correspondence file; another status check can be set in a couple of weeks. Defendant stated he does not want to be transported for the next hearing, and stated Peter Schultz is assisting him Pro Per in California, and he's working with the investigator; there is someone locally assisting with filing, and would like to give the name of that person along with Mr. Schultz, and an order can be submitted to allow me to receive privileged correspondence, phone calls, and things they can assist with. Court stated there is confusion in regards to what the Defendant is asking. Defendant stated Mr. Schultz and Caroline Lenzy are helping with getting things filed locally, would like them to file things on my behalf, as there is no need o keep coming to

Court for status checks if there is a contact person. Court inquired as to what the Defendant needs to be ordered. Colloquy between Court and Defendant regarding what he needs to be ordered. Court stated if Ms. Lenzy has a factual inquiry to make, that's fine, but cannot have her practicing law on behalf of the Defendant. Defendant stated it would just be to coordinate things on calendar. Court stated what will be done is this Court's department will contact Mr. Colucci in regards to his compliance with the order to provide the correspondence he had with the Defendant, and that it's to be sent to the address in the minutes. COURT ORDERED, matter CONTINUED to determine if the investigations are completed, and if a briefing schedule is ready to be set.

NDC

4-26-17 8:30 AM STATUS CHECK: BRIEFING SCHEDULE



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 26, 2017

01C172534

The State of Nevada vs Alfred P Centofanti III

April 26, 2017

8:30 AM

Status Check

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
O'Halloran, Rachel  
State of Nevada

Defendant  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Also present, Standby counsel, Deputy Public Defender Christopher Peterson.

Court noted there has been communication with Mr. Colucci; he's retrieving bankers boxes of documents, and is in the process of having them copied and sent to Mr. Schultz as requested by the Defendant, and inquired where that leaves matters in terms of briefing; Ms. Connolly had indicated the files have been provided to Mr. Schultz. Defendant stated it's believed the brief can be filed by May 1st, and served on the State. COURT ORDERED, Defendant's supplemental brief to be filed by May 1st; State's response by July 3rd. Defendant requested a shorter briefing schedule for a faster hearing. COURT ORDERED, request for shorter briefing scheduled DENIED; Defendant's reply to be filed by July 17th; matter SET for argument July 31, 2017. Defendant inquired if there's a time line for Mr. Colucci's documents. Court stated the matter will be followed up on and ORDERED, the documents are to be sent out by Mr. Colucci within a week; copies of the minutes from February 22nd, and today are to be provided to the Defendant' at his request.

NDC

7-31-17 8:30 AM ARGUMENT

CLERK'S NOTE: The above minute order has been distributed to: Alfred P. Centofanti III, #85237, HDSP, 22010 Cold Creek Road, POB 650, Indian Springs Nv. 89070

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 10, 2017**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**May 10, 2017****8:30 AM****Status Check****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:** Jessica Kirkpatrick**REPORTER:****PARTIES****PRESENT:**

Centofanti III, Alfred P

Defendant

State of Nevada

Plaintiff

Turner, Robert B.

Attorney

**JOURNAL ENTRIES**

- Court stated Mr. Colucci has passed away; contact has been made with his office, and they could not get the file within a week, but they will get it taken care of, although it may take a couple of weeks to get it copied and provided at this point; the intent is to give them another 2 weeks to provide the file to the Defendant. Court inquired if another status check is needed. Defendant stated he will notify the Court if the file is not received. Court noted the Defendant's supplement, to which the State is to respond; Mr. Colucci's office is to provide a copy of the file to the Defendant within 2 weeks; Defendant to have the matter set for a status check should the file not be received, and the Court will follow up with Mr. Colucci's office.

7-31-17 8:30 AM ARGUMENT

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 19, 2017**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**July 19, 2017****3:00 AM****Minute Order****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Keith Reed**RECORDER:****REPORTER:****PARTIES****PRESENT:**

**JOURNAL ENTRIES**

- Pursuant to Law Clerk, Defendant's Motion for Transcript of November 20, 2014 Hearing and Other Relief is hereby GRANTED. Proceedings scheduled for July 26, 2017 are hereby OFF CALENDAR. To provide adequate time for the transcript to be prepared and filed, and to provide the parties time to review the transcript, the proceedings scheduled for July 31, 2017 on Argument for Defendant's Supplement to the Post-Conviction Petition for Writ of Habeas Corpus are hereby CONTINUED to August 30, 2017

CLERK'S NOTE: The above minute order has been distributed to: Alfred P. Centofanti III #85237, HDSP, POB 650, Indian Springs Nv. 89070, Steven B. Wolfson (Chief Deputy District Attorney), and Jessica Kirkpatrick (Recorder-DC VI)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 30, 2017

01C172534

The State of Nevada vs Alfred P Centofanti III

August 30, 2017

8:30 AM

All Pending Motions

HEARD BY: Cadish, Elissa F.

COURTROOM: RJC Courtroom 15B

COURT CLERK: Keith Reed

RECORDER: Jessica Kirkpatrick

REPORTER:

**PARTIES****PRESENT:**

Centofanti III, Alfred P  
Schwartzter, Michael J.  
State of Nevada

Defendant  
Attorney  
Plaintiff

**JOURNAL ENTRIES**

- Petitioner's Pro Per Motion To Strike And Other Relief....Argument

Court stated proceedings were calendared for further argument based upon the Defendant's additional supplement in support of an Evidentiary Hearing and noted the Defendant's briefs were apparently served on Mr. Wolfson by e-mail, rather than to anyone assigned to work on the case and ORDERED, Petitioner's Pro Per Motion To Strike And Other Relief DENIED. Argument in support of Petition/Evidentiary Hearing, by Defendant as it regards the issues of the disqualification of counsel, ineffective assistance of counsel, the canvass, prosecutorial and juror misconduct, and motion for new trial. Exhibits Presented (See Worksheet). Argument in opposition of Petition/Evidentiary Hearing by Mr. Schwartzter. COURT ORDERED, matter UNDER ADVISEMENT; an order will be issued. Defendant requested he be allowed to file a Widdis motion, advising the Clerk's Office will not allow him to file it under seal. Court stated it's believed it can be filed under seal. Mr. Schwartzter concurred. Defendant stated he has the order for transcripts which was granted, and requested he be provided with the December 2, 2009 transcripts. COURT SO ORDERED; transcripts to be prepared at the State's expense. Upon the inquiry of the Court as to the Widdis motion, Defendant stated a proposed order has not been prepared. COURT ORDERED, the Widdis motion is to be filed under seal exparte for the Court to take a look at and an order will be issued.

**01C172534**

NDC

**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 26, 2018**

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01C172534

The State of Nevada vs Alfred P Centofanti III

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**December 26, 2018      3:00 AM      Minute Order****HEARD BY:** Cadish, Elissa F.**COURTROOM:** RJC Courtroom 15B**COURT CLERK:** Lauren Kidd**RECORDER:****REPORTER:****PARTIES****PRESENT:****JOURNAL ENTRIES**

- Before the Court is Petitioner's second post-conviction petition for writ of habeas corpus. The Court previously found good cause and prejudice to allow this petition to proceed solely as to alleged ineffective assistance of Mr. Colucci from when he came on as Petitioner's counsel after trial and up until the filing by Colucci of the first post-conviction petition. The Court notes that unfortunately Mr. Colucci passed away during the pendency of this petition. As background, the first petition raised five arguments that were dismissed by the Court because they were issues that could have been raised on direct appeal and were thus not a proper basis for post-conviction habeas relief. Petitioner now raises those issues as alleged ineffective assistance of Colucci in not raising these 5 matters on the direct appeal. The first is the trial court's disqualification of attorney Dan Albregts as counsel for Petitioner. While it is true that a court's improper deprivation of a defendant's counsel of choice is structural error, the record in this case shows that is not what occurred here. Albregts had advised Petitioner regarding a real estate transaction in California during the pendency of this murder case. The State asserted that this transaction involved fraud and expressed an intention to raise the issue at trial, later clarifying that they would not be calling Albregts as a witness but that they would likely raise this issue in a penalty phase if Petitioner was convicted of first degree murder. Albregts brought in co-counsel Mr. Bloom from California to work on the case as well, and sought to continue the trial because Albregts believed he would likely need to be a witness at trial to respond to the State's position on the real estate transaction. The State argued that Albregts could not be both a witness and trial counsel. The trial court held that Albregts could continue to be counsel for Centofanti but would not be able to be counsel at trial because he was likely to be a witness. In the end, the parties waived a

penalty hearing to have the judge sentence Petitioner. Thus, Albregts was never called as a witness. However, the issue of the real estate transaction was argued by the parties at the sentencing hearing, and there was reference by Colucci in his arguments to the affidavit from Albregts which had been submitted on this subject. Pursuant to *DiMartino v. Dist. Ct.*, 119 Nev. 119 (2003), the trial court handled this matter appropriately. Accordingly, Petitioner has not demonstrated that Colucci was ineffective for failure to raise this issue on appeal as it likely would have failed. Additionally, prejudice has not been shown as the raising of this issue would not have resulted in a different outcome on the appeal. The Court notes that on appeal from this Court's denial of the first post-conviction petition, the Nevada Supreme Court affirmed this Court's ruling that it was not ineffective for trial counsel to fail to seek writ relief regarding the disqualification issue. There is no need to expand the record on this issue.

The next issue is the failure to raise on appeal the canvass of Petitioner pre-trial regarding his understanding that counsel would be presenting self-defense at trial, which would at least tacitly acknowledge that Petitioner was the shooter. On the appeal from this Court's denial of the first post-conviction petition where this issue was raised as to ineffective assistance of trial counsel, the Nevada Supreme Court found that there was never any question whether Petitioner was the shooter and even if the canvass was not proper, it was outside the presence of the jury and did not lock in the defense theory at trial or foreclose a mens rea defense. These findings apply equally to Colucci's failure to raise this issue on appeal. It was not ineffective nor prejudicial, as it was not an argument likely to succeed on the appeal. There is no need to expand the record on this issue.

The next issue relates to alleged juror misconduct and the related issue of alleged prosecutorial misconduct, which Petitioner argues should have been raised on appeal. In fact, the juror misconduct and prosecutorial misconduct issues were raised by Colucci in the motion for new trial briefing as well as the appeal briefing, and were referenced during the oral argument before the Nevada Supreme Court on the direct appeal. Indeed, they are all discussed and rejected in the Nevada Supreme Court's Order of Affirmance filed December 27, 2006. This Court finds that Colucci raised these issues appropriately once he came on to the case. He did not substitute in as counsel until after the deadline for filing a motion for new trial had passed, so he cannot be blamed for the untimeliness. Additionally, he successfully convinced the Supreme Court that these issues should be addressed on the merits, as they did so, ultimately concluding that the required prejudice had not been shown. Given the overwhelming evidence of guilt in this case, it is not clear what else Colucci could or should have done to show prejudice. Contrary to Petitioner's assertions, Colucci noted in his appeal briefs that the motion for new trial had been denied without holding an evidentiary hearing, but the Nevada Supreme Court nevertheless found prejudice lacking rather than remanding to hold an evidentiary hearing. More telling, to this day, there is still no evidence before this Court which would show prejudice from the alleged misconduct, and thus a failure to meet the prejudice prong under *Strickland* because this Court cannot find that there would be a basis for the trial court or Nevada Supreme Court to have reached a different outcome. Petitioner seeks to have an evidentiary hearing on this Petition to address this matter, but an evidentiary hearing is only warranted if there are specific factual allegations which, if true, would entitle him to relief. Although this matter has been thoroughly briefed and argued through counsel, and later by Petitioner pro per and with the



assistance of an investigator, this showing has not been made. Thus, this ground must be rejected.

The next issue relates to alleged errors in the jury instructions given at trial. However, after review of the jury instructions, this Court does not find that there was any valid argument to raise on appeal in this regard and thus, neither ineffective assistance nor prejudice have been established. There is no need to expand the record on this issue.

The next issue is whether alleged burden shifting by the State in its closing argument should have been raised on appeal. However, this Court is not persuaded that the decision to focus on other arguments on the appeal rather than this one was ineffective, nor has prejudice been shown in that this likely would not have succeeded on appeal given the overwhelming evidence against Petitioner. There is no need to expand the record on this issue.

This Petition also raised the issue of the trial judge's expressed refusal to consider any plea negotiations, other than a straight plea to the charges, once the jury was impaneled. This issue itself is beyond the scope of this Petition, but this Court will consider the argument to the extent it asserts ineffective assistance of Colucci in not raising this argument on appeal. Whether or not the judge's policy was proper, this issue would not likely have been successful on appeal as there is no showing that any offer was contemplated or any negotiation might have been reached if not for the judge announcing this policy. Thus, prejudice has not been shown, nor was Colucci ineffective for failing to raise this issue on the appeal. There is no need to expand the record on this issue.

Petitioner also argues that Colucci should have raised challenges to the admissibility of the testimony of the ten-year-old son of the victim. However, he has failed to demonstrate that a valid legal challenge to the testimony could have been raised on appeal or that it would have likely been successful, particularly since the Nevada Supreme Court already affirmed this Court's denial of the alleged ineffective assistance of trial counsel on the same issue. There is no showing that the testimony would have been ruled incompetent or otherwise precluded if it had been raised. There is no need to expand the record on this issue.

Petitioner asserts Colucci should have argued cumulative prosecutorial misconduct on appeal. He did argue prosecutorial misconduct in his briefs and his argument before the Nevada Supreme Court. The failure to explicitly refer to it as cumulative would not likely have made a difference in the outcome of the appeal, and thus fails to satisfy the Strickland standard for prejudice. Moreover, the Court does not find Colucci ineffective for failure to make this argument. There is no need to expand the record on this issue.

With regard to Colucci's alleged ineffectiveness regarding the motion for new trial, as discussed above regarding the appeal, he was not ineffective by filing an untimely motion for new trial as he was not counsel until after that deadline had passed. He did get an investigator involved, who gathered information about the jurors which was presented in the briefing and oral argument regarding the motion. Alleged prosecutorial misconduct was also alleged. There was discussion at the hearing about the possible need for an evidentiary hearing on the motion, but Judge Mosley ruled

that the motion was untimely as a matter of law, over Colucci's objection. While Colucci did not present evidence which established prejudice from the juror misconduct, it is not clear what else he should have done or whether it would have made a difference. As there is still no showing of any prejudice from the alleged juror issues, the Court finds the Strickland standard has not been met on either ineffectiveness or prejudice. There is also no need for an evidentiary hearing on this claim as there are not specific factual allegations which, if true, would entitle Petitioner to relief. There is no need to expand the record on this issue.

Regarding the claim that Colucci was ineffective at sentencing, the Court finds it meritless as Colucci submitted a lengthy sentencing memorandum and made appropriate arguments at sentencing for why Petitioner should have a possibility of parole. The sentencing judge explained his reasons for imposing two consecutive sentences of life without possibility of parole, none of which were things that Colucci had control over. The Court does not find Colucci ineffective or that any prejudice has been shown. There is no need to expand the record on this issue.

Given the above findings, there is no basis for cumulative error relief, particularly given the overwhelming evidence of guilt in this case, even if cumulative error analysis applies in this context.

Finally, Petitioner's request to do additional discovery about plea offers that might have been made is beyond the scope of this Petition which is limited to Colucci's part of the case, and which was only post-trial. Moreover, there are no facts presented which would warrant relief on this claim. Accordingly, Petitioner has not demonstrated ineffectiveness or prejudice as required by Strickland, nor is an evidentiary hearing warranted on this record.

For all of these reasons, this Court denies the instant second post-conviction Petition for Writ of Habeas Corpus and denies the request for an evidentiary hearing. The State shall prepare and submit proposed findings and conclusions, which should detail the procedural history as well as the rulings on each claim, and provide a draft to Petitioner.

CLERK'S NOTE: A copy of this Minute Order was placed in the attorney folder of the District Attorney's Office and mailed to Alfred Centofanti #85237, High Desert State Prison, 22010 Cold Creek Rd, PO Box 650, Indian Springs, NV 89070. //lk 12/26/18

C172534  
VII

**Defendant(s):** ALFRED PAUL CENTOFANTI, III

**Case No(s):** 00BJG009X (To be randomly tracked to DC VII or XVIII)

**Charge(s):** MURDER WITH USE OF A DEADLY WEAPON (1ct)

**Def. Counsel(s):** Steven Wolfson, Esq.

|                  |                        |                                 |
|------------------|------------------------|---------------------------------|
| <b>Exhibits:</b> | 1. Proposed Indictment | 15. Withdrawn                   |
|                  | 2. Photograph          | 16. Withdrawn                   |
|                  | 3. Photograph          | 17. Photograph                  |
|                  | 4. Withdrawn           | 18. Photograph                  |
|                  | 5. Photograph          | 19. Photograph                  |
|                  | 6. Photograph          | 20. Photograph                  |
|                  | 7. Photograph          | 21. Photograph                  |
|                  | 8. Photograph          | 22. Withdrawn                   |
|                  | 9. Withdrawn           | 23. Photograph                  |
|                  | 10. Withdrawn          | 24. Photograph                  |
|                  | 11. Photograph         | 25. Posterboard Diagram (body)  |
|                  | 12. Withdrawn          | 26. Posterboard Diagram (scene) |
|                  | 13. Withdrawn          | 27. Posterboard Diagram (scene) |
|                  | 14. Withdrawn          |                                 |

Exhibits 1 thru 3, 5 thru 8, 11, 17 thru 21, & 23 thru 27, to be lodged with the Clerk of the Court;  
Exhibits 4, 9, 10, 12 thru 16, & 22 withdrawn.

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**DEFENDANT IN CUSTODY  
WARRANT  
SET FELONY ARRAIGNMENT:**

---





CASE NO. C172534

~~TRIAL~~ DATE:

NOV 07 2001

DEPT. NO. VII

**JUDGE:**

**MARK W. GIBBONS**

CLERK:

TINA HURD

REPORTER:

RENEE SILVAGGIO

CHRISTOPHER LAURONT

COUNSEL FOR PLAINTIFF

Gloria Navarro / ALON BLOOM  
COUNSEL FOR DEFENDANT

COUNSEL FOR DEFENDANT

PLAINTIFF

VS

DEFENDANT .

[illegible][illegible]

DEFT'S EXHIBITS

**CASE NO. C172534**

[illegible]

**VAULT EXHIBIT FORM**

**JURY FEES: N/A**

**COUNSEL FOR PLAINTIFF**  
AMY FERREIRA  
**COUNSEL FOR DEFENDANT**  
KAREN CONNOLLY

[illegible]



CASE NO. 0172534

[illegible]

## COURT'S EXHIBITS

CASE NO. C172534

[illegible]

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL; CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; NOTICE OF  
ENTRY OF FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER; DISTRICT COURT  
MINUTES; EXHIBITS LIST

STATE OF NEVADA,

Plaintiff(s),

vs.

ALFRED P. CENTOFANTI, III,

Defendant(s).

Case No: 01C172534

Dept No: VI

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 22 day of February 2019.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk



**EIGHTH JUDICIAL DISTRICT COURT  
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE, 3<sup>rd</sup> FL.  
LAS VEGAS, NEVADA 89155-1160  
(702) 671-4554

Steven D. Grierson  
Clerk of the Court

Anntoinette Naumec-Miller  
Court Division Administrator

February 22, 2019

Elizabeth A. Brown  
Clerk of the Court  
201 South Carson Street, Suite 201  
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. ALFRED P. CENTOFANTI, III  
D.C. CASE: 01C172534

Dear Ms. Brown:

Please find enclosed a Notice of Appeal packet, filed February 20, 2019. Due to extenuating circumstances minutes from the date(s) listed below have not been included:

February 4, 2019

We do not currently have a time frame for when these minutes will be available.

If you have any questions regarding this matter, please contact me at (702) 671-0512.

Sincerely,  
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, appearing to read "Amanda Hampton", written over a horizontal line.

Amanda Hampton, Deputy Clerk