

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALFRED P. CENTOFANTI, III,

No. 78193-COA

Appellant,

vs.

THE STATE OF NEVADA.

FILED

JUL 22 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
D. Richards
DEPUTY CLERK

**MOTION FOR LEAVE TO FILE A PETITION FOR EN BANC
RECONSIDERATION AND OTHE RELIEF**

COMES NOW, Appellant Alfred P. Centofanti, III, (hereinafter “Centofanti”), in Pro Per, and hereby files this Motion, pursuant to NRAP 26, to request he be allowed leave to file a Petition for Re Hearing En Bank pursuant to Rule 40-outside the 10 day time limit.

The reason for this Motion is that due to the fact of Centofanti’s incarceration, there is no method or way for him to comply with the 10 day timeline. Currently due to the Covid-19 crisis Centofanti’s access to those resources needed to prepare and file a response are either being denied to him (the law library) or severely curtailed (access to the incoming and outgoing mail) such that he is respectfully requesting he be given leave of at least 30 days from the date of any denial of the pending Petition for Rehearing in which to file a Petition for En Banc Reconsideration.



By way of an offer of proof, the June 5, 2012 Order of Affirmance was not in fact delivered to Centofanti until July 12, 2012, a full 7 days later (and on a Friday). Centofanti has been denied since that date access to the law library and the inmate store has been closed since June 22, 2020 so as to prevent Centofanti from being able to purchase envelopes, paper and postage and further limited from access to the kiosk to order the supplies. Additionally, Centofanti's access to the telephones is similarly limited which limits his ability to seek outside pro-bono assistance.

Centofanti is attaching a copy of the July 1, 2020 "response" he received July 2, 2020 to his June 15, 2020 request for access to the law library. (see, attached Exhibit "A"). This Court is asked to take judicial notice of the fact that from June 15, 2020 to the present:

- The HDSP law library has been open for physical access to free staff, inmate workers, HDSP custody staff, as well as "appointments" in the form of select inmates as chosen by HDSP staff, believed to be free staff (law library supervisors) in conjunction with the Associate Warden of Programs (believed to be Ms. Monique Hubbard-Pickett).
- The attendance and other records of HDSP not available to Centofanti would prove all of the above.

- Centofanti was told by custody staff Spry on Friday, July 10, 2020, that on that day 3 non inmate worker inmates were allowed access to the law library.

Why an inmate with a demonstrated provable need for physical access who make a timely request within a Court Ordered deadline (here June 23, 2020) is not only denied access but is lied to about it is something that perhaps should be addressed in not only in deciding this Motion, but be considered in the previously filed Motion for an Order to Show Cause.

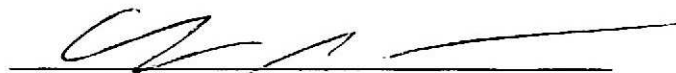
Centofanti believes, and in good faith, is pursuing relief in reconsideration in good faith on the basis that the facts and circumstances of judicial interference and counsel conflict are important issues of public policy which need to be addressed for Centofanti's and future cases.

THEREFORE, Centofanti respectfully requests the following relief:

1. That Centofanti be given 30 days from the date of the denial of the Petition for Rehearing in which to file a Petition for En Banc Reconsideration;
2. That this Motion be heard in conjunction with the previously filed Order to Show Cause which is pending before this Court.

3. Any further relief deemed appropriate under the facts and circumstances of this case.

Respectfully submitted this 14th day of July, 2020



Alfred Centofanti # 85237
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070

Appellant in Pro Per


CERTIFICATE OF SERVICE

I, Alfred Centofanti, Appellant in Pro Per, that pursuant to NRCP 5 I am mailing a true and correct copy, postage pre-paid and addressed to :

The Clark County District Attorney
Appellate Division
200 Lewis Ave.
Las Vega, NV 89101

Nevada Attorney General
Appellate Division
555 Washington Ave # 3900
Las Vegas, NV 89101

Respectfully submitted this 14 day of July, 2020



Alfred Centofanti # 85237
High Desert State Prison
P.O. Box 650
Indian Springs, Nevada 89070

Appellant in Pro Per

RETURN
TO
INMATE

Law
Library

INMATE REQUEST FORM

1.) INMATE NAME Centofanti, A.	DOC # 85237	2.) HOUSING UNIT 7A-21	3.) DATE June 15, 2020
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4.) REQUEST FORM TO: (CHECK BOX)

CASEWORKER

MEDICAL

EDUCATION

VISITING

LAUNDRY

PROPERTY ROOM

MENTAL HEALTH

LAW LIBRARY

SHIFT COMMAND

X OTHER AW Hubbard-Pickett

RECEIVED
JUL 01 2020
HIGH DESERT STATE PRISON
LAW LIBRARY

5.) NAME OF INDIVIDUAL TO CONTACT: Associate Warden Hubbard - Pickett

6.) REQUEST: (PRINT BELOW) I need immediate 'approval' for a physical appointment at the law library

On Friday, June 12, 2020 I received (3) pieces of legal mail - all requiring research/response(s)
1) Order of Affirmance in Case No 78193 - COA in Centofanti v. Nevada (criminal appeal) in the
Nevada Court of Appeals filed June 5, 2020 - I have 10 days to prepare/file Petition for
Rehearing; 2) Notice of Hearing (June 10, 2020) in Case No. A-17-753887-C - Centofanti v. Nevada (Civil)
I missed the hearing need to file various motions; 3) June 1, 2020 letter (from counsel) and wait in Case
2:13-CV-01680 - JAD-PAL. I do not have time to file a motion to compel access to the law library
and the phrase to make legal calls but will file a motion for a TRO/contempt/sequestration if required.

7.) INMATE SIGNATURE [Signature] DOC # 85237

8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

I welcome the opportunity to speak with you, provide documentation to support my request, and reach
an informal resolution, however, time is of the essence. Your prompt response is appreciated.

MP. Centofanti - The law library is currently closed
for physical access due to the COVID 19 Pandemic.

You may file the law library & any research items
available will be delivered to your cell in accordance
with OP 722

10.) RESPONDING STAFF SIGNATURE _____ DATE _____

I please vote your counsel, the Nevada AG's office can verify this information as they are
counsel for the state/represented in all three actions.