

IN THE SUPREME COURT OF THE STATE OF NEVADA

Alfred P. Centofanti, III,

No.: 78193-COA

Appellant

DC NO. 01-C-172534

vs

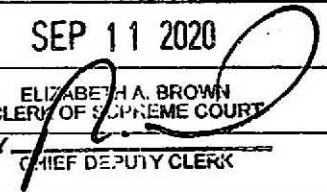
The State of Nevada,

Respondent

FILED

SEP 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY  CHIEF DEPUTY CLERK

Appellant's Motion for Leave to Amend Petition for Rehearing and Other Relief

COMES NOW, Appellant, Alfred P. Centofanti, III, and hereby files this Motion for Leave to Amend his Petition for Review to comply with the applicable NRAP, as well as to add to the record, exhibits, if any, as well as additional case law and other authorities not available to him, and to Amend by Errata his Motion of Sept 1, 2020. Additionally, Centofanti asks that any filing fees or costs be waived and the clerk of the court ordered to file both this Motion and concurrently filed Petition for Review prior to the 18 day filing deadline of September 11, 2020.

This motion is made and based pursuant to the NRAP, the inherent powers of the Court, and, the attached Memorandum of Points and Authorities.

Respectfully submitted,

This 7th day of September

APC

Alfred Centofanti # 85237

RECEIVED
SEP 11 2020
PO BOX 650

SEP 11 2020
SPRINGS NV 89070

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

Appellant in Pro Per

20-33577

Memorandum of Points and Authorities

1 COMES NOW, Appellant Alfred Centofanti ("Centofanti") in proper and respectfully requests
2 this Court allow him leave to Amend the concurrently filed Petition for Review, and that the
3 Petition and Amended Petition pursuant to NRAP 26(b)(1)(A) providing:

4 For Good Cause, the court may extend the time prescribed by these rules or by its
5 order to perform any act to be done after that time expires.

6 Dedication of Appellant Alfred P. Centofanti, III.

7 Alfred P. Centofanti, III, hereby declares under the penalty of perjury (CARS 208.105) as follows

8 1. Centofanti seeks permission to file the concurrently mailed Petition for Rehearing.

9 The Order denying Rehearing by the Appellate Court for which review is sought per NRAP 40B
10 was filed August 24, 2020 and received by Centofanti by mail at HOSP on September 1, 2020
11 leaving him only 10 days to comply with the 18 day deadline.

12 2. Centofanti mailed a Motion Sept 1st asking for additional time to file a

13 Pet. for En Banc Reconsideration, which was in error and should have asked for
14 additional time for Rehearing under NRAP 40 B. Errata is requested to fix this
15 error, and that this Motion relate back to the one mailed Sept 1st.

16 3. Out of an abundance of caution Centofanti has prepared a Petition for Review and
17 this motion to be mailed on Tues Sept 8th, 3-days before the deadline, the soonest
18 available date mail can be picked up over labor day weekend as Centofanti was unable
19 to have the Rehearing Petition ready Sept 3rd (mailed HOSP 5-th night pick up
20 for delivery to USPS next day).

21 4. On August 24, 2020 HOSP went on a security lock down, and remained
22 on lock down (Centofanti's visit 7 A/B) through at least Sept 10th, 2 days before
23 the 18 day deadline.

24 5. There is no direct access to do research or obtain the case law and authorities
25 to support the Petition for Review, copies, at the HOSP law library. Appellant is
26 attempting to obtain materials through a paging system which operates M-Th
27 through internet mail and not available this holiday weekend, if at all.

28 6. Since August 24, 2020 Centofanti is not allowed out of his cell except

1 for showers, every 3rd day. Even if the unit comes off lockdown status Sept 18th
2 Centofanti will still have no access to the law library.

3 7. Centofanti seeks leave to file a supplemental Petition for Review with additional facts,
4 witnesses, documents, references to or expansion of the record, and other evidence and
5 authority not available to him due to the time constraints of the 18 day filing deadline
6 and effect of the lockdown status, not of Centofanti's doing, limiting access to essential
7 resources to comply fully with the NRAP.

8 8. Centofanti seeks an order from this Court ordering warden Calvin Thomas
9 to allow Centofanti physical access to the law library and that a briefing schedule
10 be set for any Amended Petition for Review after access is granted and that
11 a stay of proceedings ordered until briefing complete.

12 9. Centofanti also requests this Motion and Petition for Review be served electronically
13 on Respondent's counsel of record as Centofanti is unable to do so with no access to
14 a copies by order of the Court, and conformed copies be provided to Centofanti

15 10. This Motion is being made in good faith and not for the purpose of delay
16 or other improper purpose.

17 FURTHER AFFIANT SAYETH NAUGHT

18
19 Dated this 7th day of Sept. 2020

20 APL

21 Alfred Centofanti # 85237

22 Appellant in Pro Per

23
24 Certificate of Mailing

25 (See certificate attached to the Petition for Review)