

1 In the Supreme Court of the State of Nevada

FILED

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Alfred Centofanti,

No. 78193

NOV 24 2020

4

Appellant,

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

5

vs

Motion for stay of Remittitur and other

6

The State of Nevada,

Relief

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Respondent

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COMES NOW, Appellant Alfred Centofanti ("Centofanti") in pro per and hereby files his Motion for stay of Remittitur and other Relief.

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This Motion is made and based upon all pleadings and records on file, the attached Memorandum of Points and Authorities, the NRAP, the Rules and inherent powers of this Court, as well as any additional facts, witnesses, documents and other evidence ordered produced and/or at the hearing of this matter, if any.

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Respectfully submitted this 17th day of November, 2020.

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Alfred Centofanti # 85237

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Appellant in pro per

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Memorandum of Points and Authorities

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Relevant Facts, Law and Argument

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On November 6, 2020 the clerk filed this Court's Order Regarding Motions. The Order provided, in pertinent part, as follows:

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Appellant shall have 14 days from the date of this order to file and serve the ~~requested~~ petition for review. If no petition is timely filed, the clerk shall issue the remittitur.

RECEIVED
27 NOV 23 2020
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

The Order was not post-marked until November 10, 2020 (4 day delay)

1 and not delivered to Centofanti until today, Tuesday, November 17, 2020 (7 day
2 delay) giving Centofanti less than three (3) days to comply with the Order.

3 Relief from the November 6, 2020 is sought as follows:

4 (1) the Court is asked to provide a deadline that comports with
5 the reality of the Covid-19 pandemic

6 HDSP went on a Covid-19 lockdown on November 9, 2020.

7 Centofanti has ~~Q~~ access to the resources needed to adequately litigate
8 these motions, let alone the underlying Petition for Rehearing.

9 Setting a deadline during a Covid-19 lockdown is one that Centofanti
10 cannot possibly meet. This violates his right to have his matters before this
11 Court heard on the merits and not simply denied for "failing to demonstrate
12 that reconsideration... is warranted," and citing to case law in its
13 Order not available to Centofanti.

14 What is the statute, Rule of law, or cases this Court is relying upon
15 to justify denial of Centofanti's right to access to the courts in light of
16 the pandemic?

17 This is the 2nd time the Order of this Court arrived at a time to make
18 compliance impracticable. The envelope and Receipt (originals) are being
19 sent to the Court for consideration. (Original(s) - copies not available "Ex. A")

20 Centofanti is not seeking an "undetermined" extension of time, but one that
21 addresses the reality of the situation. Covid-19 lockdown means no law
22 library access by any means. What harm would be caused by staying
23 the matter until the lockdown is over? Until Centofanti is provided
24 the opportunity to access the resources needed to represent himself?

25 (2) The Court is asked to stay the issuance of the remittitur

26 Centofanti seeks stay of the remittitur for two reasons:

27 a) to preserve his right to seek en banc reconsideration under
28 the N.R.A.P. With the demonstrated delay in mailing, Centofanti

1 asks leave for additional time to file a Petition for En Banc Reconsideration
2 if his Petition for Rehearing is denied. Would the full panel of this Court
3 support the NDOC using the pandemic to deny access to the Courts, and,
4 this panel's setting deadlines without first ordering access (and using
5 lack of access as a further basis for denial).

6 b) Centofanti intends to exercise his right to seek review by the
7 U.S. Supreme Court (writ of certiorari) and therefore requests pursuant
8 to the NRAP that the issuance of remittitur be stayed to stop the time
9 from running under the AEDPA and other authority.

10 (3) Centofanti seeks access to the Courts.

11 This Court's deferral to the automatic policies of the NDOC is puzzling.
12 Since it appears an Order will not issue giving Centofanti access to the
13 HOSP law library (since June of 2020) will the Court consider an alternative
14 while there is no right to counsel in discretionary review, the right of
15 access to the courts is absolute and being violated. Could this be
16 referred to the Pro Bono program? Could Centofanti be allowed additional
17 phone access to try to seek outside assistance? Without access to the
18 resources needed to litigate, Centofanti's right to seek discretionary
19 review is being taken away from him, through facts and circumstances
20 beyond his control, namely the pandemic and the NDOC's response which
21 interferes with his rights as outlined above.

22 Respectfully submitted this 17th day of November 2020

23 APL

24 Alfred Centofanti # 85 237 / HOSP, P.O. BOX 650, Indian Springs, NV 89070

25 Appellant in Pro Per

26 Certificate of Service

27 Centofanti requests that due to Covid-19 lockdown at HOSP that this
28 Motion + Exhibits be electronically served on Respondent's counsel as with prior motions

Exhibit "A"

1497
SUPREME COURT OF NEVA
OFFICE OF THE CLERK
201 S. Carson Street, Suite 201
Carson City, Nevada 89701

Address Service Requested

Hasler FIRST-CLASS MAIL
7170010200
US POSTAGE \$000.41



ZIP 89701
011E12650756

7A-19

ALFRED P. CENTOFANTI, III
INMATE ID: 85237
HIGH DESERT STATE PRISON
P.O. BOX 650
INDIAN SPRINGS NV 89070



NEVADA DEPARTMENT OF CORRECTIONS

LEGAL MAIL

NAME: Centofanti DOC#: 85237 UNIT: 7A-19

REPORT TO CONTROL AT ADMIN FOR THE FOLLOWING:

LEGAL MAIL: Copy of NV

CERTIFIED MAIL: _____

REGISTERED MAIL: _____

DATE: _____ OFFICER: _____

INMATE SIGNATURE: APC DOC#: 85237 DATE: 11/17

RECEIVED

NOV 17 2020

MAILROOM
HIGH DESERT STATE PRISON

DOC - 3020 (REV. 7/01)

NDOC Form DOC 3020

Stamped Received NOV 17, 2020

Envelope - postmarked November 10, 2020 [delivery date]

November 17, 2020

Supreme Court of Nevada
Office of the Clerk
201 S. Carson St - Suite 201
Carson City, Nevada 89701

Re: Centofanti v. Nevada
Case No. 78193

Dear Clerk:

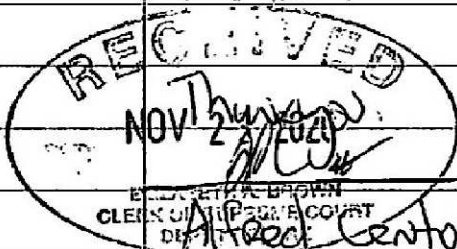
Enclosed please find the Motion for Stay of Remittitur and other relief.

Please file the Motion ASAP as it seeks relief from the deadline of November 20, 2020 set by the Court November 6, 2020.

I attached the actual envelope + receipt as Exhibit "A" as I have no access to a copier.

Can you please serve the Motion & Exhibits electronically as authorized in prior filings?

Can I also be provided a file stamped copy of the motion text?



Alfred Centofanti # 85237
HSEA / P.O. Box 650, Indian Springs, NV 89090
Appellant in Pro Per