

Original

1 Alfred Centofanti #85237
2 HDSP / P.O. BOX 650
3 Indian Springs, NV 89070
4 Appellant in Pro Per

FILED

JUL 23 2019

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

6 IN THE SUPREME COURT OF THE STATE OF NEVADA

8 ALFRED P. CENTOFANTI, III,
9 Appellant,

No. 78193

10 vs.

11 THE STATE OF NEVADA,
12 Respondent.

Motion for Transcript of
August 30, 2017 Proceeding
and Other Relief

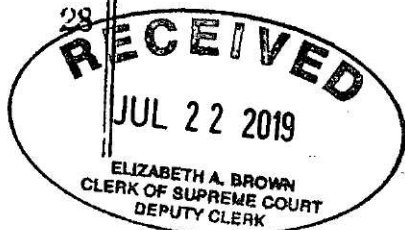
14 COMES NOW, Appellant, Alfred P. Centofanti, III in pro
15 per and hereby files his Motion for a Transcript of the
16 August 30, 2017 Proceeding and Other Relief.

17 This Motion is made and based upon the attached
18 Memorandum of Points and Authorities, the cited to
19 NRAP, NRS, case law, and the inherent powers of this
20 Court; as well as any additional facts, witnesses,
21 documents, and other evidence, deemed necessary and
22 appropriate under the facts and circumstances by this
23 Honorable Court.

24 Respectfully submitted this 12th day of July, 2019

25 *[Signature]*
26 Alfred Centofanti #85237

27 Appellant in Pro Per



Memorandum of Points and Authorities

I. Relevant Facts, Law, Authority and Argument

On April 29, 2019 Appellant filed a motion for more time to file his Opening Brief on the appeal of the denial of his petition for writ of habeas Corpus that was filed in 2012, due to his initial diagnosis of lymphoma.

While awaiting a decision of the Court Appellant learned more about his diagnosis and began to experience the adverse effects of advanced stage Hodgkins Lymphoma and supplemented his original motion.

On June 19, 2019, this Court gave Appellant until September 30, 2019 to file and serve the Opening Brief.

On July 3, 2019, this Court, having now received and considered the Supplement denied the motion for a 120-day extension and, further indicated case law and NRAP 10(a) and (b) as to the Remand on Appeal.

Prior to the receipt of the July 3rd order denying the Request for a 120-day extension, Appellant initiated a process to attempt to see if he had in his possession "the documents filed in or considered by the district court in the underlying proceedings" including but not limited to the "transcripts, minutes, and docket entries."

A hearing was held on or about August 30, 2017, which lasted approximately 53-54 minutes in front of then District Court Dept. 6 Judge Cadish (now a member of this Honorable Court) at which Appellant, in Pro Per, presented facts, documents and other evidence obtained with the assistance of a court appointed investigator.

1 in support of his 2012 Habeas claims of ineffective assistance
2 of counsel as to juror misconduct. Judge Cadish allowed
3 some evidence in, excluded other, during the hearing to
4 determine if an evidentiary hearing would be allowed.

5 Ultimately Judge Cadish denied both the
6 request for an evidentiary hearing and the writ by
7 a minute order in December of 2018.

8 A transcript of the August 30, 2017 hearing was
9 never ordered according to the Court clerk and a
10 transcript would cost \$3.80 a page for ordinary
11 time (30 days). Appellant needs this transcript to
12 be part of the Record and a copy in order to
13 prepare and file a brief that complies with the
14 VRAP, and to ensure this Court has all the necessary
15 facts, law, evidence and argument submitted in the
16 Court below for appellate review.

17 Additionally, for this Court's consideration are the
18 following factors, in the interests of justice, to take into account:

19 a) these state court postconviction proceedings spanned
20 from 2012 to 2019;

21 b) during the pendency of the proceedings Appellant's
22 trial/appellate/post conviction counsel Carmine
23 Colucci passed away;

24 c) Appellant's appointed post conviction counsel
25 Karen Connolly was allowed to withdraw after
26 making a substantial number of filings, supplements to
27 Appellant's 2012 proper petition, and arguments at
28

1 Multiple hearings held, that are essential to this Court's
2 consideration on appeal;

3 d) Appellant does not possess all of the Colucci,
4 Connelly, and Court filings to prepare his brief
5 and will not be able to do so under the present
6 time constraints and resources available to him.

7 e) Appellant is challenging his conviction which resulted in a
8 sentence of two Life without parole sentences, after a month long
9 jury trial, through the appeal of the denial of his 2012 habeas
10 which involves a number of complex potential procedural and
11 merit issues.

12 f) Appellant filed an objection to the state prepared Findings
13 of Fact Conclusions of Law in violation of applicable law and
14 Judge Cadish's minute order regarding same. No objection
15 from the state or response from the vacant? Sept 6.

16 g) Appellant had a PET scan on July 9th, and a heart scan
17 on July 10th to determine if his heart is healthy enough to
18 withstand chemotherapy, at Desert Radiology. If need be,
19 Appellant can make his records available for this Court's review.

20 As Appellant awaits the rigors of his cancer treatment
21 and the symptoms of his untreated Hodgkins Lymphoma, based
22 upon the above, Appellant respectfully requests the following:

23
24 (1) That this Honorable Court order the 8th Judicial District
25 Court to

26 a) Order the August 30, 2017 transcript of the proceedings
27 in front of Judge Cadish as described above (Court Reporter Jessica
28

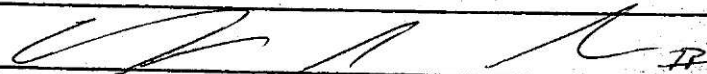
1 Kirkpatrick) under NRAP 11(a)(2) be prepared and a copy provided
2 to Appellant; and made part of the Record on appeal

3 (b) provide Appellant an index of the Record on Appeal;

4 (2) That Appellant be given an extension of time to prepare
5 and file his Opening Brief from the time he is served the
6 August 30, 2017 transcript and/or index (if ordered as requested
7 above); in a time acceptable to this Court;

8 (3) In the alternative, that counsel be appointed to assist
9 Appellant to ensure that the interests of justice, Due Process
10 are complied with and Appellant has a full and fair
11 opportunity under the Sixth Amendment to adequately prepare
12 his appeal ^{and} heard and decided on a full and complete Record,
13 that complies with the Rules and Case law interpreting same,
14 and decided on the merits.

15
16 Respectfully submitted this 17th day of July, 2019.

17
18  JR

19 Alfred Centofanti # 85237

20 HDSP / P.O. BOX 650

21 Indian Springs, NV 89070

22 Appellant in Pro Per
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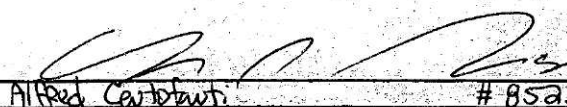
CERTIFICATE OF SERVICE BY MAILING

I, Alfred Centofanti, hereby certify, pursuant to NRCP 5(b), that on this 17th
day of July, 2019, I mailed a true and correct copy of the foregoing, "Motion for Transcript of August 30, 2017 Proceeding"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Appellate Division
Clark County District Attorney
300 Lewis Avenue
Las Vegas, NV 89101
Counsel for Respondents

CC:FILE

DATED: this 17th day of July, 2019.


Alfred Centofanti # 85237
Appellant /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS