

1 Alfred Centofanti ID NO. 85237
2 HIGH DESERT STATE PRISON
3 22010 COLD CREEK ROAD
4 POST OFFICE BOX 650
5 INDIAN SPRINGS, NEVADA 89070

6 Appellant In Proper Person

FILED

FEB 03 2020

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

7 In the Court of Appeals
8 of the State of Nevada

9 ALFRED P. CENTOFANTI, III
10 Appellant

Supreme Court
CASE NO.: 70193
Dist. Ct.
NO.: C17a534

11 vs.

12 THE STATE OF NEVADA
13 Respondent

DATE OF HEARING: _____
TIME OF HEARING: _____
Renewed Motion for Transcript
and other Relief

14 COMES NOW, Appellant Alfred Centofanti, In Proper Person and
15 herby files this Renewed Motion for Transcript and other Relief.
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20 THIS Motion is made and based upon the attached Memorandum of Points
21 and Authorities, all of the pleadings and other documents on file in this case, as well as
22 any additional facts, witnesses, documents and evidence allowed at hearing, if any.

23 DATED This 30th day of January, 2020.

24 Respectfully submitted,

25 [Signature]
26 Alfred Centofanti ID NO. 85237
27 Appellant In Proper Person

28 **RECEIVED**
FEB 03 2020
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

Memorandum of Points and Authorities

I. Introduction

Appellant, Alfred Centofanti, hereinafter referred to as "Centofanti" Reviews his Motion for the production of a transcript of oral arguments before Judge Cadish be made record of this appeal and that Centofanti be allowed to supplement his filed Informal Brief to incorporate the requested transcript which contains material facts, documents, and other evidence needed to decide the pending appeal.

II. Relevant Facts, Procedural History, Law and Argument.

ON OR ABOUT January 23, 2020 this matter was transferred from the Nevada Supreme Court to the Court of Appeals.

Prior to the transfer Centofanti sought to continue the matter, postpone the filing of the Informal Brief for reasons related to his medical condition, stage IV Hodgkin's Lymphoma, as well as to request the transcript of oral arguments held in district court in August of 2017 prior to submission of the Informal Brief so it could be incorporated into the brief itself.

By order of the Nev. Sup. Ct., Centofanti was ordered to file the brief without the transcript being ordered, a decision on which whether the ~~transcript~~ ^{transcript} was necessary, deferred until after the brief was filed.

As of the date of this Motion no decision has been made.

Centofanti wishes to incorporate into this Motion the prior motion deferred by the Nevada Supreme Court and to that adds the following.

An issue on appeal before this Court is a review of the decision by Judge Cadish in district court to deny the petition for writ of habeas corpus (post-conviction) as well as the decision to

1 deny said writ without holding an evidentiary hearing.

2 At the hearing for which the transcript is being requested facts,
3 witnesses, documents and evidence was set forth and put on the record
4 for consideration on both fronts, the issues of ineffective assistance
5 of trial, sentencing, appeal and habeas counsel, and the need to have
6 an evidentiary hearing as to witnesses and evidence Centofanti was
7 prepared to present, in proper with the assistance of a court
8 appointed investigator.

9 The denial of the writ and evidentiary hearing occurred approx
10 sixteen months later and by the time Centofanti's Internal Brief
11 was due filed, an additional ten (10) months elapsed with no
12 transcript to refer to, no minutes, and no notes (not allowed
13 as Centofanti was shackled at the hearing).

14 Additionally, in January of 2019 Centofanti noticed a lump in his
15 groin that was diagnosed as Cancer in April, Hodgkin's Lymphoma
16 in May, Stage IV in July, Chemotherapy which began August 16th,
17 with the 6th Round, 12th Treatment on January 17, 2020, which
18 adversely impacted his ability to prepare the filed Internal Brief and
19 to litigate the issue of the missing transcript.

20 After 24 weeks of chemotherapy, a break is being taken to
21 try to allow the side effects of the treatment, of which neuropathy
22 in his hands and feet are one, to dissipate, and his body to try
23 to rebound.

24 Therefore, this motion seeks to in essence expand the Record
25 to include the requested transcript, and to allow Centofanti to
26 include it by way of supplementing or amending the previously
27 filed Internal Brief.

1 Centofanti, by way of this motion, and the previously filed one, asserts
2 that the request for the transcript, to expand the record, and
3 to have leave to file a supplemental or Amended Brief will ensure
4 that his U.S. Constitutional Rights to Due Process and Equal
5 Protection (5th & 14th Amendments), a Fair Proceeding (6th Amendment),
6 Fundamental Fairness (6th Amendment) are protected and that he is not
7 discriminated against for selfrepresentation and to ensure this matter
8 is heard and decided on a full, complete, and fair record and
9 on the merits.

10 11 III. Conclusion and Prayer for Relief

12 Based upon the foregoing, and the prior filed motion,
13 Centofanti asks this Honorable Court to order:

14 (1) The August 2017 proceedings before Judge Cuddehe
15 be transcribed;

16 (2) The record on appeal be expanded to include this
17 transcript;

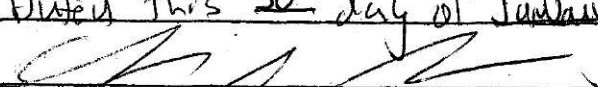
18 (3) The transcript be provided to Centofanti to allow him
19 to supplement or Amend his Internal Brief;

20 (4) That this motion be heard and decided prior to any
21 response being ordered / filed;

22 (5) Counsel be appointed (pro bono) to assist Centofanti, and

23 (6) Any other relief deemed appropriate.

24 Dated this 30th day of January, 2020.

25 
26 Alfred Centofanti # 65237

27 Appellant in Pro Per

CERTIFICATE OF SERVICE BY MAILING

I, Alfred Centofanti, hereby certify, pursuant to NRCP 5(b), that on this 30th
day of January, 2020, I mailed a true and correct copy of the foregoing, "Renewed Motion for Transcript and Other Relief"
by depositing it in the High Desert State Prison, Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

Alexander G. Chen
Chief Deputy District Attorney
200 Lewis Ave
Las Vegas, NV 89101
Counsel for Respondent

CC:FILE

DATED: this 30th day of January, 2020.


Alfred Centofanti #95287
Appellant /In Propria Personam
Post Office box 650 [HDSP]
Indian Springs, Nevada 89018
IN FORMA PAUPERIS: