

**JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA**

In re:)
ACCESS TO CRIMINAL CASE FILES)
_____)

Jan 31 4 09 PM '07
ORDER: #2007—1

WHEREAS, in December of 2004, the justices of the peace of the Las Vegas Justice Court collectively signed a judicial Order (#2004—PR—1) which regulates access to judicial records of the Las Vegas Justice Court and provides a list of documents that are to be treated as “presumptively confidential,” and

WHEREAS, on December 28, 2006, in response to the enactment of NRS 239B.030, the Chief Judge of the Las Vegas Justice Court signed an “Order Sealing Documents” based upon a petition from the District Attorney’s Office, and

WHEREAS, this Order declared that “all warrants of arrest and/or summonses and/or declarations in support thereof filed by the State of Nevada shall be filed under seal until further order of the Court,” and

WHEREAS, the District Attorney’s Office subsequently began filing criminal cases with cover sheets which indicated that “all materials, except the Criminal Complaint, are being filed under seal in obedience to Section 239B.030 of the Nevada Revised Statutes and pursuant to the Order issued by the Honorable Douglas E. Smith, signed December 28, 2006,” and

WHEREAS, these cover sheets are substantially more expansive than what the Court’s December 28, 2006, Order envisioned, and

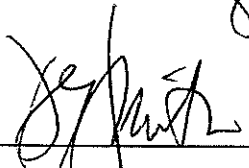
WHEREAS, the Court has concluded that the December 28, 2006, Order is problematic in that it constitutes a blanket restriction on public access,

IT IS HEREBY ORDERED that the Court’s Order dated December 28, 2006, is vacated and shall have no further legal effect.

IT IS FURTHER ORDERED that the following rules will apply to access to criminal case files in the Las Vegas Justice Court:

- (1) All warrants of arrest and/or summonses and/or declarations in support thereof filed by the State of Nevada shall be filed under seal until further Order of the Court, in order to protect personal information and to satisfy the legislative intent behind NRS 239B.030.
- (2) All other documents in the criminal case file are governed by Justice Court Order #2004—PR—1.
- (3) If a person seeks access to the items listed in Subsection (1) above, or if a person seeks access to a document that is declared “presumptively confidential” by Justice Court Order #2004—PR—1, the person must file a “Motion for Disclosure of Non-Public Information” as directed by Justice Court Order #2004—PR—1.
- (4) The justice of the peace in the underlying case, or the Chief Judge in exceptional circumstances, will consider the Motion and may do any of the following:
 - (A) Set for the matter for hearing to consider whether access should be granted;
 - (B) Deny the request in its entirety, or as to specific documents, for stated reasons;
 - (C) Grant the request in its entirety;
 - (D) Grant the request under specified conditions, including, but not limited to, the redaction of specific sensitive information before access will be allowed; and
 - (E) Take any other action deemed appropriate to balance the privacy interests in non-disclosure and the general policy in favor of open government.

Dated this 31 day of January, 2007.



DOUGLAS SMITH
Chief Justice of the Peace

CC: Las Vegas Justices of the Peace
Chuck Short, Court Executive Officer
LaDeana Gamble, Assistant Court Administrator
Tim Davis, Assistant Court Administrator
Michael Sommermeyer, Court Information Officer
Joe Tommasino, Justice Court Staff Attorney
David Roger, District Attorney
Phil Kohn, Public Defender