

1 **WMAN**

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5 **DISTRICT COURT**

6 **CLARK COUNTY, NEVADA**

7 OUR NEVADA JUDGES, INC.,
8 Petitioner,

9 vs.

10 BOULDER CITY MUNICIPAL COURT;
and DARREN EMILY, MUNICIPAL
COURT JUDGE PRO TEMPORE,
Respondents.

Case No.:
Dept. No.:

**ALTERNATIVE WRIT OF
MANDAMUS AND ORDER TO
APPEAR AND SHOW CAUSE**

11 Currently before the Court is Petitioner Our Nevada Judges, Inc. ('ONJ')
12 petition for writ of *mandamus* filed May 8, 2026 and submitted to the Court for
13 consideration.

14 ONJ filed a media request seeking permission to provide electronic
15 coverage of a hearing on the matter of the *City of Boulder City vs Josue Morales*,
16 Boulder City Municipal Court, Case no. 25 CR 00173 8N. On May 7, 2026,
17 Municipal Court Judge *pro tempore* Darren Emily granted the request as to video
18 recording but denied the request as to audio recording. It does not appear to be in
19 dispute that Mr. Falconi and ONJ constitute an SCR 229(1)(c) news reporter. See
20 also *Falconi v. Eighth Judicial Dist. Court*, 543 P.3d 92, 94 (2024). See also
21 *Nester vs Eighth Judicial Dist. Ct.*, 141 Nev. Adv. Op. 4 (2025). See also *Our*

1 *Nev. Judges, Inc. v. Eighth Judicial Dist. Court*, 555 P.3d 777 (Nev.
2 2024)(unpublished). Having reviewed Judge Emily’s order, it readily apparent
3 that no analysis of the SCR 230(2) factors was conducted, as the written order
4 lacks any particularized findings as required pursuant to *Solid v Eighth Judicial*
5 *District Court*, 133 Nev. 118, 393 P.3d 666 (2017). Pursuant to the plain language
6 of SCR 243, the extraordinary writ is the only available remedy.

7 “[T]he scope of the press's and public's access to courts is an important
8 issue of law, as well as a substantial issue of public policy, warranting []
9 extraordinary consideration [because] direct appellate review is often not
10 available to the press, and thus, writs for extraordinary relief may be necessary to
11 challenge a denial of access.” A writ of mandamus is available to compel the
12 performance of an act that the law requires as a duty resulting from an office,
13 trust or station, see NRS 34.160, *or to control an arbitrary or capricious exercise*
14 *of discretion*. See *Round Hill Gen. Imp. Dist. v. Newman*, 97 Nev. 601, 637 P.2d
15 534 (1981). “Instead of acquiring information about trials by firsthand
16 observation or by word of mouth from those who attended, people now acquire it
17 chiefly through the print and electronic media. In a sense, this validates the media
18 claim of functioning as surrogates for the public.” *Richmond Newspapers*, 448 U.
19 S. 525, 573 (1980). “People in an open society do not demand infallibility from
20 their institutions, but it is difficult for them to accept what they are prohibited
21 from observing.” *Richmond Newspapers*, 448 U. S., at 572.

1 Under the circumstances of this case, the failure to make particularized
2 findings constitutes a manifest abuse of discretion because ONJ is an SCR
3 229(1)(c) and the presumption in favor of electronic coverage triggers because the
4 hearing ONJ sought SCR 230(1) permission to provide electronic coverage of is
5 “open to the public”. This Court has also considered the time-sensitive nature of
6 ONJ’s request given it is a member of the press, the lack of any objection and
7 substantive basis for denial of SCR 230(1) coverage, and has determined that
8 issuance of alternative writ relief is consistent with *City of Reno v. Dist. Ct.*, 142
9 Nev. Advance Opinion 13 (2026). This is especially appropriate because it gives
10 ONJ an opportunity to file a subsequent writ petition in the event Judge Emily
11 complies with this alternative writ by making particularized findings supporting
12 the denial of SCR 230(1) coverage.

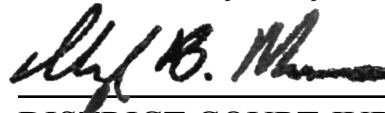
13 **THEREFORE**, in accordance with, NRS 34.190(2), Municipal Court
14 Judge Darren Emily and the Boulder City Municipal Court are HEREBY
15 PLACED ON NOTICE that it has apparently violated SCR 230(1) in refusing to
16 allow ONJ permission to provide electronic coverage of the proceedings in
17 question, and is HEREBY COMMANDED to vacate its order denying ONJ’s
18 SCR 230(1) request and either: (a) grant it in its entirety; or, (b) make
19 particularized findings justifying the denial of electronic coverage as is required
20 by SCR 230(2) and *Solid*. In the alternative, Municipal Court Judge Darren Emily
21 shall appear before this Court on 26 of May, 2026,
at 9:30 a.m.

1 and show cause, if any he have, why this Court should not issue a peremptory
2 writ of *mandamus*.

3 **IT IS FURTHER ORDERED** that ONJ shall serve a copy of its writ
4 petition and this alternative writ of mandamus upon the Boulder City Justice
5 Court and Municipal Court Judge Darren Emily forthwith.

6 **IT IS FURTHER ORDERED** that ONJ shall notify this Court promptly
7 upon Judge Emily's compliance with the alternative writ so that the show cause
8 hearing can be vacated.

Dated this 12th day of May, 2026



DISTRICT COURT JUDGE

E52 EEC C8E8 C54B
Cheryl B. Moss
District Court Judge

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15 Respectfully Submitted,

16 By: /s/ Robert Murdock, Esq.

17 Robert E. Murdock, Esq.

18 Nevada Bar No. 4013

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Attorney for Petitioner

1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

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6 Our Nevada Judges, Inc.,
7 Plaintiff(s)

CASE NO: A-26-946122-W

8 vs.

DEPT. NO. Department 24

9 Boulder City Municipal Court,
10 Defendant(s)

11 **AUTOMATED CERTIFICATE OF SERVICE**

12
13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Writ of Mandamus was served via the court's electronic eFile system to
all recipients registered for e-Service on the above entitled case as listed below:

15 Service Date: 5/12/2026

16 Alex Falconi admin@ournevadajudges.com

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