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**IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR STOREY COUNTY**

SAM TOLL,

CASE NO. 20 TRT 00002 1E

Plaintiff,

DEPT. 2

vs.

LANCE GILMAN,

Defendant.

ORDER GRANTING NEWS REPORTERS ACCESS

Procedural Background

THIS MATTER comes before the Court on a request by Alexander Falconi of Our Nevada Judges, to be granted permission to observe and record the hearing on July 16, 2021 at 9:00 a.m. under SCR 230(1). The judicial assistant notified the attorneys of record of the request.

Applicable Rules

Supreme Court Rules (SCR) 229 through 246 govern the coverage of a proceeding by a news reporter. SCR 229(2).

There is a presumption that all courtroom proceedings open to the public are subject to electronic coverage. SCR 230(2).

1 A written request for permission to provide electronic coverage must be filed 24
2 hours before the proceeding commences, but a judge may grant a request on shorter
3 notice or waive the request requirement. SCR 230(1).

4 In determining whether electronic coverage will be allowed a judge shall consider
5 the following factors:

- 6 a) The impact of coverage upon the right of any party to a fair trial;
- 7 b) The impact of coverage upon the right of privacy of any party or witness;
- 8 c) The impact of coverage upon the safety and well-being of any party, witness or
9 juror;
- 10 d) The likelihood that coverage would distract participants or would detract from
11 the dignity of the proceedings;
- 12 e) The adequacy of the physical facilities of the court for coverage; and
- 13 f) Any other factor affecting the fair administration of justice.

14 SCR 230(2).

15 If any news reporter fails to comply with the conditions prescribed by the judge,
16 the judge may revoke that individual's permission to provide electronic coverage of the
17 proceeding. Rule 231(1).

18 This authorization may be revoked at any time without prior notice when, in the
19 judge's discretion, it appears that electronic coverage of the judicial proceedings is
20 interfering in any way with the proper administration of justice. Rule 231(2).

21 News reporters shall not interrupt a court proceeding with a technical or
22 equipment problem. SCR 233(6).

23 The decorum and dignity of the court, the courtroom, and the proceedings must
24 be maintained at all times. SCR 236(2).

25 Video, photography or audio reproductions may only be used for educational or
26 informational purposes, and may not be used for unrelated advertising purposes. SCR
27 241(1).

28 The official court record of any proceeding is the transcript of the original notes

1 of the court reporter or court recorder made in open court. Videos, photographs or audio
2 reproductions made in a court proceeding as a result of these rules shall not be
3 considered as part of the official court record. SCR 241(2).

4 News reporters shall have no greater rights of access than the public. SCR 242(2).

5 The judge who knows that the proceeding will be covered by news reporters shall
6 advise the attorneys and parties in the proceeding of this fact and call these rules to the
7 attention of the attorneys, unrepresented parties and the pool coordinator or designee.
8 It shall be the responsibility of attorneys to notify their witnesses. SCR 245.

9 10 **Findings of Fact**

11 **Alexander Falconi** wants to observe and hear the proceedings regarding the
12 motion for order to show cause.

13 14 **Analysis**

15 Under the circumstances it does not appear:

- 16 a) The coverage will have any impact upon the right of any party to a fair trial;
17 b) The coverage will not adversely affect the right of privacy of any party or
18 witness;
19 c) The coverage will not adversely affect the safety or well-being of any party,
20 witness or juror;
21 d) The coverage will distract participants or detract from the dignity of the
22 proceedings;
23 e) The physical facilities of the court are adequate for the coverage; and
24 f) No other factor affects the fair administration of justice.

25 26 **Conclusions of Law**

27 The Petition should be granted.
28

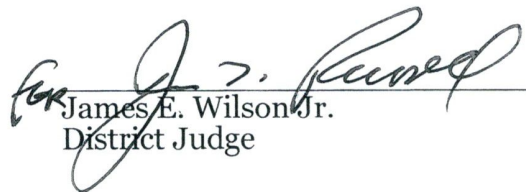
1 **Order**

2 IT IS ORDERED:

3 The request to observe and record the proceedings is granted

- 4 1. If any news reporter fails to comply with the conditions prescribed by the
5 judge, the judge may revoke that individual's permission to provide
6 electronic coverage of the proceeding.
- 7 2. This authorization may be revoked at any time without prior notice when,
8 in the judge's discretion, it appears that electronic coverage of the judicial
9 proceedings is interfering in any way with the proper administration of
10 justice.
- 11 3. The decorum and dignity of the court, the courtroom, and the proceedings
12 must be maintained at all times.
- 13 4. Video, photography or audio reproductions may only be used for
14 educational or informational purposes, and may not be used for unrelated
15 advertising purposes.
- 16 5. The official court record of any proceeding is the transcript of the original
17 notes of the court reporter or court recorder made in open court. Videos,
18 photographs or audio reproductions made in a court proceeding as a result
19 of these rules shall not be considered as part of the official court record.
- 20 6. The judicial assistant will provide the attorneys and parties in the
21 proceeding a copy of this order. It shall be the responsibility of attorneys to
22 notify their witnesses.

23 July 13, 2021.

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25 James E. Wilson Jr.
26 District Judge
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of The First Judicial District Court and I certify that on July 13, 2021:

- Deposited for mailing at Carson City, Nevada;
- Faxed/mailed; and/or
- Caused to be delivered by messenger service,

a true and correct copy of the foregoing order and addressed to the following:

Alexander Falconi
153 Sand Lake St.
Henderson, NV 89074

Gus W. Flangas, Esq.
3275 South Jones Blvd.
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Las Vegas, NV 89146

Luke A. Busby, Esq.
316 California Avenue
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Billie Shadron
Judicial Assistant