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2 **MUELLER & ASSOCIATES, INC.**
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4 Attorney for Defendant

5 **EIGHTH JUDICIAL DISTRICT COURT**
6 **CLARK COUNTY, NEVADA**

8 THE STATE OF NEVADA,
9 Respondent-Plaintiff,
10 vs.

11 MICHAEL LEE MCDONALD,
12 Defendant.

) Case No.: C-18-333684-1
) Dept. No: 9

) **OBJECTION TO NOTIFICATION OF**
) **MEDIA REQUEST**

13 COMES NOW, Defendant, MICHAEL MCDONALD, by and through his attorney of
14 record, CRAIG A. MUELLER, ESQ. of MUELLER & ASSOCIATES, INC., hereby files this
15 OBJECTION TO NOTIFICATION OF MEDIA REQUEST
16

17 This Objection is made and based upon all the papers and pleadings on file herein, attached
18 points and authorities in support hereof, and oral argument at the time of hearing, if deemed
19 necessary by this Honorable Court.

20
21 DATED this 15th day of October, 2019.

22 **MUELLER & ASSOCIATES, INC.**

23
24 /s/ Craig A. Mueller, Esq.
25 Nevada Bar No. 4703 .
26 723 S. Seventh Street
27 Las Vegas, NV 89101
28 P: (702) 382-1200
Attorney for Defendant

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2
3 **I.**

4 **FACTS AND PROCEDURAL HISTORY**

5 Defendant, MICHAEL MCDONALD objects to NOTIFICATION OF MEDIA REQUEST
6 because the group filing the Notification, "Our Nevada Judges", is a political pressure group which
7 engages in the intimidation of litigants and parties to litigation. It is not a press organization.
8

9 **II.**

10 **LEGAL AURGUMENT**

11 All media guidelines are subject to Nevada Supreme Court Rules on Standard of Conduct and
12 Technology Governing Electronic Media and Still Photo Coverage of Judicial Proceedings (Part
13 IV, Rules 229-247, inclusive).
14

15 A Court Information Officer will serve as the court representative (Supreme Court Rule 232).

16 The local media shall select a Media Representative, who shall be designated as "a
17 representative with whom the court may consult." This Media Representative will serve for six
18 months. The Media Representative will work with the Court Information Officer to coordinate
19 pooling arrangements (Supreme Court Rule 232).
20

21 Media Requests from all radio, print and television requesting to photograph, record audio or
22 video tape, or to broadcast a case live must be submitted to the Court Information Officer at least
23 72 hours before a hearing commences. The Court Information Officer will prepare the order, notify
24 the attorneys, and deliver it to the appropriate judge (Supreme Court Rule 230).
25

26 A media request submitted less than 72 hours of a hearing may be approved at the discretion
27 of the judge if good cause can be shown. Upon approval or disapproval of the media request by
28

1 the judge, the Court Information Officer will notify the requesting media. In the case of
2 disapproval, the Court Information Officer will supply the media with the official written denial,
3 including the reasons for the denial.

4 Access to the District Court Arraignment Courtrooms in the Lower Level of the Regional
5 Justice Center has been granted to credentialed media by the Chief Judge at the discretion of the
6 presiding judge, hearing master or commissioner. Credentialed media includes working media
7 with credentials from their employer. Only one television pool camera will be allowed in the
8 arraignment courtroom and video copies must be made to all media participating in the pool. More
9 than two print cameras must be arranged into a pool system. Coordination of the pool must be
10 arranged by the Media Representative and this information must be communicated to the Court
11 Information Officer. Media must notify the Court Information Officer 24-hours in advance of plans
12 to bring cameras to a hearing in the arraignment court by phone, fax or email.
13
14

15 When more than one member of the print media or more than one member of the broadcast
16 media has received written approval to bring cameras or other equipment into court, the Court
17 Information Officer will alert the Media Representative, who will then coordinate the pool activity
18 (Supreme Court Rule 233). The pool representatives must contact the court marshal to coordinate
19 location of the equipment, including still cameras, video cameras, microphones, as well as the
20 location of pool personnel. The court does not mediate disputes involving pool coverage and pool
21 participation.
22

23 Placement of camera equipment in the courtroom is at the discretion of the judge and will be
24 communicated to the media by the court marshal. Media must not install equipment in a courtroom
25 until authorized by a court marshal.
26
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1 To participate in the pool coverage of court proceedings, trials and hearings, all individual
2 media outlets must have a separate court approved media request filed with the Court Clerk prior
3 to court proceedings (Supreme Court Rule 230). In the case of a trial, the judge, for good cause,
4 may grant permission to join the pool on the next calendar day of trial.

5 Parking is to be arranged by the media. The Media Representative will notify the Court
6 Information Officer of special parking needs of the media pool. General media and public parking
7 is available in lots and garages or in metered spots around the courthouse.
8

9 Media seating in the courtroom will be assigned by the Court Information Officer and will be
10 made available on a first-come, first-served basis. The Court Information Officer may establish a
11 media center for cases where there is much media interest and where overflow seating is required.
12 The Court Information Officer may issue media passes for entry into the media center or overflow
13 seating.
14

15 Still and video photographers covering courtroom events must remain in place until the judge
16 leaves the bench, unless other arrangements have been made with the marshal.

17 While in a courtroom, only the case approved for media entry may be photographed. The
18 media must not deliberately photograph, videotape or broadcast any case that has not been
19 approved by the judge.
20

21 The media must not deliberately photograph, videotape or broadcast the jury or individual
22 jurors during a trial in the courtroom, hallways or immediate areas of the courtroom. The court
23 recognizes that because of the physical layout of some courtrooms, and the general activity in any
24 courtroom, it may be impossible not to photograph some jurors during court proceedings (Supreme
25 Court Rule 238).
26
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1 Still and video photographers must wear professional and appropriate attire in the courtroom;
2 no shorts or sleeveless shirts are allowed (Supreme Court Rule 236). The marshal may escort media
3 members dressed inappropriately out of the courtroom.

4 With prior notification to the marshal, tape recorders are allowed inside the courtroom, but the
5 recordings may not be used for broadcast (Supreme Court Rule 246).

6 . Cell phones, radios and pagers shall be turned off or deactivated while inside the courtroom.
7 The judge will instruct the marshal to confiscate equipment not turned off. Confiscated items will
8 only be returned at the end of the day's court activity. Camera phone cameras are not permitted
9 and must be turned off.
10

11 Because of limited space in the hallways, all interviews must be conducted in designated areas
12 outside of the Regional Justice Center. Still photography, videotaping, or hallway interviews will
13 not be allowed at any time inside the building, unless pre-arranged by the Court Information
14 Officer. At no time will camera crews be allowed to impede the flow of pedestrian traffic in and
15 out of the courthouse. Media must adequately tape down or securely cover cabling and wires.
16

17 Still and video photographers must not photograph within view of the security entrance of the
18 courthouse. the general public.

19 Media organizations are responsible for ensuring that their personnel know and follow these
20 guidelines and Nevada Supreme Court Rules 229-247. Any violation of these guidelines and rules
21 will result in the revocation of media privileges (Supreme Court Rule 231).
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III.

CONCLUSION

For the foregoing reasons, the Court should not grant "Our Nevada Judges" the right to broadcast, televise, record or take photographs of all hearings in this case. It is not a genuine news organization. It is simply designed to intimidate litigants.

DATED this 15th day of October, 2019.

MUELLER & ASSOCIATES, INC.

/s/ Craig A. Mueller, Esq.

Nevada Bar No. 4703 .

723 S. Seventh Street

Las Vegas, NV 89101

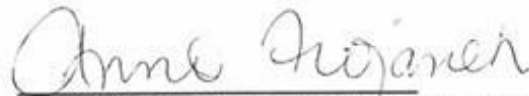
P: (702) 382-1200

Attorney for Defendant

1 **CERTIFICATE OF SERVICE**

2
3 I HEREBY CERTIFY that on the 15th day of October, 2019, I served a true and correct
4 copy of the foregoing, OBJECTION TO NOTIFICATION OF MEDIA REQUEST upon each of
5 the parties by electronic service through Wiznet pursuant to the Eighth Judicial District Court
6 rules of service as follows:
7

8 Clark County District Attorney's Office
9 200 Lewis Ave, 3rd Floor
10 Las Vegas, NV 89155
11 motions@clarkcountynv.com
pdmotions@clarkcountynv.com
12

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14 An employee of MUELLER & ASSOCIATES, INC.
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