

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

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Case No. CV 21,682-1

Dept. No. II

FILED

2019 OCT -9 PM 3:35

TAMI RAE SPEED

**IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF HUMBOLDT**

-oOo-

Nora Alaniz,

Plaintiff,

**STATE OF NEVADA's OBJECTION
TO MEDIA REQUEST**

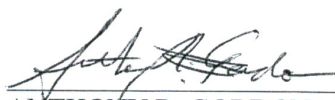
Kristopher Daniel,

Defendant.

COMES NOW, the Petitioner, Humboldt County District Attorney's Office, by and through, Michael Macdonald, Humboldt County District Attorney and files this Objection to the Media Request filed by Third Party, Glen Baker and Alexander M. Falconi, of Our Nevada Judges. This Opposition is made and based upon all the papers and pleadings on file herein, the points and authorities submitted herewith, and any such oral argument as required by this Court at the time of hearing on this Media Request.

Pursuant to NRS 239B.030, the undersigned hereby affirms this document does not contain the social security number of any person.

DATED this 9th day of October, 2019.



ANTHONY R. GORDON
Deputy District Attorney

POINTS AND AUTHORITIES

FACTS

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3 Nora Alantiz and Kristopher Daniel have two minor children in common, and were
4 granted a Decree of Divorce on their Petition for Dissolution of their Marriage in the 6th Judicial
5 District Court, for the County of Humboldt, State of Nevada on December 6, 2019, in Case CV
6 #21,682. Thereafter, on July 10, 2019, Defendant Kristopher Daniel filed a Pro-Per Motion for
7 Orders to Modify Child Custody, Visitation, and/or Child Support in Case CV #21,682 due to
8 Defendant being laid off from his then employment, as of June 6, 2019, Hecla Nevada's mining
9 property Klondex Gold Silver Mining.
10

11 Subsequently, on October 1, 2019, Plaintiff Nora Daniel, a.k.a. Nora Alaniz, filed a
12 Motion to Dismiss Defendant's pending Motion to Modify Child Support on the ground that the
13 current Plaintiff, Nora Alaniz, has recently filed a child support case through the Humboldt
14 County District Attorney's Child Support Division, to establish and enforce the underlying
15 parental obligations of Defendant Daniel to pay support for his children in Humboldt County
16 case #CV 21-682-1, as both cases involve the same parties and support for the same two minor
17 children. The initial hearing on the child support case in CV 21-682-1 is currently set for
18 November 20, 2019 at 10:30 a.m. before this Court, and it is this upcoming hearing, that Third
19 Party "Our Nevada Judges" has filed a media request for.
20

LAW

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22 In the media request filed by the Third Party organization "Our Nevada Judges," no
23 support or argument underlies their request to broadcast, record, photograph, or televise the child
24 support proceedings in the above entitled case, which has significant matters of privacy
25 concerns, existing not only to the parties involved as to the support of their two minor children,
26 but also would as a matter of fact disclose the private financial and personal information as to all
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1 the parties involved in this proceeding.

2 While there is no right to the media's presence in the courtroom, legal proceedings and
3 particularly trials are inherently public affairs. *See Estes v. Texas*, 381 U.S. 532, 539 (1965);
4 *Richmond Newspapers, Inc.*, 448 U.S. 555, 580, 559 (1980); *Globe Newspaper Co. v. Superior*
5 *Court*, 457 U.S. 596, 605 (1982); and *Stephens Media LLC v. Eighth Judicial District Court*, 221
6 P.3d 1240, 1248 (Nev. 2009). In Nevada, the procedure for the news media to obtain permission to
7 record judicial proceedings, and for the Court to evaluate such requests, is found in *Nevada Supreme*
8 *Court Rules (NSCR) 229 et seq.* Under *NSCR 230*, news reporters must obtain permission from the
9 Court to record official proceedings, while *NSCR 230(2)* memorizes the presumption that Nevada's
10 courtroom proceedings are open to the public and subject to electronic coverage. However, when
11 determining whether electronic coverage will be allowed at a particular proceeding pursuant to
12 *NSCR 230(2)*, a judge must make particularized findings based on the following factors six factors,
13 to include: (1) The impact of coverage upon the right of any party to a fair trial; (2) The impact of
14 coverage upon the right of privacy of any party or witness; (3) The impact of coverage upon the
15 safety and well-being of any party, witness or juror; (4) The likelihood that coverage would detract
16 participants or would detract from the dignity of the proceedings; (5) The adequacy of the physical
17 facilities of the court for coverage; and (6) Any other factor affecting the fair administration of
18 justice. Finally, it should be pointed out that video coverage of court proceedings, when granted, is
19 not without limitation as *NSCR 237* through *NSCR 242* impose restrictions on the information that
20 journalists can record in a court proceeding.

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24 In the present case, factors 1 through 4 delineated in *NSCR 230(2)* are significant factors
25 here weighing heavily against the media request filed by the Third Party "Our Nevada Judges," since
26 the impact of media coverage on all of the parties to this proceeding, especially as to their children's
27 rights, privacy and personal interests to a fair trial is great. Moreover, any media coverage will
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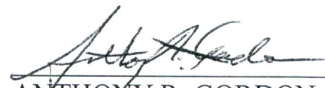
1 severely impact the safety and well-being of all the parties to this proceedings, most significantly
2 those of the two minor children here, where the support obligations of the Defendant, as well as both
3 of the parties' financial interests, have to be frankly and honestly discussed at this initial hearing in
4 order for the minor children to have the financial and emotional support that they will need in the
5 future.

6 Finally, it is very hard to see how any media coverage of this child support proceeding,
7 especially the first one since the conclusion of the initial divorce proceeding in this case, will not
8 detract all the participants to the proceeding, as well as detract from the overall dignity of the
9 proceeding itself. As a result, the State of Nevada, through the Humboldt County District
10 Attorney's Child Support Division, feels that the public's right to know is vastly outweighed by
11 the fairness of all the parties in this proceeding, as well as being a significant invasion on the
12 children's privacy and personal interests in this case.

13
14 **CONCLUSION**

15 Based on the above legal analysis, the State of Nevada, through the Humboldt
16 County District Attorney's Child Support Division, requests this Court to deny the Third Party,
17 "Our Nevada Judges," media request in this matter.

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19 DATED this 9th day of October, 2019.

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23 ANTHONY R. GORDON
24 Deputy District Attorney
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HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

CERTIFICATE OF SERVICE

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Pursuant to NRCP 5(b) I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 9th day of October, 2019, I provided a copy, by the means indicated below, of the **STATE OF NEVADA's OBJECTION TO THE MEDIA REQUEST** to the following:

Kale M. Brock, Esq.
115 W. 5th Street
Winnemucca, NV 89446
Via DCT Box

Steve Evenson, Esq.
101 N. Maine Street
Fallon, NV 89406
Via U.S. Mail

Alexander M. Falconi
153 Sand Lake Street
Henderson, NV 89074
Via U.S. Mail

