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7 *Attorney for Our Nevada Judges*

8 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,**
9 **IN AND FOR THE COUNTY OF WASHOE**

10 * * *

11 ALEXANDER FALCONI d/b/a/ OUR NEVADA
12 JUDGES,

13 Petitioner,

14 vs.

15 SPARKS JUSTICE COURT DEPARTMENT 2,
16 and JUSTICE OF THE PEACE KEVIN
17 HIGGINS;

18 Respondent.
19 _____/

CASE NO:

DEPT NO:

20 **PETITION FOR WRIT OF MANDAMUS**

21 COMES NOW, Alexander Falconi d.b.a. Our Nevada Judges¹, by and through
22 the undersigned counsel, and hereby files a petition for writ of mandamus. This
23 petition is based upon the following memorandum of points and authorities and the
24 exhibits attached hereto.

25 ///

26 ///

27 _____
28 ¹Alexander M. Falconi owns, operates, and controls the Our Nevada Judges
organization.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On December 15, 2022 Our Nevada Judges filed a media request to provide
3 electronic coverage of Case 22-SCR-01897 before the Sparks Justice Court. See
4 Exhibit 1 and Exhibit 2. On December 23, 2022, Sparks Justice Court Justice of the
5 Peace Kevin Higgins (hereafter “Judge Higgins”) summarily denied the request
6 without making the required findings under Supreme Court Rule (“SCR”) 230(2).
7 Exhibit 3.
8

9 A writ petition is the only available remedy where a media request is denied.
10 SCR 243. Under the circumstances, absent the necessary findings, Judge Higgins
11 manifestly abused his discretion by denying the media request. *Solid v. Eighth Jud.*
12 *Dist. Ct.*, 133 Nev. 118, 393 P.3d 666 (2017).
13

14 ***On the Mission and Purpose of Our Nevada Judges***

15 Our Nevada Judges has been recognized as a news reporter by Districts 1, 2,
16 5, 6, 8, 9, and 10; and, the Court of Appeals and Supreme Court; and, the
17 Commission on Judicial Discipline; and, the Las Vegas, Reno, Beatty, Pahrump,
18 Dayton, Sparks, North Las Vegas, and Virginia City Justice Courts; and, the Reno
19 and Henderson Municipal Courts. Multiple lawyers and judges have also made
20 voluntary appearances on Our Nevada Judges Perspectives Programs. SCR
21 229(1)(c). Our Nevada Judges has garnered more than 27,768,000 watch-time
22 minutes, 2 million views, educating the public on the judicial process in a way that
23 impacted the 2016, 2018, 2020, and 2022 elections. Our Nevada Judges has also
24 been recognized by the mainstream media and the American Civil Liberties Union
25 for the importance of its work furthering the issues of public and camera access to
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28

1 the courts. Exhibit 4. See also *Falconi v. Eighth Judicial District Court*, Supreme
2 Court docket no.84947. See also *Falconi v. District Court Judge Charles Hoskin*,
3 Supreme Court docket no. 85195. Our Nevada Judges' efforts have also been
4 backed by the Legal Aid Coalition². *Brief of Amicus Curiae* filed November 3, 2022,
5 *Falconi v. Eighth Judicial District Court*, Supreme Court docket no. 95195.
6

7 ***An Alternative Writ Is The Most Efficient Mechanism***

8 Our Nevada Judges sympathizes with Judge Higgins' apparent frustration with
9 the Sparks Justice Court form³ but these forms must be used by SCR 229(1)(c)
10 news reporters. To the extent that Judge Higgins takes issue with the form issued by
11 Sparks Justice Court, it is his and his colleague's prerogative to revise the form.
12 SCR 229(1)(c) news reporters are typically laypersons who do not engage in motion
13 practice for the routine task of obtaining camera access and electronic coverage
14 rights of court proceedings. SCR 230(1). Alternatively, Judge Higgins could have set
15 a hearing and counsel for Our Nevada Judges could have appeared and explained
16 the process, or argued the matter. Because Judge Higgins summarily denied the
17 request without making the particularized findings under SCR 230(2), and because
18 the Sparks Justice Court's official form was used and filled out correctly in Our
19 Nevada Judges' request, Our Nevada Judges is left with no recourse but to request
20 the issuance of a writ from this Court to compel Judge Higgins to comply with SCR
21 230 *et seq.* SCR 243.
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26 ²The Legal Aid Center of Southern Nevada, Nevada Legal Services, Northern Nevada
27 Legal Aid, and Volunteer Attorneys for Rural Nevadans, united to file a consolidated
amiciae brief in support of Our Nevada Judges.

28 ³The form is required by and located on the Sparks Justice Court website:
<https://www.washoecounty.gov/sjc/Forms.php>

1 This Court could direct a response from Judge Higgins, and after briefing,
2 issue a peremptory writ in this matter. But this would be an inefficient approach in
3 this instance because Judge Higgins has not based his ruling on any objections
4 raised by parties or their counsel, and he disregarded the procedure implemented
5 by the Sparks Justice Court and Supreme Court for review of media requests.
6

7 This Court has the authority under NRS 34.190 to issue an alternative writ
8 immediately, without briefing from Judge Higgins, to require Judge Higgins to
9 comply with SCR 230(2) and to make the required findings as to whether Our
10 Nevada Judges' media request should be granted or denied. NRS 34.190(2). The
11 issuance of an alternative writ is an appropriate remedy given the likelihood that
12 Judge Higgins' noncompliance with SCR 230(2) is inadvertent, and the writ would
13 give Judge Higgins an opportunity to allow electronic coverage when the required
14 analysis under SCR 230(2) is conducted.
15
16

17 Finally, Our Nevada Judges is not seeking to compel Judge Higgins to grant
18 electronic coverage, merely comply with the procedure outlined under SCR 230(2).
19 If, based on Judge Higgins ruling and/or SCR 230(2) particularized findings, parties
20 to the underlying matter or Our Nevada Judges object, a subsequent writ petition
21 challenging such a ruling could be brought, consistent with SCR 243 and *Solid v.*
22 *Eighth Judicial District Court*, which would naturally involve real parties in interest.
23

24 WHEREFORE, Petitioner, asks for the following relief:

- 25 1. An writ of mandamus ordering Respondent to consider the media request
26 under SCR 230(1) and, if necessary, make SCR 230(2) particularized findings and
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28

1 grant or deny camera access consistent with the law; or, in the alternative a
2 peremptory writ of mandamus following adequate briefing on the matter; and,
3
4 2. An award of costs; and,
5
6 3. An award of attorney fees.

7 **NRS 239B.030(4) AFFIRMATION**

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

10 **DATED** this Dec 26, 2022

11
12 By: /s/ Luke Busby, Esq.
13 LUKE A. BUSBY, ESQ.
14 Nevada Bar No. 10319
15 316 California Ave.
16 Reno, Nevada 89509
17 775-453-0112
18 luke@lukeandrewbusbyltd.com
19 *Attorney for the Our Nevada Judges*
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2 DECLARATION OF ALEXANDER FALCONI
3

4 I, Alexander M. Falconi, declare that I have read the forgoing *Petition* and that
5 the contents are true and correct of my own personal knowledge, except for those
6 matters I have stated that are not of my own personal knowledge, but that I only
7 believe them to be true, and as for those matters, I do believe they are true.
8

9 ***I declare under penalty of perjury that the foregoing is true and correct.***

10 EXECUTED this Dec 26, 2022

11 *Alexander M. Falconi*
12 Alexander M. Falconi (Dec 26, 2022 13:32 PST)

13 Alexander M. Falconi
14 153 Sand Lake St.
15 Henderson, NV 89074
16 Our Nevada Judges
17 Administrator
18 admin@ournevadajudges.com
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1
2 **CERTIFICATE OF SERVICE**

3 I certify that on the date shown below, I caused service to be completed of a
4 true and correct copy of the foregoing document by:

5 _____ personally delivering;

6 _____ delivery via Reno/Carson Messenger Service;

7 _____ sending via Federal Express (or other overnight delivery service);

8
9 _____ depositing for mailing in the U.S. mail, with sufficient postage affixed

10 thereto; or,

11 _____ delivery via electronic means (fax, eflex, NEF, etc.) to:

12 Justice of the Peace Kevin Higgins
13 1675 E. Prater Way, Suite #107
14 Sparks, NV 89434

15 Vivian Luong (NSB# 13912)
16 Washoe County District Attorney
17 Via email to: DA-CriminalNotifications@washoecounty.gov

18 Joseph Gilbert (NSB# 9033)
19 Joey Gilbert Law
20 Via email to: joey@joeygilbertlaw.com
21 lbotello@joeygilbertlaw.com

22 **DATED** this Dec 27, 2022

23 By: /s/ Luke Busby, Esq. _____
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Exhibit List

1. Emails
2. Media Request
3. Order Denying Media Request
4. *New Family Court Rule Is An Affront to Justice*, Las Vegas Review Journal

EXHIBIT 1

EXHIBIT 1



Alexander Falconi <admin@ournevadajudges.com>

SCR 230(1) Media Request, 22-SCR-01897

3 messages

Alexander Falconi <admin@ournevadajudges.com>

Thu, Dec 15, 2022 at 1:01 PM

To: aotutaha@washoecounty.gov

Cc: kpuryear@washoecounty.gov

Good afternoon, please find the attached media request and order.

If I need to fax or mail it in, please let me know. If this Justice Court has a Court Information Officer I should send these to in the future, please let me know.

--

Alexander Falconi**Administrator**<https://www.ournevadajudges.com>**MROR Sparks JC SIGNED.pdf**

50K

Otutaha, Amy M. <AOtutaha@washoecounty.gov>

Thu, Dec 15, 2022 at 1:31 PM

To: Alexander Falconi <admin@ournevadajudges.com>

Cc: "Puryear, Kelti" <KPuryear@washoecounty.gov>

Good afternoon,

I have attached a file-stamped copy for your records. This has been submitted to the judge for his review.

With kind regards,

**Amy Otutaha****Judicial Administrative Assistant | Sparks Justice Court**aotutaha@washoecounty.gov | Office: 775.353.7620

1675 E. Prater Way, Ste. 107, Sparks, NV 89434

<https://www.washoecounty.gov/sjc>

From: Alexander Falconi <admin@ournevadajudges.com>
Sent: Thursday, December 15, 2022 1:02 PM
To: Otutaha, Amy M. <A0tutaha@washoecounty.gov>
Cc: Puryear, Kelti <KPuryear@washoecounty.gov>
Subject: SCR 230(1) Media Request, 22-SCR-01897

[NOTICE: This message originated outside of Washoe County -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

[Quoted text hidden]

 **MROR Sparks JC SIGNED_stamped.pdf**
79K

Alexander Falconi <admin@ournevadajudges.com>
To: "Otutaha, Amy M." <A0tutaha@washoecounty.gov>
Cc: "Puryear, Kelti" <KPuryear@washoecounty.gov>

Thu, Dec 15, 2022 at 1:31 PM

Thank you for the file-stamped copy.

[Quoted text hidden]

EXHIBIT 2

EXHIBIT 2

IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

THE STATE OF NEVADA,
Plaintiff,

Case No.: 22-SCR-01897
Dept. No.: 1

vs.

JAYMIE MITCHELL
Defendant.

MEDIA REQUEST AND ORDER
FOR ELECTRONIC COVERAGE
OF COURT PROCEEDINGS

ALEX FALCONI of OUR NEVADA JUDGES
Requester Name Media

hereby requests permission to begin: Broadcast Televising Recording
 Photographing Other publish to www.ournevadajudges.com proceedings in the
above-entitled case on the day of February 1, 2023 at the hour of 1:30 p.M.

I certify I am familiar with Supreme Court Rules 229-246 (inclusive) on cameras and
electronic media coverage in the Courts. I also understand that this request must be submitted
to the Court at least twenty-four (24) hours before the proceedings commence unless good
cause can be shown.

It is further understood any pooling arrangements necessitated among the media shall be
the sole responsibility of the media and must be arranged prior to coverage without calling
upon the Court to mediate any disputes.

DATED this 15 day of December 2022.

Alexander Falconi 702-374-3530 admin@ournevadajudges.com
Requester's (signature) Phone Number E-MAIL

The requested media access will remain in effect for each and every hearing in the
above-entitle case, at the discretion of the Court, and unless otherwise ordered. Media access
may be revoked if it is shown that electronic coverage of the judicial proceedings is interfering
in any way with the proper administration of justice.

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ORDER

This Order is made in accordance with Supreme Court Rules 229-246, inclusive, at the discretion of the judge and is subject to reconsideration upon motion of any party to the action.

IT IS HERBY ORDERED that the above requestor is:

Granted Electronic Coverage for proceeding in this case.

Denied Electronic Coverage for proceeding in this case.

DATED this _____ day of _____ 20__.

Justice of the Peace

EXHIBIT 3

EXHIBIT 3

Sparks Justice Court

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IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JAYMIE MITCHELL,

Defendant.

Case No.: 22-SCR-01897

Dept. No.: 2

**AMENDED
ORDER DENYING MEDIA REQUEST**

The Court has reviewed the Media Request and proposed Order for Electronic Coverage of Court proceedings filed by Alexandra Falconi of Our Nevada Judges on December 15, 2022. The Court does **not** find that the Request is clear as to what Our Nevada Judges is asking for and therefore, cannot grant the Request at this time. Our Nevada Judges is invited to clarify what it is asking for and resubmit its request for further consideration.

IT IS HEREBY ORDERED that the aforementioned Media Request and proposed Order for Electronic Coverage is denied.

IT IS SO ORDERED.

Dated this 23rd day of December 2022.

Chief Judge Kevin Higgins
Justice of the Peace

1 **CERTIFICATE OF SERVICE**

2 Pursuant to JCRCP 5(b), I hereby certify that I am an employee of Sparks Justice Court
3 in and for the County of Washoe; and that on this 23rd day of December 2022, I e-filed the
4 preceding document, a true and correct copy of which was electronically served through
5 Odyssey eFileNV upon the following:

6
7 Vivian Luong (NSB# 13912)
8 Washoe County District Attorney
9 Via email to: DA-CriminalNotifications@washoecounty.gov

10 Joseph Gilbert (NSB# 9033)
11 Joey Gilbert Law
12 Via email to: joey@joeygilbertlaw.com
13 lbotello@joeygilbertlaw.com
14 *Attorney for Defendant*

15 Alexandra Falconi
16 Brittany Falconi
17 Our Nevada Judges
18 Via email to: media@ournevadajudges.com

19
20
21 
22 _____
23 An Employee of Sparks Justice Court
24
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Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Amy Otutaha on behalf of Court Filer

Bar No. 0

aotutaha@washoecounty.gov

Envelope ID: 11050769

Status as of 12/23/2022 10:55 AM PST

Associated Case Party: The State of Nevada

Name	BarNumber	Email	TimestampSubmitted	Status
Washoe County DistrictAttorney's Office		da-criminalnotifications@washoecounty.gov	12/23/2022 10:54:00 AM	NOT SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Amy Otutaha on behalf of Court Filer

Bar No. 0

aotutaha@washoecounty.gov

Envelope ID: 11050769

Status as of 12/23/2022 10:55 AM PST

Associated Case Party: Jaymie Mitchell

Name	BarNumber	Email	TimestampSubmitted	Status
Joseph Gilbert		joey@joeygilbertlaw.com	12/23/2022 10:54:00 AM	NOT SENT

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Amy Otutaha on behalf of Court Filer

Bar No. 0

aotutaha@washoecounty.gov

Envelope ID: 11050769

Status as of 12/23/2022 10:55 AM PST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Brittany Falconi		media@ournevadajudges.com	12/23/2022 10:54:00 AM	NOT SENT

EXHIBIT 4

EXHIBIT 4

EDITORIAL: New Family Court rule is an affront to justice



(Getty Images)

Las Vegas Review-Journal



July 11, 2022 - 9:00 pm

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Justice is supposed to blind, but it ceases to be justice if nobody can see it. The folks at Clark County District Court need a reminder of their obligations under the Bill of Rights and the importance of transparency.

Last week, the Nevada chapter of the ACLU asked the Nevada Supreme Court to overturn a new rule that limits public access to Family Court proceedings in Clark County. “The new rule violates the First Amendment,” Sophia

Romero, an ACLU attorney, said in a release, “and undercuts confidence in an already frail Family Court system.”

Under the reformed guidelines — approved by the high court in April at the request of a petition filed by District Court Chief Judge Linda Bell and District Judge Joseph Hardy — judges may close Family Court proceedings whenever they please. Previously, only divorce case hearings could be conducted privately without cause.

The legal underpinnings for even that exception are shaky. But a *carte blanche* to shut out the public from any and all Family Court matters? That’s dangerous and an invitation for Star Chamber justice.

The edict is apparently a colossal overreaction aimed at hampering Alexander Falconi, who created the Our Nevada Judges website, which follows various Family Court proceedings and includes videos of hearings and other details. Mr. Falconi, who took up his hobby after experiencing the court firsthand while defending himself in a child custody case, said he redacts names and blurs faces when necessary.

But while Mr. Falconi’s scrutiny may be uncomfortable for some judges, lawyers and litigants, that is no justification for this response.

Family Court — which deals with cases involving divorce, annulment, child custody, spousal support, community property division, adoption and abuse and neglect — is a hotbed of controversy and raw emotion. The vast majority of grievances about judicial outcomes stem from Family Court disputes. Increased secrecy will only exacerbate the bitterness and further fuel complaints about bias and fairness.

In addition, making it more difficult for watchdogs and taxpayers to determine whether this system operates in an efficient, acceptable fashion and whether judges are up to the task is a recipe for weakening public

confidence in Family Court. Occasional efforts to shield young children involved in court matters may be appropriate, but the default setting in any judicial proceeding in a free nation must be openness rather than secrecy.

Injustice flourishes absent transparency and accountability. The new rule is an affront to both. The Supreme Court must reverse course to ensure that — barring extraordinary circumstances — the public has access to these proceedings.

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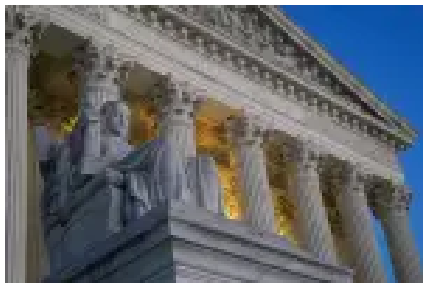
Pharmacy board appeals ruling that bars it from regulating marijuana



Court halts Mar-a-Lago special master review in Trump probe



Las Vegas court changing the way it addresses crime on Strip



Metro officer asks US Supreme Court to hear suit over union fees

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High court rules for employee rights in medical marijuana case

