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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

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Dept. No.:

SECOND AMENDED ORDER DENYING MEDIA REQUEST; ORDER SETTING HEARING

In order to conserve judicial resources and resolve this matter prior to the status conference date, this Court will attempt, once again, to receive clarification from Alexander Falconi of Our Nevada Judges as to how specifically he is seeking to record and publish the proceedings to his website.

#### FINDINGS OF FACT

- A media request was filed by Alexander Falconi ("Falconi") of Our Nevada 1. Judges on December 15, 2022 requesting leave to record and publish the status conference scheduled for 1:30pm on February 1, 2023.
- That media request did not include information regarding how Falconi intends to 2. record the proceedings, whether in person or with what video/audio equipment. It is unclear whether Falconi mistakenly believes the February 1, 2023 status conference will be conducted via Zoom, and is inappropriately requesting to "screen record" a virtual hearing. It is likewise unclear whether Falconi wishes to attend with an audio recorder, a crew of camerapersons, or record the hearing through other means. The Court also sought clarification regarding the request to "publish" the status conference to www.ournevadajudges.com. It is unclear whether Falconi seeks to livestream the February 1, 2023 status conference on his website, or permanently host footage or audio of the same on his website.

- 3. On December 23, 2022, this Court issued its Amended Order denying the media request at that time stating, "Our Nevada Judges is invited to clarify what it is asking for and resubmit its request for further consideration."
- 4. Court proceedings in Nevada are open to the public and any member of the public can attend and observe.

## CONCLUSIONS OF LAW

- 1. Nevada Supreme Court Rules 229-246, more particularly known as <u>Part IV</u>. Rules on <u>Electronic Coverage of Court Proceedings</u>, provides a process to notify a court of the intent of a news reporter to record the proceedings and to allow a court to make appropriate arrangements to do so.
- 2. "Electronic coverage" is defined in SCR 229(1)(d) as "broadcasting, televising, recording or taking photographs by any means, including but not limited to video cameras, still cameras, cellular phones with photographic or recording capabilities or computers." Falconi's media request fails to advise the Court of how he seeks to record the proceedings. The Court is unable to make further factual findings due to the ambiguity and lack of information in Falconi's request.
- 3. If Falconi is seeking to appear at the status conference, and not use a camera or electronic audio/visual recording device, a media request is not necessary. See SCR 229(2)(a).
- 4. If Falconi is seeking to obtain a recording of the proceedings from the Court's JAVS recording system, which any member of the public can obtain, a media request is not necessary under these Supreme Court Rules.
- 5. Falconi was given the opportunity to clarify how he was seeking to record and publish the status conference but has failed to do so.
- 6. Until such a time that Falconi complies with the provisions of SCR 229-230 and advises the Court of the method by which he is seeking to record the proceedings, that request remains denied without prejudice.

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#### **ORDER**

Again, in order to conserve judicial resources and expeditiously resolve the issue at hand, the Court is setting a hearing at which time Alexander Falconi shall appear before the Court to advise of the method for which they intend to record the proceedings. Falconi's media request will be granted if it complies with the Supreme Court Rules on Electronic Coverage of Court Proceedings and is otherwise appropriate under SCR 230.

IT IS HEREBY ORDERED a hearing on the media request is set for Wednesday, January 18, 2023 at 9:30am.

IT IS SO ORDERED.

Dated this 4th day of January 2023.

Chief Judge Kevin Higgins Justice of the Peace

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#### CERTIFICATE OF SERVICE

Pursuant to JCRCP 5(b), I hereby certify that I am an employee of Sparks Justice Court in and for the County of Washoe; and that on this 4th day of January 2023, I e-filed the preceding document, a true and correct copy of which was electronically served through Odyssey eFileNV upon the following:

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Vivian Luong (NSB# 13912) Washoe County District Attorney

Via email to: DA-CriminalNotifications@washoecounty.gov

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Joseph Gilbert (NSB# 9033)

Joey Gilbert Law

Via email to: joey@joeygilbertlaw.com

lbotello@joeygilbertlaw.com

Attorney for Defendant

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Alexander Falconi

Brittany Falconi

Our Nevada Judges

Via email to: media@ournevadajudges.com

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An Employee of Sparks Justice Court

## **Automated Certificate of eService**

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Amy Otutaha on behalf of Court Filer Bar No. 0

aotutaha@washoecounty.gov

Envelope ID: 11094045

Status as of 1/4/2023 3:36 PM PST

Associated Case Party: The State of Nevada

NameBarNumberEmailTimestampSubmittedStatusWashoe County DistrictAttorney's Officeda-criminalnotifications@washoecounty.gov1/4/2023 3:33:41 PMNOT SENT

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Bar No. 0

aotutaha@washoecounty.gov

Envelope ID: 11094045

Status as of 1/4/2023 3:36 PM PST Associated Case Party: Jaymie Mitchell

Name BarNumber Email TimestampSubmitted Status

Joseph Gilbert joey@joeygilbertlaw.com 1/4/2023 3:33:41 PM NOT SENT

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Amy Otutaha on behalf of Court Filer

Bar No. 0

aotutaha@washoecounty.gov

Envelope ID: 11094045

Status as of 1/4/2023 3:36 PM PST

**Case Contacts** 

Name BarNumber Email TimestampSubmitted Status
Brittany Falconi media@ournevadajudges.com 1/4/2023 3:33:41 PM NOT SENT