

1
2
3
4
5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 ROBERT A. CONRAD, an individual doing
10 Business as THIS IS RENO,

11 Petitioner,

Case No.: CV24-00231

12 vs.

13 Dept. No.: 10

14 WASHOE COUNTY, a political subdivision
15 Of the State of Nevada,

16 Respondent.
17 _____/

18 **ORDER FOLLOWING SEPTEMBER 13, 2024 HEARING**

19 On August 14, 2024, the Nevada Supreme Court issued an Order Granting Petition for
20 Writ of Mandamus. The Nevada Supreme Court in that order held Supreme Court Rule 230(2)
21 governs electronic coverage of court room proceedings. “There is a presumption that all
22 courtroom proceedings that are open to the public are subject to electronic coverage.” SCR
23 230(2). There is a constitutional right of access to civil proceedings, and they are presumed
24 open to the public. *Falconi v Eight Judicial District Court.*, 140 Nev. Adv. 8 (2024). The
25 Nevada Supreme Court further held in the order that SCR 230(2) requires the district court to
26 “make particularized findings on the record when determining whether electronic coverage will
27 be allowed at a proceeding.” The Nevada Supreme Court further held SCR 230(2) lists factors
28 the court must consider in making its determination. The Nevada Supreme Court found in this

1 instant case; the district court failed to provide factual findings on the record. As thus, the
2 Nevada Supreme Court remanded the matter back to the district court so the district court could
3 make factual findings on the record as to denying the request for electronic coverage.

4 **I. FINDING OF FACT**

- 5
- 6 1. On October 19, 2023, Conrad, based on tips and requests for more information made the
7 following public records request to WCSO: Copies of body-worn camera footage of a
8 domestic violence incident involving Reno City Manager Doug Thornley. Conrad
9 requested video of the incident filmed by WCSO personnel and any other footage of
10 what occurred.
- 11
- 12 2. On October 24, 2023, WCSO responded to the requests with a canned auto-response
13 email that records could be provided “up to 30 days from the date” of the request and
14 the request would be forwarded to the relevant department within WCSO.
- 15
- 16 3. On October 30, 2023, outside of the required five-day window to respond or provide the
17 records in question, WCSO provided a heavily redacted copy of the incident report. The
18 redactions are so extensive that it is impossible to discern relevant details about what
19 occurred.
- 20
- 21 4. The requested bodycam was not provided. WSCO cited the following grounds for
22 refusing to release any of the requested body-cam footage, as well as the reason for the
23 reduction incident report “Redactions were made and any bodycam/video have been
24 withheld based on the nontrivial privacy interests of the individuals involved, including
25 avoidance of harassment and embarrassment. *Las Vegas Metro. Police Dep’t v. Las*
26 *Vegas Review Journal*, 136 Nev 733 (2020).
- 27
- 28 5. That same day, Conrad asked why the footage was not provided. WCSO responded “As

1 stated in the previous response, bodycam footage camera footage is being withheld
2 based on the nontrivial privacy interests of the individuals involved, including
3 avoidance of harassment and embarrassment.”

- 4 6. On December 1, 2023, Conrad made a second public records requests to WCSO as
5 follows “Dispatch audio and CAD log for CAD No. 230980051.”
- 6 7. In response to the second request, WCSO on December 5, 2023, provided a heavily
7 redacted CAD log, but did not provide the requested audio for the 911 call. WCSO
8 claimed the following grounds to withhold the 911 call “The audio associated with this
9 request is still under review. Redactions were made based on nontrivial privacy interests
10 of the individuals involved including avoidance of harassment and embarrassment. *Las*
11 *Vegas Metro. Police Dep’t v. Las Vegas Review Journal*, 136 Nev 733 (2020); *Donrey*
12 *of Nevada, Inc., v Bradshaw*, 106 Nev 630 (1990). No estimate for producing the
13 request audio was provided, as required by NRS 239.0107. The file at the time of this
14 petition has still not been provided.
- 15 8. On December 11, 2023, WCSO sent a follow-up statement claiming the 911 call from
16 the incident did not exist.
- 17 9. To date, Conrad has only been provided with a heavily redacted incident report and a
18 redacted CAD log. An additional string of text messages about the call from police
19 service to Thornley’s residence was also provided by the Washoe County District
20 Attorney’s Office to Conrad’s counsel on January 29, 2024, after his records were
21 denied by WCSO. The messages appear to show a Sherrif’s Office captain discussing
22 the situation with an unnamed party. Those messages are also not part of Dr. Conrad’s
23 original request.
24
25
26
27
28

1 10. On September 13, 2024, the court heard testimony from Mr. Falconi. Mr. Falconi
2 testified “Our Nevada Judges” is a nonprofit corporation that attempts to bridge the gap
3 between the public and the judiciary by providing statistical analysis of appellate
4 decisions of every single judge in every district and by providing electronic coverage of
5 court proceedings. *September 13, 2024, Hearing.*

6
7 11. On September 13, 2024, hearing, the court heard testimony from Mr. Falconi. Mr.
8 Falconi testified he provides electronic coverage to all proceedings. Mr. Falconi further
9 testified the main reason why he attempted to get coverage for family court proceedings
10 is because we wanted to present the public coverage of all the cases in the State of
11 Nevada, not some of the cases. *September 13, 2024 Hearing*

12
13 12. On September 13, 2024, hearing, the court heard testimony from Mr. Falconi. Mr.
14 Falconi testified our Nevada Judges covers all proceedings, especially, family court
15 proceedings. Mr. Falconi testified Our Nevada Judges place some limits on families,
16 parents, and children and some Family Court Judges place the same limitations through
17 a court order and often the Family Court Judges will place more restrictive limitations
18 through court orders. *September 13, 2024, Hearing.*

19
20 13. On September 13, 2024, hearing, Mr. Falconi testified if the court orders not to disclose
21 the identity of the witness, they provide visual redactions and audio redactions.
22 *September 13, 2024, Hearing.*

23
24 14. On September 13, 2024, hearing, Mr. Falconi testified that when they cover family law
25 proceedings, they often involve many personal issues. Mr. Falconi further testified they
26 have also covered criminal proceedings involving child abuse, sexual assault, as well as
27 guardianship proceedings. Mr. Falconi testified they provide the same protections to
28

1 those types of cases as well. *September 13, 2024, Hearing.*

2 15. On September 13, 2024, the court heard testimony from Mr. Falconi. Mr. Falconi
3 testified he is familiar with the SCR 230 factors. Mr. Falconi testified when balancing
4 coverage vs the right to a fair trial of a defendant, Our Nevada Judges under no
5 circumstance will he allow that to happen. More specifically, Mr. Falconi testified in the
6 past they had defendants who will tear a court order in front of the camera for the
7 audience and they will edit that out. Mr. Falconi further testified they have precautions
8 in place in case a defendant will try to abuse the court of law to influence the public
9 perception. *September 13, 2024, Hearing.*

10
11 16. At the September 13, 2024, hearing, the court heard testimony from Mr. Falconi. Mr.
12 Falconi testified the purpose of the videos is to educate the public of the process of the
13 court system. More specifically, in family court system the public is learning about the
14 names of the parties and the process. Having the face of the parties in the video will not
15 accomplish that objective, which is to educate the public about the system. *September*
16 *13, 2024, Hearing.*

17
18 17. At the September 13, 2024, hearing, Mr. Falconi testified here in Washoe County, a
19 prosecutor asks us to remove his image because he felt he was in danger, so Our Nevada
20 Judges complied and removed his image from the video. *September 13, 2024, Hearing.*

21
22 18. At the September 13, 2024, hearing, Mr. Falconi testified the goal is not to make the
23 public be distracted from the dignity of the proceedings. *September 13, 2024, Hearing.*

24
25 19. At the September 13, 2024, hearing, Mr. Falconi testified at some of the court rooms in
26 the rural proceedings, the courtrooms are small, and the Judges are very accommodating
27 in allowing coverage. *September 13, 2024, Hearing.*

1 20. The Court informed Mr. Falconi that this proceeding is a civil matter and not a family
2 matter. Mr. Falconi testified they often cover civil matters as well. *September 13, 2024,*
3 *Hearing.*

4 21. At the September 13, 2024, hearing. Mr. Falconi testified they post an edited version of
5 the video on his YouTube channel. Facebook, and Twitter. *September 13, 2024, Hearing.*

6
7 22. At the September 13, 2024, hearing, at a domestic case matter, they generally blurred
8 the faces of the adult witnesses. At all other matters, the party needs to request it and
9 Our Nevada Judges will weigh the public perception of it. Mr. Falconi testified Our
10 Nevada Judges will do what they expect the public wants. So, victims will be more
11 likely to have their face blurred. Expert witnesses and police officers are less likely to
12 have their face blurred. However, Mr. Falconi testified if the District Court Judge orders
13 the faces to be blurred, Our Nevada Judges will comply. *September 13, 2024, Hearing.*

14
15 23. At the September 13, 2024, hearing, Mr. Falconi testified any edit that Our Nevada
16 Judges does is subject to human error. *September 13, 2024, Hearing.*

17 II. FINDING OF LAW

18 **Nevada Supreme Court Rule 230 states:**

19
20 1. News reporters desiring permission to provide electronic coverage of a proceeding in the
21 courtroom shall file a written request with the judge at least 24 hours before the proceeding
22 commences, however, the judge may grant such a request on shorter notice or waive the
23 requirement for a written request. The attorneys of record shall be notified by the court
24 administrator or by the clerk of the court of the filing of any such request by a news reporter.
The written order of the judge granting or denying access by a news reporter to a proceeding
shall be made a part of the record of the proceedings.

25 2. Under these rules, there is a presumption that all courtroom proceedings that are open to
26 the public are subject to electronic coverage. A judge shall make particularized findings on
27 the record when determining whether electronic coverage will be allowed at a proceeding, in
whole or in part. Specifically, the judge shall consider the following factors:

- 28 (a) The impact of coverage upon the right of any party to a fair trial;
(b) The impact of coverage upon the right of privacy of any party or witness;

- 1 (c) The impact of coverage upon the safety and well-being of any party, witness or juror;
2 (d) The likelihood that coverage would distract participants or would detract from the
3 dignity of the proceedings;
4 (e) The adequacy of the physical facilities of the court for coverage; and
5 (f) Any other factor affecting the fair administration of justice.

6 **III. CONCLUSION OF LAW AND FACT**

7 This court will look at the factors in SCR Rule 230(2) to determine if the Petition can have
8 access to the body cam footage. Those factors include:

9 **(a) The impact of coverage upon the right of any party to a fair trial;**

10 This court finds this matter involves a domestic violence matter involving the former
11 Reno City Manager Doug Thornley. This court Mr. Thornley will not have a fair trial if Our
12 Nevada Judges is allowed to film the trial because this court fears family members and friends of
13 the jurors who watch the trial might try to influence the jurors on the case. The jurors are not
14 allowed to consider outside evidence when deciding their verdict and this court fears allowing
15 the trial to be broadcasts, the jurors might be influenced by others who are watching the trial.

16 This court does acknowledge that Mr. Falconi testified at the September 13, 2024,
17 hearing that he could blur the faces of the victims and/or defendants. While this may help lessen
18 the court's fear, Mr. Falconi also testified at the September 13, 2024, hearing that human error
19 might also cause a victim's face or voice not to be blurred. Therefore, this court cannot take the
20 chance on having the Defendant's face or voice not blurred and having the jurors influenced by
21 family members who are watching the trial. Therefore, this court finds this factor goes against
22 the Petitioner.

23 **(b) The impact of coverage upon the right of privacy of any party or witness;**

24 This court finds this domestic violence incident occurred in the home of the former Reno
25
26
27
28

1 City Manager, Doug Thornley. This court finds people have a reasonable expectation of privacy
2 to events that occurred in their home and such events should not be broadcast for the community
3 to watch. Therefore, this court finds this factor favors against the Petitioner.

4 **(c) The impact of coverage upon the safety and well-being of any party, witness or**
5 **juror;**
6

7 This court has serious concerns about the safety of Mr. Thornley by having the trial
8 broadcasts as the community might try to exact their revenge against him. As an elected official,
9 this court fears once the public sees a former Reno City Manager is accused of Domestic
10 Violence, they may try to retaliate against him.

11 This court also has some serious concerns about the safety of the jurors if the trial is
12 allowed to have media coverage as the juror's verdict will be broadcast. This court fears if the
13 community at large does not agree with the verdict, they may retaliate against the jurors. This
14 court finds jurors need to feel safe and the purpose of jury duty is so that jurors determine the
15 outcome of the case. This court fears if jurors do not feel safe, they may not return for jury duty.
16 Therefore, this court finds this factor favors against the Petitioner. the release of the body-cam
17 footage will have a severe impact upon the
18

19 **(d) The likelihood that coverage would distract participants or would distract from**
20 **the dignity of the proceedings;**
21

22 This court finds the coverage will distract the participants from the dignity of the
23 proceedings because this court fears the witnesses will care more about how they look on TV and
24 care less about their testimony. This court also fears the witnesses will also care more about
25 getting their face on TV and the court fears the defendant will not be getting a fair trial.
26 Therefore, this court finds this factor favors against the Petitioner
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE


I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 26th day of September 2024, I electronically filed the foregoing ORDER FOLLOWING SEPTEMBER 13, 2024 HEARING with the Clerk of the Court by using the ECF system.

I further certify that I transmitted a true and correct copy of the foregoing document by the method(s) noted below:

Electronically filed with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

- LINDSAY LIDDELL, ESQ. for WASHOE COUNTY
- LUKE BUSBY, ESQ. for ROBERT A. CONRAD

Deposited in the Washoe County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada:
{none}


Michael Decker
Judicial Assistant