

1 misdemeanor offense, with all other charges dismissed in exchange for the prosecutor's sentencing
2 recommendation that the juvenile be given six-months of probation. The juvenile was represented by
3 Aaron Grigsby, a court-appointed attorney.

4 After the plea was entered, Respondent began to ask the juvenile questions regarding her use of
5 a cell phone. Counsel Grigsby advised the Respondent that he did not wish to have his client admit to
6 something that could get her into more trouble. Respondent ignored counsel's objection, which was
7 based on the juvenile's Fifth Amendment right against self-incrimination, and repeatedly asked the
8 juvenile to answer her questions about the juvenile's use of a cell phone.

9 Respondent lost her temper as Counsel Grigsby continually objected to Respondent's repeated
10 attempts to question the juvenile regarding the cell phone, and shouted, "ENOUGH", numerous times to
11 Counsel Grigsby. Respondent then called a recess, and upon resumption of the hearing, Respondent
12 began asking the juvenile to answer her questions regarding the juvenile's cell phone. Counsel Grigsby
13 continued to object noting that he did not want his client to admit to anything that could result in
14 additional charges.

15 The juvenile followed the advice of her counsel and refused to answer Respondent's questions
16 regarding the cell phone. Respondent then stated that she was sentencing the juvenile to nine (9) months
17 of probation instead of six (6) months because the juvenile declined to answer her questions regarding
18 the use of a cell phone. During the hearing, Respondent also advised Counsel Grigsby he was
19 obstructing the hearing, making prejudicial comments, and that his misconduct was not an isolated
20 incident.

21 **II. Motion**

22 On April 24, 2018, Respondent filed her Motion For Order From The Commission to Inspect
23 and Copy Certain Juvenile Records Relevant to the Instant Case.¹ Respondent claims that Judge Voy
24 never permitted her to view the video of the hearing in question. Therefore, Respondent requests that
25 the Commission allow access to all records pertaining to A.B. including, but not limited to, all videos
26 of court hearings, the Odyssey records, any documents and minutes associated with the juvenile's
27 contact with the juvenile delinquency court including from the first hearing through the point in time

28 ¹ The case before the Commission pertains to a juvenile who will be referred to herein as "A.B." who was represented
by Counsel Grigsby.

1 that the juvenile was placed on probation by Judge Voy. Respondent believes that the juvenile file will
2 support that Judge Voy confirmed Respondent's sentence of nine (9) months probation for the juvenile,
3 and the relevancy of Respondent asking the juvenile questions regarding the cell phone. Respondent
4 also requested to review the juvenile file of "N.M." to demonstrate that Mr. Grigsby bypassed
5 Respondent in an effort to get the matter before Judge Voy, in violation of the procedures utilized in
6 juvenile court.

7 Respondent notes that pursuant to NRS 62H.030(2), a juvenile court is required to maintain
8 records and to allow inspection. That provision provides in pertinent part as follows, "...records of
9 any case brought before the juvenile court may be open to inspection by court order to persons who
10 have a legitimate interest in the records..." Respondent argues that the above cases will provide
11 documentation relevant to the defense of her disciplinary proceeding, as A.B. may be called as a
12 witness. Respondent further opines that she has a right to do her own independent investigation but
13 in order to do so needs the documents referred to herein, and therefore, the Commission should
14 enter an order consistent with this request.²

15 **III. Opposition and Counter-Motion in Limine No. 1**

16 The Prosecuting Officer filed his Opposition to Motion to Inspect and Copy Certain Juvenile
17 Records, and Motion in Limine No. 1. The Prosecuting Officer noted this case is very narrow and
18 limited to whether Respondent violated Nevada law and the Nevada Judicial Code by: (i) sentencing the
19 juvenile to a harsher sentence because the juvenile elected to exercise her Fifth Amendment right
20 against self-incrimination; and (ii) failing to be patient, dignified and courteous to the juvenile and
21 Counsel Grigsby as required by Nevada law.

22 The Prosecuting Officer notes that in Nevada, "the [juvenile] records may be open to inspection
23 only by order of the court to persons having a legitimate interest therein." *See* NRS 62H.030. This
24 statute was derived from NRS 62.360. The Prosecuting Officer cites to *Hickey v. Eighth Judicial*
25 *District Court*, wherein the Supreme Court of Nevada examined NRS 62.360. The Prosecuting Officer
26 notes that *Hickey* held that courts have wide discretion to determine whether to release the records and

27
28 ² Respondent filed a motion to release the juvenile files for A.B. and N.M. with the Eighth Judicial District Court after this motion was filed, and the same was granted by the Court. Therefore, the request for an order seeking the records of the juveniles is moot.

1 must balance the need of the party requesting disclosure against the interest of society in maintaining
2 juvenile record confidentially. *Id.* at 782. Furthermore, he adds the *Hickey* Court permitted disclosure
3 because the records were relevant to the civil action and the order releasing the records was narrowly
4 tailored to safeguard confidentiality. *Id.* Additionally, the Prosecuting Officer argues that NRS
5 62H.025(1) provides that “Juvenile justice information is confidential and may only be released in
6 accordance with the provisions of this section or as expressly authorized by other federal or state law.”
7 The Prosecuting Officer notes that the statute was modified over time to make juvenile records more
8 difficult to obtain.

9 The Prosecuting Officer cited to the federal district court case *Horn v. Hornbeak*, which laid out
10 a test for determining whether to authorize inspection of juvenile case files. *See Horn v. Hornbeak*,
11 2010 WL 1027508, at *4-5 (E.D. Cal. Mar. 18, 2010) (citing *Maldonado v. Sec’y of Calif. Dep’t of*
12 *Corr. & Rehab.*, 2007 WL 4249811, at *5-6). He comments that the “*Horn* test” was from a test
13 articulated in *R.S. v. Superior Court*, 172 Cal.App.4th 1049, 1054 (2009), for juvenile courts to
14 consider:

15 [T]he court must balance the interests of the child and other parties to the juvenile court
16 proceedings, the interests of the petitioner, and the interests of the public. If the court
17 grants the petition, the court must find that the need for discovery outweighs the policy
18 considerations favoring confidentiality of juvenile case files. The confidentiality of
19 juvenile case files is intended to protect the privacy rights of the child. The court may
20 permit disclosure of juvenile case files only insofar as is necessary, and only if petitioner
21 shows by a preponderance of the evidence that the records requested are necessary and
22 have substantial relevance to the legitimate need of the petitioner.

23 The Prosecuting Officer argues that the *Horn* test essentially articulates the Nevada Supreme
24 Court’s holding in *Hickey v. Eighth Judicial District Court*.

25 Moreover, the Prosecuting Officer opines that the records of a completely different juvenile,
26 “N.M.”, are not relevant because actions in a different matter do not change what occurred in the
27 subject case. NRS 48.052(2). Furthermore, he argues the juvenile records of the minor who was before
28 Respondent during the hearing in question are not relevant to Respondent’s actions in the courtroom.
Moreover, he points out that Chief Juvenile Judge Voy filed the underlying complaint with the
Commission and denied Respondent access to the juvenile records, and as such it should be considered
an additional factor weighing against the release of the information.

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2 **IV. Opposition to Motion in Limine No. 1**

3 Respondent filed her Opposition to the Motion in Limine No. 1 noting that juvenile cases
4 typically do not occur in a vacuum. Respondent argues that other charges were dismissed in exchange
5 for the prosecutors sentencing recommendation in the instant case; however, that did not stop
6 Respondent from having the ability to inquire as to facts of cases that had been dismissed, such as the
7 issue of cell phone use. Therefore, Respondent states that her request for discovery is a request to assist
8 in the development of a defense or mitigating circumstance. Furthermore, she states that the A.B.
9 records are the crux of the case against her and that the N.M. records depict Mr. Grigsby's disdain for
10 hearing masters, the rules and potentially the Respondent.

11 Respondent emphasizes that she is not seeking discovery pursuant to NRS 62H.025(1) but rather
12 pursuant to NRS 62H.030(2), which is the standard for releasing the records by court order. She notes
13 the JAVS video relates to her job and reputation, and thus it implicates her due process rights to her
14 position. *See Jones v. Nevada Commission on Judicial Discipline*, 130 Nev. Adv. Rpt. 18 11, 318 P.3d
15 1078 (20 14) (judges in this state have a protected interest in their judicial offices under the Fourteenth
16 Amendment [of the United States Constitution]) and *Mosley v. Nev. Common on Judicial Discipline*,
17 117 Nev. 371, 378, 22 P.3d 655, 659(2001). Therefore, Respondent contends that she has a legitimate
18 interest in the juvenile records.

19 Further, Respondent opines that in the case of *Pickard v. State*, 94 Nev. 681, 585 P .2d 1342
20 (1978), the Supreme Court stated that, "a state's policy interest in protecting the confidentiality of a
21 juvenile offender's records, must yield to the right of effective cross-examination to test the credibility
22 ... " and that juvenile records can be used to show bias and prejudice. *Id.* at 683, 585 P.2d 1343.
23 Respondent argues the records of N.M. will demonstrate that Mr. Grigsby believes that he is
24 empowered to act inappropriately toward a hearing master.

25 Respondent asserts that the records of A.B. are relevant regarding questions about the cell phone
26 and the juvenile's sexually exploited youth ("SEY") status. Respondent relates that judges, like juries,
27 can use common sense and knowledge to make their conclusions and decisions. *See generally, Meyer v.*
28 *State*, 119 Nev. 554, 80 P.2d 447 (2003). Respondent declares that the Commission should have the

1 totality of the information before it, including N.M.'s case to demonstrate Mr. Grigsby's attempts to
2 bypass the hearing master court.

3 **V. Reply**

4 In his Reply to Respondent's Limine Opposition, the Prosecuting Officer states that Respondent
5 seeks the confidential criminal records of a juvenile known as "N.M." because the records "are believed
6 to reveal Mr. Grigsby's disdain for hearing masters, the rules, and potentially the Respondent."
7 *Respondent's Opposition*, 3:2-3. However, he argues, Mr. Grigsby's conduct in another case on a
8 different date is clearly not relevant nor discoverable. Therefore, he opines that the N.M. case has no
9 connection to the October 10, 2016 hearing where the Respondent is charged with violating Nevada law
10 and the Judicial Code.

11 The Prosecuting Officer states that Respondent's reliance on *Pickard v. State*, 94 Nev. 681, 585
12 P.2d 1342 (1978) is incorrect. He argues that the *Pickard* case was based on the US Supreme Court
13 ruling in *Davis v. Alaska*, 415 U.S. 308, 94 S.Ct. 1105, 39 L.Ed.2d 347 (1974), wherein the Supreme
14 Court held that a state's policy interest in protecting the confidentiality of a juvenile offender's records
15 must yield to the Sixth Amendment right to test the credibility of a witness through effective cross-
16 examination. However, he notes this is not a criminal case and A.B. will not be a witness. *See Motion in*
17 *Limine No. 1*, fn. 1. Therefore, the Prosecuting Officer argues that *Pickard* is not applicable to this case,
18 as *Pickard* dealt with the Confrontation Clause.

19 Similarly, the Prosecuting Officer notes that in *Bradley v. Eighth Judicial District Court*, the
20 Nevada Supreme Court held that the Confrontation Clause provides criminal defendants with a trial
21 right, designed to prevent improper restrictions on the types of questions defense counsel may ask
22 during cross-examination and, it does not apply to pretrial discovery. *See* ___ Nev. ___, 405 P.3d 668
23 (2017). He further opines that the *Bradley* Court quoted the United States Supreme Court decision in
24 *Pennsylvania v. Ritchie*, "[i]f we were to accept this broad interpretation of *Davis* [*v. Alaska*, 415 U.S.
25 308 (1974)], the effect would be to transform the Confrontation Clause into a constitutionally
26 compelled rule of pretrial discovery. Nothing in the case law supports such a view." 480 U.S. 39, 52-
27 53, 107 S.Ct. 989, 999, 94 L.Ed.2d 40 (1987).

28 Moreover, the Prosecuting Officer argues that Respondent has not met her burden to inspect
A.B.'s juvenile records under *Horne*. In this case, he argues that the evidence sought is irrelevant as to

1 whether Respondent violated Nevada law and the Nevada Judicial Code by (i) sentencing the juvenile to
2 a harsher sentence because the juvenile elected to exercise her Fifth Amendment right against self-
3 incrimination, and (ii) failing to be patient, dignified and courteous to the juvenile and Counsel Grigsby.

4 The Prosecuting Officer further argues that Respondent does not meet the “legitimate interest”
5 standard required to access protected juvenile records under NRS § 62H.030 based upon a judge’s
6 protected interest in her judicial offices under the Fourteenth Amendment. *See Jones v. Nevada*
7 *Commission on Judicial Discipline*, 130 Nev. Adv. Rpt. 11, 318 P.3d 1078 (2014). The Prosecuting
8 Officer further notes that the Respondent is currently arguing before the Nevada Supreme Court that she
9 is not subject to the jurisdiction of the Commission because she is not a judge. *See Henry v. Nevada*
10 *State Commission on Judicial Discipline*, Docket 75675, Document 2018-16068. Further, he argues that
11 the *Jones* court did not discuss the “legitimate interest” standard required to inspect protected juvenile
12 records under NRS § 62H.030. Rather, he states that the *Jones* court held that a Judge’s “protected
13 interest” under the Fourteenth Amendment requires “a fair trial before a fair tribunal, requiring, at least,
14 notice of the charges and an opportunity to be heard.” *See Jones*, 318 P.3d at 1082 (internal citations
15 omitted). Moreover, the Prosecuting Officer argues that, “A defendant's right to discover exculpatory
16 evidence does not include the unsupervised authority to search through the State’s [juvenile] files.”
17 *Ritchie*, 480 U.S. at 59, 107 S. Ct. at 993.

18 The Prosecuting Officer argues that Respondent’s broad request for all the records of a juvenile
19 she sentenced to probation would necessarily include information protected under NRS § 62H.025.
20 Moreover, the Prosecuting Officer claims he further introduced NRS § 62H.025 as persuasive guidance
21 for when records should be released pursuant to NRS § 63H.030, since the term “legitimate interest” is
22 not defined, as it is important to note the statute which authorizes the release of lesser-protected juvenile
23 justice information has been revised by the legislature to make the release more difficult and only if
24 expressly authorized by law.

25 The Prosecuting Officer further argues that other juvenile record statutes should also be
26 considered by the Commission when considering Respondent’s request, including NRS § 62H.130,
27 whereby “most juvenile delinquents adjudicated for nonsexual offenses may move to seal their records
28 three years after an adjudication, if they remain trouble-free.” *See State v. Eighth Judicial Dist. Court*,
306 P.3d 369, 378 (Nev. 2013). Moreover, the Prosecuting Officer notes that juvenile records are also

1 automatically sealed when a juvenile reaches 21 years of age. *See* NRS § 62H.140. Thus, he argues, if
2 Respondent requested the same subpoena duces tecum after the records were sealed, the records could
3 never be released under Nevada law. *See* NRS § 62H.170(2) (allowing the release of sealed juvenile
4 records only upon the request of the juvenile; the agency charged with medical care of the juvenile; a
5 party to criminal trial; a subject of the juvenile court; or the juvenile court for the purposes of improving
6 juvenile justice).

7 The Prosecuting Officer notes that Respondent suggests that the release of the JAV's recording
8 waived the confidentiality of the juvenile records. *See Respondent's Opposition*, 4:20-22 ("It is further
9 suggested that when Judge Voy released the video to the Commission he further waived the
10 confidentiality of 'A.B.' and made the totality of 'A.B.'s' case relevant."). The Prosecuting Officer
11 states that similar reasoning was argued in *Bradley*, where the defendant in a criminal case argued that
12 disclosure was required if "the prosecutor is in constructive possession of the [juvenile's] counseling
13 records[.]" The Prosecuting Officer further states that the Nevada Supreme Court rejected that
14 argument, stating "a defendant is not entitled to the type of information [he] seeks from the prosecutor
15 when such information is privileged or protected from disclosure pursuant to state law[.]" *Bradley*, 405
16 P.3d at 673.

17 In his Reply, the Prosecuting Officer suggested should the Commission elect to allow potential
18 discovery of juvenile records, the Commission should require an *in-camera* review to determine
19 whether discoverable information exists. *See Pennsylvania v. Ritchie*, 480 U.S. at 60, 107 S. Ct. at
20 1002-03; *see also Smith v. United States*, 665 A.2d 962, 968-69 (D.C.) (1995) (court ordered in camera
21 review of confidential juvenile case files); *see also Navajo Express v. Superior Court*, 186 Cal.App.3d
22 981 (2004) (juvenile records must be reviewed *in camera* by the court for a determination of
23 discoverability in civil case); *In re Termination of Parental Rights to Caleb J. F.*, 269 Wis.2d 709
24 (2004) (court held that in camera review of juvenile records was required to determine if the records
25 were relevant for purposes of discovery).

26 ISSUES

27 Whether the Respondent's interests outweigh the policy considerations favoring confidentiality
28 of juvenile cases for N.M.

Whether the Respondent's interests outweigh the policy considerations favoring confidentiality

1 of juvenile cases for A.B.

2 Whether the juvenile cases are relevant to Respondent's case before the Commission.

3 **STANDARDS OF LAW**

4 **NRS 62H.030. Maintenance and inspection of records**

5 1. The juvenile court shall make and keep records of all cases brought before the juvenile
6 court.

7 2. Except as otherwise provided in this section and NRS 217.110, records of any case
8 brought before the juvenile court may be opened to inspection only by court order to
9 persons who have a legitimate interest in the records.

10 NRS § 62H.030

11 **NRS 48.025. Relevant evidence generally admissible; irrelevant evidence
12 inadmissible**

13 1. All relevant evidence is admissible, except:

14 ...

15 2. Evidence which is not relevant is not admissible.

16 NRS § 48.025

17 **NRS 48.035. Exclusion of relevant evidence on grounds of prejudice, confusion or
18 waste of time**

19 1. Although relevant, evidence is not admissible if its probative value is substantially
20 outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading
21 the jury.

22 ...

23 NRS § 48.035

24 **DISCUSSION**

25 The rules governing judicial misconduct hearings by the Commission on Judicial Discipline
26 embody the fundamental elements of procedural due process as they provide a judge with notice of the
27 charges, an opportunity to respond to the charges in writing, pre-hearing discovery, and a hearing
28 conducted under the rules of evidence. *See generally* Commission Procedural Rules. The judge has a
right to be represented by counsel, to have subpoenas issued for testimony by witnesses and the
production of evidence, to examine the Commission record, and to cross-examine adverse witnesses. *Id.*

1 The pre-hearing exchange of information between the judge and Prosecuting Officer is governed by the
2 discovery rules applicable to the Nevada Rules of Civil Procedure. NRS 1.462(2). Moreover, the
3 presiding officer is authorized to carry out the function of a district court judge in limiting discovery,
4 issuing protective orders, and otherwise resolving discovery disputes.

5 Specifically, NRS 62H.030(2) provides in pertinent part as follows: “Except as otherwise
6 provided in this section, records of any case brought before the juvenile court may be open to inspection
7 only by court order to persons who have a legitimate interest in the records.” The court enjoys wide
8 discretion in determining who has the legitimate interest in juvenile court records referenced in the
9 statute, and must balance the need of the requesting party for the records against the interests of society
10 in keeping confidential certain juvenile court records. *Hickey v. Eighth Judicial District Court*, 105
11 Nev. 729, 731, 72 P.2d 1336, 1339 (1989).

12 In *Hickey*, the person requesting inspection was the administrator of the estate of a boy who had
13 accidentally killed himself with a gun his friend Chris had removed from an unlocked cabinet while
14 being left home alone by vacationing parents. *Id.* at 1337. The administrator had filed suit in district
15 court on behalf of the estate, alleging that Chris's parents had been negligent in leaving him home alone
16 with access to the gun, and she also had filed a petition for inspection of Chris's juvenile records
17 relating to the shooting incident. *Id.* The Supreme Court of Nevada held that the lower court did not
18 abuse its discretion in determining that the estate was a person with a “legitimate interest” in juvenile
19 court records sought in connection with the estate's pending wrongful death action arising out of the
20 same occurrence that was the basis of the juvenile court proceeding. *Id.* at 1339. The Court did not rule
21 if the evidence was actually admissible during the hearing.

22 This matter resembles *Hicky*, regarding the juvenile file of A.B. While the Formal Statement of
23 Charges addresses one specific hearing for A.B. that was recorded on the JAVS system, Respondent has
24 a legitimate interest in reviewing the A.B. case file and all JAVS recordings for discovery and
25 mitigation purposes in relation to Respondent’s disciplinary hearing.

26 While the Prosecuting Officer argues that A.B.’s juvenile file and JAVS recordings are
27 irrelevant pursuant to NRS 48.025, such a ruling cannot be made without reviewing the records *in-*
28 *camera*. Therefore, no ruling will be made as to relevancy until A.B.’s file is produced *in-camera* to the

1 Commission. Of note, Respondent filed a motion to release juvenile A.B.'s court file with the Eighth
2 Judicial District Court for use in this proceeding, wherein the file is to be released to Respondent, the
3 Prosecuting Officer and the Commission. Upon the release of the juvenile A.B.'s court file, the records
4 will then be reviewed by the Presiding Judge of the hearing *in-camera* for relevance. The *in-camera*
5 inspection of the confidential juvenile records by the Presiding Judge strikes a balance between the
6 Respondent's right to discover evidence shielded by privilege, and the public, and the juvenile's interest
7 in protecting the confidentiality of the juvenile's records.

8 The entire court file of juvenile A.B. will remain under seal with the Commission, and any
9 relevant evidence from the juvenile court file that is admitted into evidence will remain under seal, with
10 an admonishment to all parties to maintain the file's confidentiality. Furthermore, the courtroom will be
11 closed when any juvenile JAVS recordings are played during the hearing.³ NRS Chapter 62H. Thus,
12 Respondent's Motion is granted as to a legitimate interest in obtaining A.B.'s juvenile court file only,
13 including JAVS recordings, with the caveat that all records will be reviewed *in-camera* for relevancy.
14 The admissibility of A.B.'s juvenile file is held in abeyance and will be addressed *in-camera* prior to the
15 hearing.

16 Respondent has failed to meet her burden as to juvenile file N.M.⁴ Counsel Grigsby's actions in
17 another matter are irrelevant to Respondent's actions at the hearing in question. Respondent's actions
18 are on trial, and Counsel Grigsby's actions during the hearing are preserved on the JAVS recording of
19 the hearing for the entire Commission to view. Respondent's Motion regarding the juvenile file of
20 N.M. is denied and thus, the Prosecuting Officer's Motion in Limine No. 1 is granted as to N.M.

21 Therefore, Respondent's Motion is granted in part as to a legitimate discovery interest in
22 juvenile A.B.'s court records only, and denied as to juvenile N.M.'s court records. Accordingly, the
23 Prosecuting Officer's Motion in Limine pertaining to the exclusion of juvenile file N.M. is granted.
24 This Order does not preclude a subsequent motion in limine or *in-camera* review regarding the

25 ³ Moreover, the courtroom will be closed when any juvenile JAVS videos are played in order to comply with the Eighth
26 Judicial District Court's Order releasing the records, wherein it was ordered that "the Commission and Hearing Master Henry
27 shall make all reasonable efforts to prevent the names and any video images of the minors from being released to the public
28 or media."

⁴ The Eighth Judicial District Court's Order releasing the records pertained to the court files for A.B. and N.M. as the Court
did not want to "be a gatekeeper for what is relevant to the Commission." The Order noted that the Commission has a
legitimate interest in the records as contemplated by NRS 62H.030. N.M.'s records will remain under seal with the
Commission.

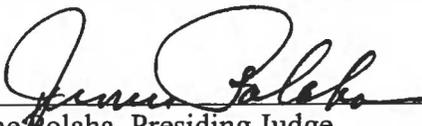
1 admissibility of juvenile file A.B. in the disciplinary proceeding. Moreover, this Order makes
2 Respondent's Motion to Foreclose the Special Prosecutor From Using the Video Tape in Reference to
3 "A.B.", filed on May 11, 2018, and Emergency Motion for Order Directing the Eighth Judicial District
4 Court to Release Documents Pursuant to Subpoena for Records in the Case of A.B., filed on May 17,
5 2018, moot.

6 The Honorable Jerome Polaha is authorized to sign this Order on behalf of the full Commission.

7 IT IS SO ORDERED.

8 DATED this 28th day of February, 2019.

9
10 STATE OF NEVADA
COMMISSION ON JUDICIAL DISCIPLINE

11
12 
13 _____
Jerome Polaha, Presiding Judge

CERTIFICATE OF SERVICE

1 I hereby certify on this 28th day of February, 2019, I transmitted a copy of the foregoing
2 **ORDER GRANTING IN PART MOTION FOR ORDER FROM THE COMMISSION TO**
3 **INSPECT AND COPY CERTAIN JUVENILE RECORDS RELEVANT TO THE INSTANT**
4 **CASE REGARDING JUVENILE A.B. AND GRANTING IN PART COUNTER-MOTION IN**
5 **LIMINE NO. 1 REGARDING N.M. AND DENYING THE REMAINDER**, via email and by
6 placing said document in the U.S. Mail, postage prepaid, addressed to:
7

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Nancy L. Schreihans, Commission Clerk