1	IN THE SUPREME COURT OF THE STATE OF NEVADA			
2	* * * * * * *			
3	SAMUEL HOWARD	Case No. 57469	Electronically Filed	
4	Appellant,	Case No. 3/469	Sep 24 2012 04:35 p.r Tracie K. Lindeman	n.
5	VS.		Clerk of Supreme Cou	rt
6 7 8	RENEE BAKER, WARDEN, and CATHERINE CORTEZ MASTO, ATTORNEY GENERAL FOR THE STATE OF NEVADA,			
9	Respondents.			
10		•		
11 12	EMERGENCY MOTION FOR THIS COURT TO SEAL THE OPPOSITION TO EX-PARTE MOTION FOR SUBSTITUTION OF COUNSEL FILED UNDER SEAL			
13	As set more fully forth in the attached Declaration of First Assistant Federal			
14	Public Defender Lori C. Teicher and Assistant Federal Public Defender Megan C.			
15	Hoffman; Appellant Samuel Howard files this Emergency Motion for this Court to			
16	Seal the Opposition to the Ex-Parte Motion for Substitution of Counsel Filed Under			
17	Seal.			
18	Dated this 24th day of September, 2012.			
19	LAW OFFICES OF THE FEDERAL PUBLIC DEFENDER			
20				
21	/s/ Lori C. Teicher			
<ul><li>22</li><li>23</li></ul>	LORI C. TEICHER First Assistant Federal Public Defender Nevada State Bar No. 6143			
24	, ,			
25	/s/ Megan C. Hoffman			
26	MEGAN C. HOFFMAN Assistant Federal Public Defender Nevada State Bar No. 9835			
27 28	411	vada State Bar No. 98 I E. Bonneville Ave., S Vegas, Nevada 891 (2) 388-6577	Suite 250	

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## **DECLARATION OF COUNSEL**

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- I, Megan C. Hoffman, do declare as follows:
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- I am filing this declaration as counsel currently appointed to represent Appellant, in the above-entitled matter before this Court. I have either personal
- 5
- knowledge of the matters contained herein and, in some instances I am making representations on information and belief. I am competent to testify thereto. 6
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- 2. As explained to this Court in the Ex-Parte Motion for Substitution of Counsel
- 8 Filed Under Seal, appropriately and correctly submitted on September 18, 2012,
  - Appellant's counsel respectfully requested relief from this Court. This motion was
- to be filed ex-parte and under seal. 10
- 11
- It appears from a review of the electronic docketing statement and based upon
- 12 receipt of the electronically filed "Opposition to Ex-Parte Motion for Substitution of
- Counsel Filed Under Seal; Motion to Unseal" that Appellant's motion was not filed 13
- 14 sealed nor ex-parte, as it appears to have been electronically noticed by this Court to
- 15 Respondents Catherine Cortez Masto, the Attorney General of Nevada as well as
- Chief Deputy Steven Owens at the Clark County District Attorney's Office. 16
- 17
- 4. Appellant's counsel intends to fully and quickly reply to Chief Deputy District
- 18 Attorney Vanboskerck's unsealed motion which quotes at length the ex-parte sealed
- 19 motion seeking appropriate relief. However, it remains obvious that due to the
- 20 improper (for many reasons) filing on September 24, 2012 at 11:35 a.m.,
- 21 Respondents' opposition is presently unsealed.
- For the above-stated reasons, undersigned counsel, on behalf of Appellant, Mr. 22 5.
- 23 Howard, respectfully ask that this Court grant the emergency requested relief therein
- 24 so that this issue can be appropriately handled by this Court.
- 25 Dated September 24, 2012.
- I declare the foregoing is true and correct. 26

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/s/Megan C. Hoffman MEGAN C. HOFFMAN

28 Assistant Federal Public Defender

## **CERTIFICATE OF SERVICE** I hereby certify that this document was filed electronically with the Nevada Supreme Court on September 24, 2012. Electronic Service of the Foregoing Emergency Motion for this Court to Seal the Opposition to Ex-parte Motion for Substitution of Counsel Filed Under Seal shall be made in accordance with the Master Service List as follows: Jonathan E. VanBoskerck Chief Deputy District Attorney /s/ Leianna Montoya An employee of the Federal Public Defender's Office