	IN THE SUPREME COURT OF THE STATE OF NEVADA
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3	Floatronically Filed
5	Tracie K. Lindeman
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8	THE STATE OF NEVADA,
9))
10	Respondent.
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12	APPELLANT'S MOTION TO STRIKE THE EXHIBIT
13	ATTACHED TO THE STATE'S MOTION TO STRIKE ISSUE I AND ISSUE II IN APPELLANT'S OPENING BRIEF
14	
15	Comes Now Appellant JAQUEZ DEJUAN BARBER, by and
16	through Deputy Public Defender SHARON G. DICKINSON, and moves to strike
17	the EXHIBIT attached to Respondent's Motion to Strike Issue I and Issue II in
18	
19	Appellant's Opening Brief because the EXHIBIT attached to the motion includes
20	juvenile documents that Barber asked to be filed under seal. This Motion is based
21	
22	upon the attached points and authorities and the Declaration of counsel.
23	DATED this 1 st day of October, 2013.
24	PHILIP J. KOHN
25	CLARK COUNTY PUBLIC DEFENDER
26	
27	
28	By Lillan Dellarson
	SHARON G. DICKINSON, #3710 Deputy Public Defender

POINTS AND AUTHORITIES

All juvenile records are confidential. NRS 62H.030. Under NRS 62H.030, the public is denied access to inspect, copy, or review juvenile records <u>unless</u> the juvenile court issues an order allowing the information be made open to inspection. NRS 62H.030(2). Thus, the Nevada Legislature enacted NRS 62H.030 with an acute awareness that public policy favors the confidentially of all juvenile court records.

However, contrary to the mandates of NRS 62H.030, in *Howard v. State*, 128 Nev. Adv. Op. No. 67, 291 P.3d 137 (2012), this Court held that there is a presumption in favor of allowing the public access to all documents filed within the Nevada Supreme Court. *Id.* at 142.

Based on *Howard*, on 9/17/13, Barber filed a motion asking the Court seal the juvenile records he included within the appendix. While a decision in this case was pending, the State filed a Motion to Strike Issue I and Issue II from Barber's Opening Brief and attached the certification to adult status order which is one of the documents Barber sought to seal.

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There are some limited exceptions to this rule but none of the exceptions apply in this case.

1	Because the Court has not yet ruled on Barber's Motion to Seal the Juven	il
2	Documents, Barber asks the Court to strike the avhibit from the Good Strike	
3		
5	the appendix.	•
6 7	DATED this 1 st day of October, 2013.	
8 9	PHILIP J. KOHN CLARK COUNTY PUBLIC DEFENDER	
10	By Sucrem Dikerson	
11 12	SHARON G. DICKINSON, #3710 Deputy Public Defender	
13		
14	CERTIFICATE OF SERVICE	
15	I hereby certify that this document was filed electronically with th	e
16 17	Nevada Supreme Court on the 1 st day of October, 2013. Electronic Service of the	
18	foregoing document shall be made in accordance with the Master Service List a	s
19	follows:	
20 21	CATHERINE CORTEZ MASTO SHARON G. DICKINSON HOWARD S. BROOKS	
22 23	I further certify that I served a copy of this document by mailing a	
24 25	true and correct copy thereof, postage pre-paid, addressed to: JAQUEZ DEJUAN	
26	BARBER, NDOC No: 1039024, c/o High Desert State Prison, P.O. Box 650,	
27	Indian Springs, NV 89070.	
28	BY <u>/s/ Carrie M. Connolly</u> Employee, Clark County Public Defender's Office	