

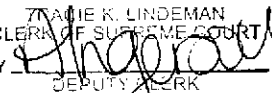
IN THE SUPREME COURT OF THE STATE OF NEVADA

JAQUEZ DEJUAN BARBER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62649

FILED

JAN 23 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER GRANTING IN PART MOTION FOR RECONSIDERATION

This is an appeal from a judgment of conviction. Appellant has filed a motion for reconsideration of this court's order denying his motion to file juvenile court documents under seal. In his motion to seal his juvenile records, appellant argued that the juvenile records included in his appendix must be sealed because those records are confidential under NRS 62H.030 and that this court's recent decision in *Howard v. State*, 128 Nev. ___, 291 P.3d 137 (2012), which applied a presumption of public access to court documents absent this court's permission to file documents under seal, frustrates that statute. This court concluded that NRS 62H.030 only spoke to "the confidentiality of the records of cases brought before the juvenile court" and "did not expressly address the confidentiality of documents and records filed with this court." *Barber v. State*, Docket No. 62649 (Order, October 29, 2013), at 1-2. We further concluded that even if NRS 62H.030 addressed documents filed in this court, the statute merely provided the "grounds upon which a movant could argue, as recognized by *Howard*, that this court is required by law to

file documents subject to the statute under seal.” *Id.* at 2. Determining that appellant had not provided sufficient cause to warrant sealing his juvenile records in this court, we denied his motion. This motion for reconsideration followed.¹

The only argument that warrants discussion is appellant’s new assertion that the juvenile records are sealed pursuant to NRS 62H.140. Because it is not entirely clear whether the statute contemplates the records at issue here, which involve proceedings that led to the juvenile being certified for criminal proceedings as an adult, we grant appellant’s motion for reconsideration in part. The documents appellant seeks to have sealed are included in volume IV of his appendix on pages 652 to 710. We conclude that the certification to adult status order filed on September 27, 2010, is a public document; although that document was filed in the juvenile court, it vested jurisdiction with the district court to try appellant and should not be sealed. However, out of an abundance of caution, we grant appellant’s request to seal documents preceding the certification to adult status order. Therefore, we direct the

¹Subsequently, appellant filed a motion to supplement his motion for reconsideration, which the State opposed. He also filed a motion for leave to file a reply to the State’s opposition. We grant appellant’s motions filed on December 3, 2013 (motion to supplement the motion for reconsideration) and December 10, 2013 (motion for leave to file a reply to the State’s opposition). The clerk of this court is directed to file appellant’s reply to the State’s response to appellant’s motion to supplement received on December 10, 2013.

clerk of court to seal pages 652-95, 700-10 of volume IV of appellant's appendix.

It is so ORDERED.

, C.J.

cc: Clark County Public Defender
Attorney General/Carson City
Clark County District Attorney