

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUIS HIDALGO, JR.,

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

Case No. 71458

**FILED**

JUL 25 2017

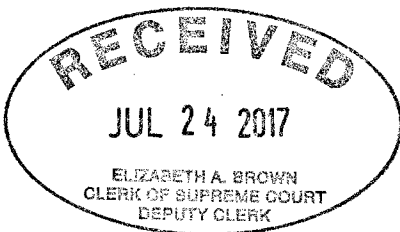
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

**MOTION FOR LEAVE TO FILE VOLUME XXIII OF APPELLANT'S  
APPENDIX UNDER SEAL**

Pursuant to Nevada Rule of Appellant Procedure 27(a)(1), Appellant Luis Hidalgo, Jr. hereby moves this Court for leave to file Volume XXIII of the Appendix to his Opening Brief under seal. This request is based on the attached memorandum of points and authorities.

Respectfully submitted this 21st day of July, 2017.

*[Signature]* NV Bar #11711 *[Signature]*  
Margaret A. McLetchie, Nevada Bar No. 10931  
MCLETCHE SHELL LLC  
701 East Bridger Ave., Suite 520  
Las Vegas, Nevada 89101  
*Counsel for Appellant, Luis Hidalgo, Jr.*



17-24646

## **MEMORANDUM OF POINTS AND AUTHORITIES**

In *Howard v. State*, this Court outlined the procedure for sealing documents in criminal matters before the Court:

“First, a party seeking to seal a document must file a written motion and serve the motion on all parties involved in the action. Second, the motion must identify the document or information the party seeks to seal. Third, the motion must identify the grounds upon which sealing the subject documents is justified and specify the duration of the sealing order.”

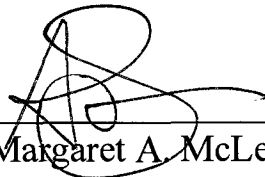
128 Nev. Adv. Rep. 67, 18-19, 291 P.3d 137, 143 (2012).

In this case, Mr. Hidalgo respectfully requests this Court grant him leave to file Volume XXIII of the Appendix to his Opening Brief under seal. Volume XXIII of the Appendix contains: (1) privileged documents the undersigned obtained from Mr. Hidalgo’s trial counsel, including financial statements, purchase agreements, and a joint defense agreement; (2) affidavits previously filed under seal with this Court; and (3) a transcript of a sealed hearing which occurred in the district court on February 13, 2008. On March 9, 2016, the district court entered an order permitting Mr. Hidalgo to file these documents under seal in connection with his post-conviction proceedings. The district court has not rescinded or modified that order.

The State will not be prejudiced by the submission of these records under seal. The State was provided with these records under seal in the court below, and undersigned counsel is serving the instant motion and the proposed sealed volume to the State by United States mail.

Thus, in order to comply with Nevada law, to protect privileged information, and to comply with the district court's prior order sealing these documents, of the Appendix, Mr. Hidalgo respectfully requests this Court enter an order permitting him to file those records under seal.

Respectfully submitted this 21<sup>st</sup> day of July, 2017.

 NV Bar # 11711 157  
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Las Vegas, Nevada 89101  
*Counsel for Appellant, Luis Hidalgo, Jr.*


**CERTIFICATE OF MAILING**

I certify that I am an employee of McLetchie Shell LLC and that on this 21st day of July, 2017 the MOTION FOR LEAVE TO FILE VOLUME XXIII OF APPELLANT'S APPENDIX UNDER SEAL was served by first class U.S. mail to the following:

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*Appellant*

  
\_\_\_\_\_  
Employee, McLetchie Shell LLC