

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
(702) 455-3210



AUTOPSY REPORT

Case Number: 12-07909

PAGE SIX

ENDOCRINE SYSTEM:

MUSCULOSKELETAL SYSTEM:

MICROSCOPIC EXAMINATION

RADIOGRAPHS

SPECIMENS OBTAINED

TOXICOLOGY: Liver and brain tissue are obtained.

TOXICOLOGY RESULTS:

TISSUE: Representative sections of all of the major organs are retained.

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LVRJ112

Clark County Coroner
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AUTOPSY REPORT

Case Number: 12-08371

September 14, 2012

AUTOPSY REPORT

PATHOLOGICAL EXAMINATION ON THE BODY OF

BABY BOY WICKARD

PATHOLOGIC DIAGNOSES

- I. Prematurity.
 - A. Eyes partially fused.
 - B. Testes undescended.
 - C. Immature lung tissue, per histology.
 - D. Immature brain tissue, per histology.
- II. Premature rupture of membranes, per medical records.
- III. Placenta with acute inflammation on fetal surface (early chorioamnionitis) and acute inflammation of umbilical cord (funisitis).
- IV. [REDACTED]
- V. [REDACTED]
- VI. [REDACTED]

OPINION

CAUSE OF DEATH: This 22-week-old male infant, Baby Boy Wickard, died of prematurity due to premature rupture of membranes due to chorioamnionitis and funisitis.

MANNER OF DEATH: NATURAL.

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AUTOPSY REPORT

Case Number: 12-08371

OPINION

Chorioamnionitis and funisitis commonly cause premature rupture of membranes and often correspondingly premature birth. Consequently, the presence of intrauterine infection supersedes the presence of methamphetamine.

A handwritten signature in black ink, appearing to read "Lisa Gavin", is written over a horizontal line.

LISA GAVIN, MD, MPH
Medical Examiner
Clark County Coroner
Las Vegas, NV

LG/rls/amu

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AUTOPSY REPORT

Case Number: 12-08371

September 14, 2012

POSTMORTEM EXAMINATION ON THE BODY OF

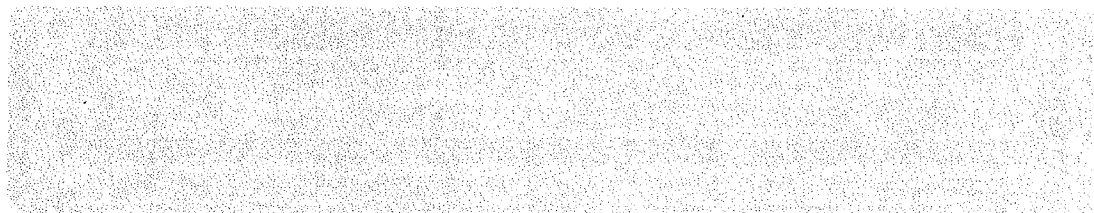
Baby Boy Wickard

PEDIATRIC POSTMORTEM EXAMINATION

An autopsy examination is performed on the body of Wickard, Baby Boy at the Clark County Coroner's Office, on the 14th day of September, 2012, commencing at 1130 hours.

The body is received within a sealed body bag (seal #048509), which is opened on 08-14-12 at 0718 hours by B.K. #298. The body is identified by a Clark County Coroner/Medical Examiner "toe tag" that is associated with the body, which contains the seal #048509 and the Clark County Coroner Case 12-8371; Name: Baby Boy Wickard; Date of Death: 09/13/12; Time of Death: 1624 hours; CCCO Investigator: K.M. #268.

EXTERNAL EXAMINATION (EXCLUDING INJURIES)



The body is received unclad.

There are no accompanying personal effects.

The body is cool. There is no evidence of postmortem change, attention from a mortician, or organ procurement. Rigor mortis is receded. The body is slightly macerated and pink in color.

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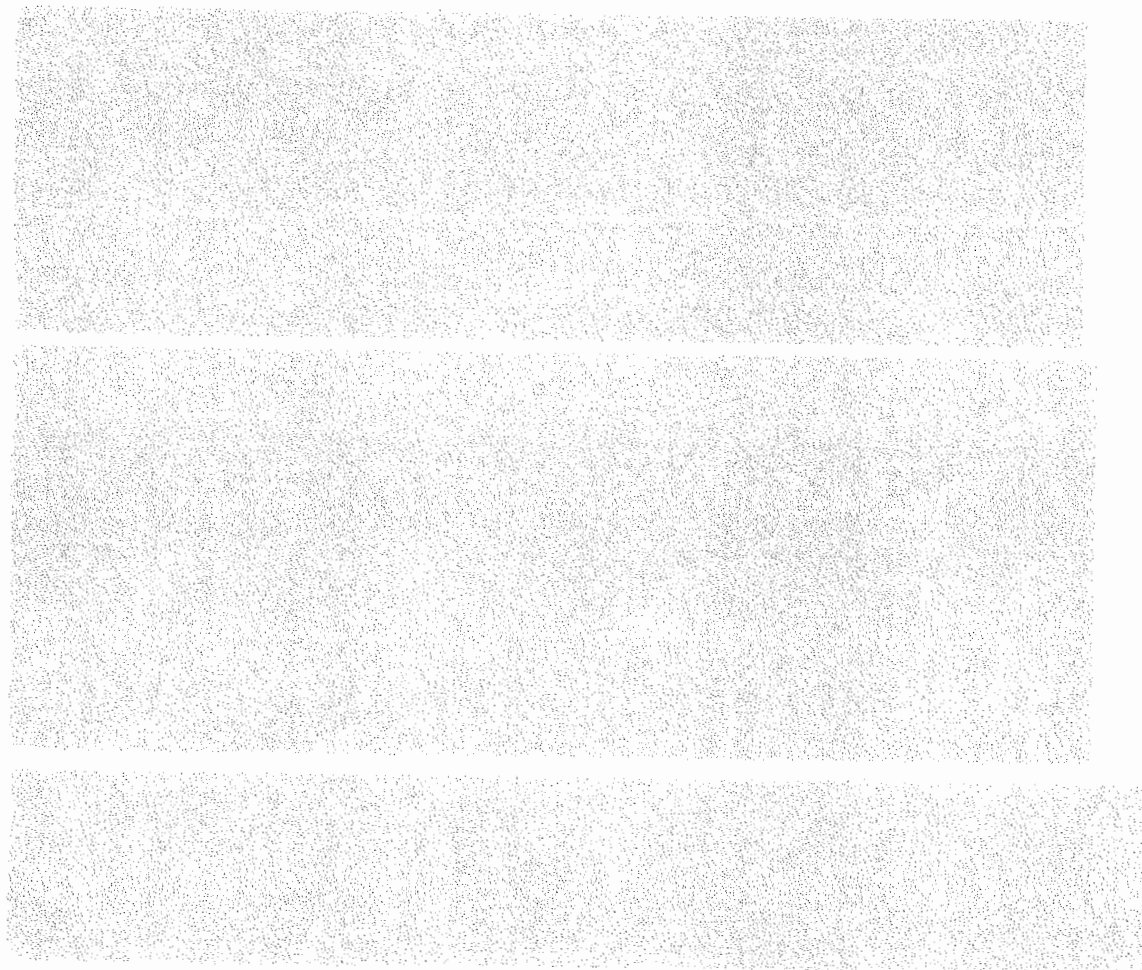
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AUTOPSY REPORT

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PAGE TWO



IDENTIFYING MARKS/SCARS:

No identifying marks or scars are readily apparent.

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AUTOPSY REPORT

Case Number: 12-08371

PAGE THREE

EVIDENCE OF MEDICAL INTERVENTION:

EVIDENCE OF INJURY:

No injuries are identified on external and internal examination.

INTERNAL EXAMINATION (EXCLUDING INJURIES)

BODY CAVITIES:

HEAD (CENTRAL NERVOUS SYSTEM):

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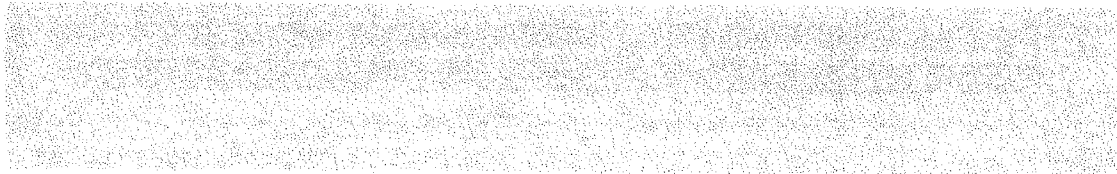


AUTOPSY REPORT

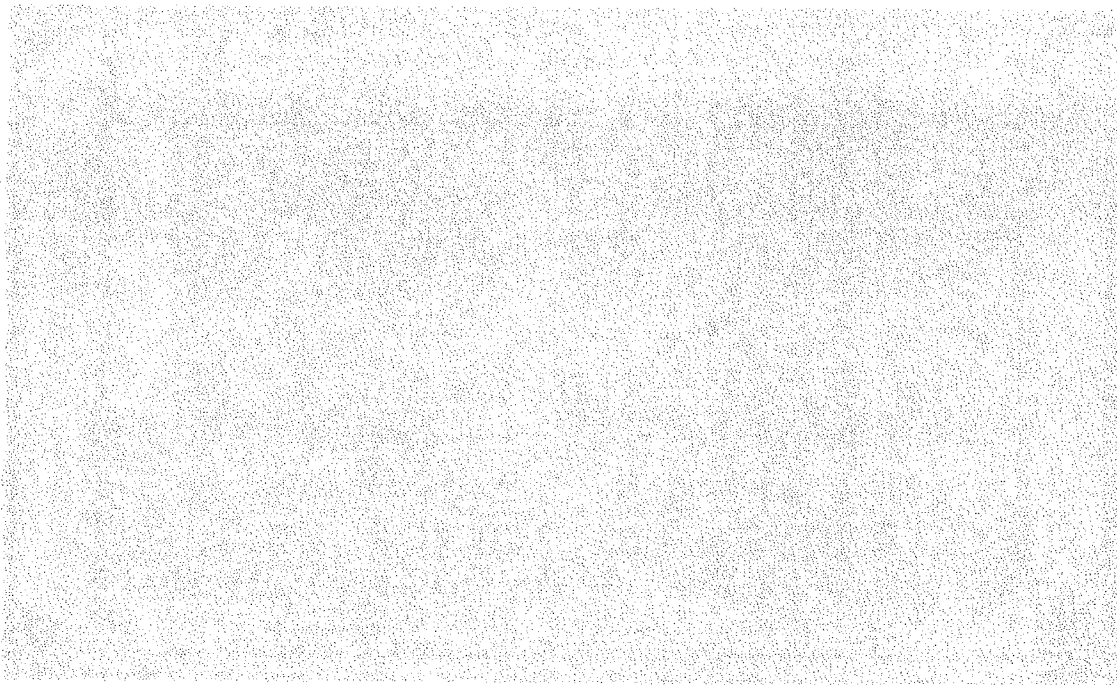
Case Number: 12-08371

PAGE FOUR

NECK AND PHARYNX:



CARDIOVASCULAR SYSTEM:



RESPIRATORY SYSTEM:



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LVRJ118

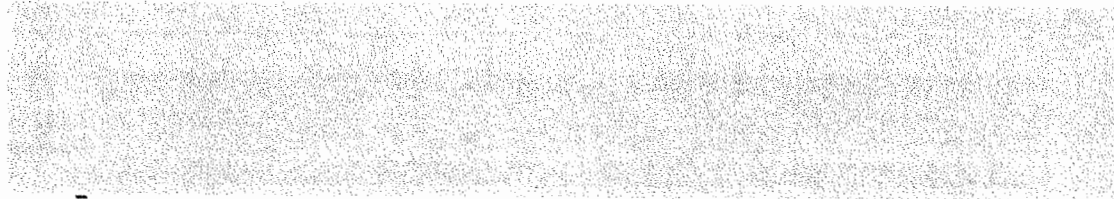
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AUTOPSY REPORT

Case Number: 12-08371

PAGE FIVE



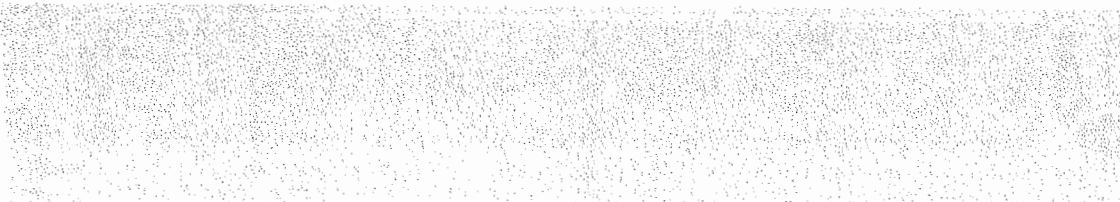
LIVER AND BILIARY SYSTEM:



ALIMENTARY TRACT:



GENITOURINARY TRACT:



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LVRJ119

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AUTOPSY REPORT

Case Number: 12-08371

PAGE SIX

RETICULOENDOTHELIAL SYSTEM:

ENDOCRINE SYSTEM:

MUSCULOSKELETAL SYSTEM:

PLACENTA:

Received in a separate container is a 259 gram placenta with attached umbilical cord.

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AUTOPSY REPORT

Case Number: 12-08371

PAGE SEVEN

MICROSCOPIC EXAMINATION

Lungs (#6):
Heart (#3):
Conduction system (#3):
Kidneys (#2):

Adrenal (#2):
Gonads (#2):
Liver (#5):

Spleen (#5):
Pancreas (#5):

Thymus (#5):
Trachea (#9):

Epiglottis (#9):

Brain (#1):
Placenta (#4):

Placenta - maternal surface (#7):

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AUTOPSY REPORT

Case Number: 12-08371

PAGE EIGHT

Placenta - fetal surface (#8):

MICROBIOLOGY

RADIOGRAPHS

SPECIMENS OBTAINED

TOXICOLOGY: Chest blood/heart blood and liver tissue are obtained.

TOXICOLOGY RESULTS:

TISSUE: Representative sections of all of the major organs are retained.

METABOLIC SCREEN:

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LVRJ122

Steven D. Grierson

1 **MEMO**
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3 ALINA M. SHELL, Nevada Bar No. 11711
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8 Email: maggie@nvlitigation.com
9 *Counsel for Petitioner*

DISTRICT COURT

CLARK COUNTY NEVADA

9 LAS VEGAS REVIEW-JOURNAL,

10 Petitioner,

11 vs.

12 CLARK COUNTY OFFICE OF THE
13 CORONER/MEDICAL EXAMINER,

14 Respondent.

Case No.: A-17-758501-W

Dept. No.: XXIV

MEMORANDUM IN SUPPORT OF
APPLICATION PURSUANT TO
NEV. REV. STAT. § 239.001/
PETITION FOR WRIT OF
MANDAMUS/ APPLICATION FOR
DECLARATORY AND
INJUNCTIVE RELIEF

18 COMES NOW Petitioner the Las Vegas Review-Journal (the "Review-Journal"),
19 by and through its undersigned counsel, and hereby submits this Memorandum in support
20 of its Public Records Act Application/Petition. This Memorandum is based upon the points
21 and authorities below, any attached exhibits, and the pleadings on file with this Court.

22 Respectfully submitted this 16th day of August, 2017.

23
24 By: 

Margaret A. McLetchie, Nevada Bar No. 10931

Alina M. Shell, Nevada Bar No. 11711

MCLETCHIE SHELL LLC

Counsel for Petitioner

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

The Nevada Public Records Act (“NPRA”), Nev. Rev. Stat. § 239.001 et seq., is intended to “foster democratic principles by providing members of the public with access to inspect and copy public books and records[.]” The Clark County Office of the Coroner/Medical Examiner (the “Coroner’s Office”) has violated the NPRA by refusing to disclose what it concedes are public records without meeting its burden of demonstrating that that the withheld records should not be produced. The Coroner’s Office has also violated the NPRA by overly redacting the public records it is willing to produce, and by demanding that the Review-Journal pay the Coroner’s Office simply to review documents that might be responsive to the Review-Journal’s public records request.

In order to fulfill the NPRA’s important purpose of “foster[ing] democratic principles by providing member of the public with access to inspect and copy” public records¹, the Review-Journal requests that this Court handle this matter on an expedited basis as required by the NPRA² and grant the following relief:

- Injunctive relief ordering the Coroner’s Office to immediately make available complete copies of all requested records without charging fees other than permissible fees should the Review-Journal request copies;
- Declaratory relief;
- Reasonable attorney’s fees and costs as required by Nev. Rev. Stat. § 239.011(2); and
- Any other relief this Court deems appropriate.

II. FACTS AND PROCEDURAL HISTORY

A. The Review-Journal’s Request

As detailed in the Petition submitted to this Court on July 17, 2017, on April 13, 2017, the Review-Journal sent the Coroner’s Office a request pursuant to the NPRA (the

¹ Nev. Rev. Stat. § 239.001(1).

² Nev. Rev. Stat. § 239.011(2)

1 “Request”). (*See* Petition Exhibit (“Exh.”) 1 at LVRJ006.)³ The Request sought all autopsy
2 reports of autopsies conducted of anyone under the age of 18 conducted from 2012 through
3 the date of the Request (the “Requested Records”). (*Id.*)

4 **B. The Coroner’s Office’s Response and Demand for Payment to Conduct**
5 **Privilege Review**

6 The Coroner’s Office responded to the Request on April 13, 2017 by providing a
7 spreadsheet with some information. (*Id.* at LVRJ009-14.) However, citing no statutory or
8 legal authority, the Coroner’s Office refused to provide “autopsy reports, notes, or other
9 documents.” (*Id.* at LVRJ004.) That same day, the Review-Journal followed up on the
10 Request by emailing the Clark County District Attorney’s Office, and asked the Office to
11 provide legal support for the refusal to provide records. (Exh. 2 at LVRJ005.) The Coroner’s
12 Office (via the District Attorney’s Office) responded on April 14, 2017. (Exh. 3 at LVRJ018-
13 24.) Although the Coroner’s Office conceded the autopsy reports are public records, it
14 nevertheless contended the reports were not open to public inspection. (*Id.* at LVRJ018.) The
15 sole basis for this assertion was a non-binding 1982 Nevada Attorney General Opinion
16 which, relying on the 1962 version of the NPRA, “opined that the autopsy report is a public
17 record but not open to public inspection.” (*Id.*)

18 On May 23, 2017, counsel for the Review-Journal wrote to the Coroner’s Office to
19 address concerns with the Coroner’s Office’s refusal to provide access to any of the requested
20 juvenile autopsy reports. (Exh. 4 to Petition at LVRJ025-28.) The Coroner’s Office
21 responded to that letter on May 26, 2017, and agreed to consider providing redacted versions
22 of juvenile autopsies if the Review-Journal provided a specific list of cases it wished to
23 review. (Exh. 5 at LVRJ029-71.) The Coroner’s Office also asserted for the first time that
24 the records may be protected by Nev. Rev. Stat. § 432B.407, a statute which provides that
25 information acquired by child death review teams are confidential. (*Id.* at LVRJ031-33); *see*
26 *also* Nev. Rev. Stat. § 432B.407(6).

27 ///

28 ³ These exhibits are on file with the Petition.

1 Via email on May 26, 2017, the Review-Journal provided the Coroner's Office a
2 list of specific cases it wanted autopsy reports for. (Exh. 6 at LVRJ073.) On May 31, 2017,
3 the Coroner's Office responded that each record the Review-Journal requested had to be
4 "reviewed individually by experienced personnel," and that any record "subject to privilege
5 will not be disclosed." (*Id.* at LVRJ072.) The Coroner's Office further asserted that it would
6 "take time" to redact any records that were "not subject to privilege," but did not cite any
7 specific privilege. (*Id.*) The Coroner's Office also did not provide the Review-Journal with
8 any estimate of when it would have the requested records ready, saying only that it would
9 "take time" to review the records and would update the Review-Journal "as to the timeframe
10 and charges." (*Id.*) In that same correspondence, the Coroner's Office asked the Review-
11 Journal to specify which records it wanted to receive first. (*Id.*) The Review-Journal
12 subsequently provided a list of cases on June 12, 2017. (Exh. 7 at LVRJ076.)

13 Nearly a month later, on July 9, 2017, the Review-Journal emailed the Coroner's
14 Office to determine when it would receive the autopsy reports it had requested. (Exh. 8 at
15 LVRJ083.) The Coroner's Office responded that it was "commencing the redaction process"
16 for some of the Requested Records, but indicated it would not produce any records pertaining
17 to any case that was subsequently handled by a child death review team. (*Id.* at LVRJ080
18 (*citing* Nev. Rev. Stat. § 432B.407).)

19 On July 11, 2017, the Coroner's Office provided the Review-Journal sample
20 redacted autopsy reports for other juvenile death cases. (Exh. 9 at LVRJ095-122.) Without
21 citing any specific bases for the heavy redactions in the sample records, the Coroner's Office
22 explained it had redacted "information that is medical, relates to the status of the decedent's
23 health . . . could be marked by stigmata or considered an invasion of privacy by the family."
24 (*Id.* at LVRJ088.)

25 In that same correspondence, the Coroner's Office demanded payment for further
26 work in redacting the Requested Records. (*Id.* at LVRJ087.) Specifically, the Coroner's
27 Office stated it would not produce the Requested Records unless the Review-Journal agreed
28 to pay \$45.00 per hour for an attorney and the Director of the Coroner's Office to redact the

1 records the Office was willing to produce. (*Id.* at LVRJ087; *see also* LVRJ088 (“We will not
2 move forward with the redactions until I hear from you about the fees.”).)

3 **C. The Review-Journal Files Suit.**

4 On July 17, 2017, the Review-Journal filed a Petition for Writ of Mandamus with
5 this Court pursuant to Nev. Rev. Stat. § 239.011.

6 **III. ARGUMENT**

7 Pursuant to the NPRA, all governmental records are presumed to be public unless
8 explicitly deemed confidential by law. Nev. Rev. Stat. § 239.010. To overcome that
9 presumption, a governmental entity seeking to withhold public records “has the burden of
10 proving by a preponderance of the evidence that the public book or record, or a part thereof,
11 is confidential.” Nev. Rev. Stat. § 239.0113(2). The NPRA further mandates, if a
12 governmental entity does intend to withhold records on the basis of confidentiality, it must,
13 within five business days, provide written notice of that fact and “[a] citation to the specific
14 statute or other legal authority that makes the public book or record, or a part thereof,
15 confidential.” Nev. Rev. Stat. § 239.0107(1)(d)(1) and (2). In this case, the Coroner’s Office
16 has not met its burden of proving that the withheld records are confidential. Moreover, the
17 Coroner’s Office did not provide timely notice of the legal bases for its assertion that the
18 Requested Records are confidential. Thus, it has waived its right to assert that privilege
19 attaches to any of the withheld records. In addition, the Coroner’s Office has improperly
20 demanded an illegal fee to conduct a privilege review.

21 **A. The Coroner’s Office Has Waived Its Ability to Assert Any Privilege**
22 **By Failing to Provide the Review-Journal Timely Written Notice of**
23 **Specific Statutory or Legal Authority that Makes the Requested**
Records Confidential.

24 As a preliminary matter, the Review-Journal asserts that by failing to assert any
25 claim of confidentiality within five days as required by Nev. Rev. Stat. § 239.0107(1)(d), the
26 Coroner’s Office has waived its right to assert that privilege attaches to any of the requested
27 documents based on a statute or other legal authority.

28 ///

The NPRA provides that a governmental entity must provide timely and specific notice if it is denying a request because the entity determines the documents sought are confidential. It dictates that the state entity must provide a meaningful response within five (5) days of a request.⁴ If a governmental entity refuses to provide part or all of a request on the grounds that it is confidential, the NPRA states that, within five (5) business days of receiving a request, the governmental entity must:

... provide to the person, in writing: (1) Notice of that fact; and (2) A citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential.

Nev. Rev. Stat. § 239.0107(1)(d).

As discussed above, the Review-Journal submitted its records request to the Coroner's Office on April 13, 2017. That same day, without citation to any authority, the Coroner's Office informed the Review-Journal it would not produce autopsy reports, notes, or other documents. (Exh. 1 to Petition at LVRJ004.) On April 14, 2017, citing only a 1982 Nevada Attorney General Opinion (which does not have the force of law)⁵, the Coroner's Office asserted that the requested autopsy records were in fact public records, "but not open to any member of the public for inspection, copying, and dissemination." (*Id.* at LVRJ003.) In fact, the Coroner's Office did not cite any specific statute or other legal authority for withholding the autopsy reports until May 26, 2017—forty-three days after the Review-Journal made its request. Thus, the Coroner's Office has waived its right to rely on legal authority it failed to timely assert in its Response to the Records Request.

The Review-Journal's assertion that the failure to timely provide a statutory or legal basis for withholding documents effectively waives the ability to assert any privilege justifying withholding public records is supported by an order entered by another court in this district in *Las Vegas Review-Journal v. Clark County School District*, Dist. Ct. Case No.

⁴ See Nev. Rev. Stat. § 239.0107(1)(a)-(d).

⁵ See *Univ. & Cmty. Coll. Sys. of Nevada v. DR Partners*, 117 Nev. 195, 203, 18 P.3d 1042, 1048 (2001) ("Opinions of the Attorney General are not binding legal authority . . .") (citations omitted).

A-17-750151-W. (Exh. [2/22/17 Order in Child case]; Declaration of Margaret A. McLetchie ("McLetchie Decl."), ¶ 4.) While the district court's order in that matter is not binding precedent⁶, it is instructive.

In that case, a reporter for the Review-Journal sent a public records request to the Clark County School District ("CCSD") requesting certain documents pertaining to CCSD Trustee Kevin Child. (Exh. 1, p. 2, ¶ 1.) CCSD failed to timely respond to the request, and failed to assert any claims of confidentiality within the period mandated by Nev. Rev. Stat. § 239.0107(d). (*Id.* at ¶ 4; *see also id.* at p. 6, ¶ 29.) In granting the Review-Journal's petition for a writ of mandamus, the district court cited this failure to timely assert any claim of confidentiality as a factor in its determination that CCSD had failed to meet its burden of demonstrating the existence of any privilege that justified withholding the requested records. (*Id.* at p. 6, ¶ 29.)

Even if the Coroner's Office has not waived its ability to assert privileges, neither of the two bases it has cited are insufficient to justify withholding or redacting any of the documents the Review-Journal has requested.

B. The Coroner's Office Has Failed to Demonstrate By a Preponderance of the Evidence That the Requested Records Are Confidential.

1. The NPRA Starts from the Presumption that Public Records Must Be Open; The Coroner's Office Bears a Heavy Burden in Overcoming that Presumption.

The NPRA sets forth that public records are to be made available to the public for inspection or copying. Nev. Rev. Stat. § 239.010(1); *Reno Newspapers*, 266 P.3d at 628. The purpose of the NPRA is to "foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law[.]" Nev. Rev. Stat. § 239.001(1). To that end, the NPRA must be construed liberally; government records are presumed public records subject to the act, and any limitation on the public's

⁶ *Oliver v. Bank of Am.*, 128 Nev. 923, 381 P.3d 647 (2012) ("[O]ther district court orders do not constitute mandatory precedent and are not binding in subsequent cases unless issue or claim preclusion applies . . .") (citing *Camreta v. Greene*, 563 U.S. 692, 709 n. 7 (2011)).

access to public records must be construed narrowly. Nev. Rev. Stat. 239.001(2) and 239.001(3).

As the Nevada Supreme Court has explained, “the provisions of the NPRA place an unmistakable emphasis on disclosure.” *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 882, 266 P.3d 623, 629 (2011) (emphasis added). Pursuant to Nev. Rev. Stat. § 239.001(2)-(3), the provision of the NPRA “must be construed liberally” to ensure the presumption of openness and explicitly declares that any restriction on disclosure “must be construed narrowly.” Nev. Rev. Stat. § 239.001(2)-(3).

As noted above, the NPRA provides that a governmental entity must provide a meaningful response to a request for public records within five (5) days of a request.⁷ If a governmental entity refuses to provide part or all of a request on the grounds that it is confidential, the NPRA states that, within five (5) business days of receiving a request, the governmental entity must provide written notice of that fact and a citation to the specific statute or other legal authority that makes the public book or record, or a part thereof, confidential. Nev. Rev. Stat. § 239.0107(1)(d).

If a statute explicitly makes a record confidential or privileged, the public entity need not produce it. *Id.* A governmental entity seeking to withhold or redact records on some other basis, however, has a heavy burden: it must prove by a preponderance of evidence that the records are confidential or privileged *and* that the interest in nondisclosure outweighs the strong presumption in favor of public access. *See, e.g., Gibbons*, 127 Nev. at 880, 266 P.3d at 628.

In the *Gibbons* case, the Supreme Court analyzed the NPRA, surveyed its prior cases, and set forth the applicable steps and burdens a withholding entity must satisfy to withhold records:

First, we begin with the presumption that all government-generated records are open to disclosure. [] The state entity therefore bears the burden of overcoming this presumption by proving, by a preponderance of the evidence, that the requested records are confidential. [] Next, in the absence

⁷ See Nev. Rev. Stat. § 239.0107(1)(a)-(d).

1 of a statutory provision that explicitly declares a record to be confidential,
2 any limitations on disclosure must be based upon a broad balancing of the
3 interests involved, [], and the state entity bears the burden to prove that its
4 interest in nondisclosure clearly outweighs the public's interest in access. []

5 *Gibbons*, 127 Nev. at 880, 266 P.3d at 628 (citations omitted)⁸. Thus, as noted above, in
6 addition to first establishing by a preponderance of the evidence that the records are
7 confidential, the Coroner's Office also bears the burden in this case of establishing that the
8 interest in withholding documents outweighs the interest in disclosure pursuant to the
9 balancing test first articulated in *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d
10 144 (1990);⁹ see also *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621,
11 6 P.3d 465, 468 (2000) ("Unless a statute provides an absolute privilege against disclosure,
12 the burden of establishing the application of a privilege based upon confidentiality can only
13 be satisfied pursuant to a balancing of interests.")¹⁰.

14 And, in applying the *Donrey* balancing test, the burden remains squarely on the
15 governmental entity:

16 In balancing the interests . . . , the scales must reflect the fundamental right
17 of a citizen to have access to the public records as contrasted with the
18 incidental right of the agency to be free from unreasonable interference . . .
19 The citizen's predominant interest may be expressed in terms of the burden
20 of proof which is applicable in this class of cases; the burden is cast upon
21 the agency to explain why the records should not be furnished.

22 *Id.* (quoting from *MacEwan v. Holm*, 226 Or. 27, 46, 359 P.2d 413, 422 (1961)¹¹ and citing
23 *Bradshaw*, 106 Nev. at 635-36, 798 P.2d at 147-48). Moreover, at every step of this analysis,
24 privileges and limitations on disclosure must be construed narrowly. *DR Partners*, 116 Nev.

25 ⁸ In *Gibbons*, the Supreme Court ordered disclosure of email log from Governor Jim Gibbons
26 to specific individuals. 127 Nev. at 884, 266 P.3d at 630 (2011).

27 ⁹ Ordering disclosure of records pertaining to a criminal investigation of dismissal of charges
28 against a suspect. 106 Nev. 636, 798 P.2d 148 (1990).

¹⁰ Ordering disclosure of records documenting the use of county provided cell phones. 116
Nev. at 628-629, 6 P.3d at 473 (2000).

¹¹ Oregon Supreme Court ordering production of records regarding nuclear radiation sources.
226 Or. at 49, 359 P.2d at 423 (1961).

1 at 621, 6 P.3d at 468 ("It is well settled that privileges, whether creatures of statute or the
2 common law, should be interpreted and applied narrowly"); *see also* Nev. Rev. Stat. §
3 239.001(3) (requiring that any limitation on the public's access to public records "must be
4 construed narrowly"). Further, if a public record contains confidential or privileged
5 information only in part, in response to a request for access to the record, a governmental
6 entity shall redact the confidential information and produce the record in redacted form. Nev.
7 Rev. Stat. § 239.010(3).

8 2. Autopsy Reports are Public Records

9 Although the Nevada Supreme Court has not addressed this precise issue, other
10 courts have held that autopsy reports are public records. For example, in *Bozeman v. Mack*,
11 744 So.2d 34, 37(La. App. 1 Cir. 1998), the Louisiana Court of Appeals held that under the
12 Louisiana Public Records Act, "an autopsy report is a public record when it is prepared by a
13 coroner in his public capacity as coroner." *See also Everett v. S. Transplant Serv., Inc.*, 709
14 So.2d 764, 97-2992 (La. 2/20/98) (Supreme Court reinstated the trial court's finding that a
15 coroner's records were public records); *Swickard v. Wayne Cty. Med. Exam'r*, 438 Mich.
16 536, 545, 475 N.W.2d 304, 308 (1991) (Autopsy report and toxicology test results prepared
17 by the county medical examiner's office were prepared "in the performance of an official
18 function" and were "public records" for purpose of Freedom of Information Act);
19 *Schoeneweis v. Hamner*, 223 Ariz. 169, 174, 221 P.3d 48, 53 (Ct. App. 2009) (holding that
20 an autopsy report is a public record and not statutorily privileged under Arizona's public
21 records law).

22 Likewise, in *State ex rel. Findlay Publishing Co. v. Schroeder*, 76 Ohio. St. 3d 580,
23 583, 669 N.E.2d 835, 839 (1996), the Ohio Supreme Court has held that a county coroner's
24 records in which the cause of death was suicide were "unquestionably public records" under
25 Ohio's public records laws. The Colorado Supreme Court has also held that autopsy reports
26 are public records, and may only be withheld from public inspection by application for a
27 court order permitting refusal of disclosure on the ground of "substantial injury to the public
28 interest." *Denver Pub. Co. v. Dreyfus*, 184 Colo. 288, 295, 520 P.2d 104, 108 (1974) (en

1 banc); accord *Freedom Newspapers, Inc. v. Bowerman*, 739 P.2d 881, 883 (Colo. App.
2 1987); see also *Hearst Television, Inc. v. Norris*, 617 Pa. 602, 619, 54 A.3d 23, 33–34 (2012)
3 (holding that manner of death records prepared by county coroner was not exempt from
4 disclosure under Pennsylvania’s Right to Know Law); *Home News Pub. Co. v. State, Dep’t*
5 *of Health*, 239 N.J. Super. 172, 178–79, 570 A.2d 1267, 1271 (App. Div. 1990) (holding that
6 death certificates are public records under New Jersey’s right to know law);
7 *Journal/Sentinel, Inc. v. Aagerup*, 145 Wis. 2d 818, 429 N.W.2d 772 (Ct. App. 1988)
8 (autopsy reports are public records subject to public inspection unless they are implicated in
9 a “criminal detection effort”).

10 Moreover, several states have specifically designated autopsy reports as public
11 records, and have placed few restrictions on public access. See Ala. Code § 36-18-2
12 (designating autopsy reports as public records “open to public inspections at all reasonable
13 times”); La. Rev. Stat. Ann. § 13:5713(K)(1) (providing that a coroner’s autopsy report must
14 be made available for public inspection and copying); N.C. Gen. Stat. Ann. § 132-1.8
15 (designating the text of official autopsy reports as public records); Ohio Rev. Code § 313.10
16 (providing that coroner’s reports are public records, and providing specific mechanism for
17 journalists to view preliminary autopsy reports, investigative notes and findings, suicide
18 notes, or photographs of the decedent upon written request); Tenn. Code. Ann. § 38-7-110
19 (designating reports of the county medical examiners, toxicological reports and autopsy
20 reports as public records); Tex. Code Crim. Pro. Ann. § 49.25(11)(a) (medical examiner
21 records may not be withheld from public disclosure).

22 **3. The 1982 Attorney General Opinion Does Not Satisfy the Coroner’s**
23 **Office Burden of Demonstrating the Requested Records Are**
24 **Confidential.**

25 As discussed above, the NPRA requires a governmental entity to provide written
26 notice within five business days of the “specific statute or other legal authority” that it
27 believes makes a public record confidential. Nev. Rev. Stat. § 239.0101(1)(d)(1) & (2). The
28 Coroner’s Office, however, failed to provide a “specific statute or other legal authority.”
Instead, it only cited a nonbinding 1982 Nevada Attorney General Opinion regarding autopsy

1 records which was informed by the 1965 version of the NPRA. This is not a “statute or legal
2 authority” as required by Nev. Rev. Stat. § 239.0107(1)(d), because Attorney General
3 Opinions are not binding legal authority. Even if the 1982 Attorney General Opinion did
4 carry any precedential value, the Opinion is largely irrelevant because it was premised on an
5 older, far less robust incarnation of the NPRA.

6 First, as the Nevada Supreme Court has repeatedly held, Attorney General are not
7 binding legal authority. *See Univ. & Cmty. Coll. Sys. of Nevada v. DR Partners*, 117 Nev.
8 195, 203, 18 P.3d 1042, 1048 (2001) (citing *Goldman v. Bryan*, 106 Nev. 30, 42, 787 P.2d
9 372, 380 (1990)); *accord Redl v. Secretary of State*, 120 Nev. 75, 80, 85 P.3d 797, 800 (2004).
10 Thus, the 1982 Opinion is not “legal authority,” and cannot be used as a basis for withholding
11 the requested records.

12 Second, the Opinion cited by the Coroner’s Office is based on the Attorney
13 General’s interpretation of the 1965 version of the NPRA. That version of the Act lacked the
14 robust protections for the right of access to public records that underpin the current version
15 of the NPRA. Notably, the version of the NPRA the Attorney General relied on in issuing
16 the 1982 opinion did not include Nev. Rev. Stat. § 239.0107, a provision of the NPRA first
17 adopted in 2007 which delineates the process for requesting public records and the burden a
18 governmental entity must satisfy in withholding such records. The Nevada Supreme Court
19 has previously rejected arguments that any opinion provided by the Attorney General
20 interpreting a prior version of a statute carries any persuasive weight when interpreting
21 current Nevada statutes. *See, e.g., Redl*, 120 Nev. at 80-81(rejecting appellant’s argument
22 that a 1951 Attorney General Opinion was precedent the Court should consider in
23 interpreting a current provision of the Nevada Revised Statutes); *see also Goldman*, 106 Nev.
24 at 41-42, 787 P.2d at 380 (finding that a 1981 Opinion “can hardly provide support for
25 appellant’s interpretation of [a provision of the Nevada Revised Statutes], which had not
26 even been enacted at the time the opinion was issued”).

27 ///

28 ///

1 **4. Nev. Rev. Stat. § 432B.407 Does Not Render the Coroner's Office's**
2 **Autopsy Reports Confidential.**

3 The only other "authority" cited by the Coroner's Office as the basis for
4 withholding the requested documents is Nev. Rev. Stat. § 432B.407, a statute which pertains
5 to information acquired by child death review teams. Pursuant to Nev. Rev. Stat. § 432B.403,
6 the State can organize child death review teams to review the records of selected cases of
7 children under the age of 18 to assess and analyze the deaths, make recommendations for
8 changes to law and policy, support the safety of children, and a prevent future deaths. Under
9 Nev. Rev. Stat. 432B.407(1), a child death review team may access, *inter alia*, "any autopsy
10 and coroner's investigative records" relating to the death of a child. Nev. Rev. Stat. §
11 432B.407(1)(b). Section 432B.407(6) in turn provides that "information acquired by, and the
12 records of, a multidisciplinary team to review the death of a child are confidential, must not
13 be disclosed, and are not subject to subpoena, discovery or introduction into evidence in any
14 civil or criminal proceeding."

15 The Coroner's Office appears to be asserting that because it at some point
16 forwarded certain records to a child death review team, those records are now and forever
17 confidential. However, nothing in the language of the in the language of § 432B.407(6),
18 however indicates that autopsy reports are rendered permanently confidential for all purposes
19 simply because they were transmitted to a child death review team.

20 Although the Nevada Supreme Court has not addressed the effect of this provision
21 of § 432B.407, this Court's analysis of this statute should be guided by case law regarding
22 whether the attorney-client privilege applies to documents that were routed through an
23 attorney. As the United States Court of Appeals for the Eighth Circuit has explained, "[i]f an
24 unprivileged document exists before there exists an attorney-client relationship the mere
25 delivery of the document to an attorney does not create a privilege." *Bouschor v. United*
26 *States*, 316 F.2d 451, 457 (8th Cir. 1963) (quoting 8 Wigmore, Evidence, § 2292
27 (McNaughton Rev. 1961)); *see also SmithKline Beecham Corp. v. Apotex Corp.*, 232 F.R.D.
28 467, 478 (E.D. Pa. 2005) ("[A]ttorney-client "privilege does not shield documents merely

1 because they were transferred to or routed through an attorney”) (quotation omitted).

2 Here, the records the Review-Journal has requested from the Coroner’s Office are
3 documents which are created and maintained in the normal course of the Office’s business.
4 The fact that the Coroner’s Office transmitted those records at some point after their creation
5 to a child death review team does not render those documents confidential. Rather, the plain
6 language of the statute indicates that the only information which is confidential is information
7 *currently in the possession* of a child death review team. Thus, the Coroner’s Office cannot
8 rely on this statute to withhold public records.

9 **C. The Coroner’s Office’s Attempt to Charge the Review-Journal for a**
10 **Privilege Review of the Requested Documents Violates the NPRA.**

11 In its July 11 email to the Review-Journal, the Coroner’s Office demanded the
12 Review-Journal pay \$45.00 per hour for an attorney and the Director of the Coroner’s Office
13 to redact the records the Office was willing to produce, and estimated the review and
14 redaction would take the two Coroner’s Office employees 10-12 hours to complete. (Exh. 9
15 at LVRJ087; LVRJ088.) In support of this demand for fees, the Coroner’s Office indicated
16 that conducting a privilege review required the “extraordinary use of personnel” under Nev.
17 Rev. Stat. § 239.055. (*Id.* at LVRJ087.) However, charging a requestor fees to conduct a
18 privilege review of public records is contrary both the letter and spirit of the NPRA.

19 The legislative intent underpinning the NPRA is to foster democratic principles by
20 ensuring easy and expeditious access to public records. Nev. Rev. Stat. § 239.001(1) (“The
21 purpose of this chapter is to foster democratic principles by providing members of the public
22 with access to inspect and copy public books and records to the extent permitted by law”);
23 *see also Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 878, 266 P.3d 623, 626 (2011)
24 (holding that “the provisions of the NPRA are designed to promote government transparency
25 and accountability”). To facilitate that important goal, the NPRA contains provisions that
26 contemplate swift and inexpensive access to public records.

27 Specifically, nothing in the NPRA allows for fees to be charged for a governmental
28 entity’s privilege review. The only fees permitted are set forth in Nev. Rev. Stat. § 239.052

1 and Nev. Rev. Stat. § 239.055(1). Nev. Rev. Stat. § 239.052(1) provides that “a governmental
2 entity may charge a fee for providing a copy of a public record.” Nev. Rev. Stat. § 239.055(1),
3 the provision the Coroner’s Office is relying on for its demand for fees, allows for fees for
4 “extraordinary use.” It provides that “... if a request for a copy of a public record would
5 require a governmental entity to make extraordinary use of its personnel or technological
6 resources, the governmental entity may, in addition to any other fee authorized pursuant to
7 this chapter, **charge a fee not to exceed 50 cents per page** for such extraordinary use....”
8 (Emphasis added.)

9 Interpreting Nev. Rev. Stat. § 239.055 to limit public access by requiring requesters
10 to pay public entities to charge for undertaking a review for responsive documents and
11 confidentiality would be inconsistent with the plain terms of the statute and with the mandate
12 to interpret the NPRA broadly. Further, allowing a public entity to charge a requester for
13 legal fees associated with reviewing for confidentiality is impermissible because “[t]he
14 public official or agency bears the burden of establishing the existence of privilege based
15 upon confidentiality.” *DR Partners v. Bd. of Cty. Comm’rs of Clark Cty.*, 116 Nev. 616, 621,
16 6 P.3d 465, 468 (2000). Even if the Coroner’s Office could, as it has asserted, charge for its
17 privilege review as “extraordinary use,” such fees would be capped at 50 cents a page. Nev.
18 Rev. Stat. § 239.055(1).

19 The Coroner’s Office is demanding payment not for providing copies, but simply
20 for *having its attorneys determine whether documents should be redacted and/or withheld*.
21 Not only is this interpretation belied by the plain terms of the NPRA¹², requiring a requester
22 to pay a public entity’s attorneys to withhold documents would be an absurd result. *See S.*
23 *Nevada Homebuilders Ass’n v. Clark Cty.*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005)
24 (noting that courts must “interpret provisions within a common statutory scheme
25 harmoniously with one another in accordance with the general purpose of those statutes and
26

27 ¹² *See Sandifer v. U.S. Steel Corp.*, 134 S. Ct. 870, 876 (2014) (“It is a fundamental canon of
28 statutory construction” that, “unless otherwise defined, words will be interpreted as taking
their ordinary, contemporary, common meaning.”) (quotation omitted).

1 to avoid unreasonable or absurd results, thereby giving effect to the Legislature's intent")
2 (quotation omitted); *see also Cal. Commercial Enters. v. Amedeo Vegas I, Inc.*, 119 Nev.
3 143, 145, 67 P.3d 328, 330 (2003) ("When a statute is not ambiguous, this court has
4 consistently held that we are not empowered to construe the statute beyond its plain meaning,
5 unless the law as stated would yield an absurd result."

6 **D. An Order Entered by the District Court in *Gray v. Clark County***
7 ***School District, et al.*, Dist. Ct. Case No. A543861 Supports the Review-**
8 **Journal's Interpretation of the NPRA's Limitations on Fees a**
9 **Governmental Entity May Charge a Requester.**

10 The issues presented in this case regarding a governmental entity's inability to
11 charge fees for a privilege review was previously decided by another court in this district. In
12 *Gray v. Clark County School District, et al.*, Dist. Ct. Case No. A543861, the court granted
13 petitioner Karen Gray relief pursuant to Nev. Rev. Stat. § 239.011 after the Clark County
14 School District ("CCSD") refused to produce certain public records—including school
15 district trustees' emails—unless Ms. Gray paid the CCSD approximately \$4,280.00 so the
16 School District could retrieve and review the emails. (*See* Exh. 2 at p. 4, ¶ 5; *see also*
17 *McLetchie Decl.*, ¶ 5.)

18 Of relevance here, the court rejected CCSD's assertions that a requestor should bear
19 the costs of a governmental entity's privilege review:

20 Given the balance between the citizen's fundamental and predominant
21 interest to have public records access, and the governmental entity's interest
22 to be free from unreasonable interference, it is evidence that CCSD must be
23 the party to first explain what records, if any, are confidential or privileged,
24 and then why they should not be furnished. To wit, it is not [Ms. Gray's]
25 burden to bear the expense to determine what public records she seeks may
26 be confidential. Once she makes a request for public records, it is the
27 governmental entity's burden to produce the record or explain why it is not
28 furnished. In short, if CCSD believes certain e-mails generated by its school
trustees contain confidential information, it is the one who should bear the
expense of review and redaction, if any, as well as provide [Ms. Gray] an
explanation as to why the public record will not be produced.

(*Id.* at p. 19, ¶ 16.) This approach of course makes sense: because the NPRA mandates
disclosure of public records and places the onus on governmental entities to demonstrate that

1 public records should be kept confidential, logic dictates that the governmental entity should
2 bear the cost of the review it must conduct to reach that conclusion.

3 Just as CCSD did in the *Gray* case, the Coroner's Office is attempting to pass on
4 its burden of determining which public records are confidential to the Review-Journal. As
5 the court explained in *Gray*, this is contrary to the intent and plain language of the NPRA
6 given that the NPRA and its interpreting case law mandates that it is the governmental
7 entity— and *not* the requestor—who bears the burden of demonstrating of establishing the
8 existence of privilege based on confidentiality. *See, e.g., DR Partners v. Bd. of Cty. Comm'rs*
9 *of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000).

10 **IV. CONCLUSION**

11 For all the reasons set forth above, the Review-Journal respectfully requests that
12 this Court grants the relief requested in the Petition:

- 13 1. That the court handle this matter on an expedited basis as mandated
14 by Nev. Rev. Stat. § 239.011;
- 15 2. Injunctive relief ordering the Coroner's Office to immediately
16 make available complete copies of all records requested without charging fees, other than
17 permissible fees should the Review-Journal request copies;
- 18 3. Declaratory relief;
- 19 4. Reasonable costs and attorney's fees; and
- 20 5. Any further relief the Court deems appropriate.

21 Respectfully submitted this 16th day of August, 2017.

22
23 By: 

24 Margaret A. McLetchie, Nevada Bar No. 10931
25 Alina M. Shell, Nevada Bar No. 11711
26 **MCLEITCHIE SHELL LLC**
27 701 East Bridger Ave., Suite 520
28 Las Vegas, Nevada 89101
Telephone: (702) 728-5300
Email: maggie@nvlitigation.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

Pursuant to Administrative Order 14-2 and N.E.F.C.R. 9, I hereby certify that on this 16th day of August, 2017, I did cause a true copy of the foregoing MEMORANDUM IN SUPPORT OF APPLICATION PURSUANT TO NEV. REV. STAT. § 239.001/ PETITION FOR WRIT OF MANDAMUS/APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF in *Las Vegas Review-Journal v. Clark County Office of the Coroner/Medical Examiner*, Clark County District Court Case No. A-17-758501-W, to be served electronically using the Odyssey File & Serve electronic filing service system, to all parties with an email address on record.

Pursuant to NRCP 5(b)(2)(B) I hereby further certify that on the 16th day of August, 2017, I mailed a true and correct copy of the foregoing MEMORANDUM IN SUPPORT OF APPLICATION PURSUANT TO NEV. REV. STAT. § 239.001/ PETITION FOR WRIT OF MANDAMUS/APPLICATION FOR DECLARATORY AND INJUNCTIVE RELIEF by depositing the same in the United States mail, first-class postage pre-paid, to the following:

Mary-Anne Miller and Laura Rehfeldt
Clark County District Attorney's Office
500 S. Grand Central Pkwy., Ste. 5075
Las Vegas, NV 89106
Counsel for Respondent, Clark County Office of the Coroner/Medical Examiner


An Employee of MCLEITCHIE SHELL LLC

Steven D. Grierson

1 DECL
2 MARGARET A. MCLEITCHIE, Nevada Bar No. 10931
3 ALINA M. SHELL, Nevada Bar No. 11711
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5 701 East Bridger Avenue, Suite. 520
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9 Counsel for Petitioner

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**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

Petitioner,

Dept. No.: XXIV

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

**ATTORNEY MARGARET A.
MCLEITCHIE'S DECLARATION
IN SUPPORT OF MEMORANDUM
IN SUPPORT OF APPLICATION
PURSUANT TO NEV. REV. STAT.
§ 239.001/ PETITION FOR WRIT
OF MANDAMUS/ APPLICATION
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

MARGARET A. MCLEITCHIE, attorney for Petitioner Las Vegas Review-Journal,
hereby declares that the following is true and correct:

1. I have personal knowledge of the facts set forth herein, except where stated upon
information and belief, and where so stated, I believe them to be true.

2. I am over the age of eighteen years and am mentally competent.

3. I am making this Declaration in support of Memorandum in Support of Application
Pursuant to Nev. Rev. Stat. § 239.001/ Petition for Writ of Mandamus/ Application for
Declaratory and Injunctive Relief, and to authenticate the documents attached as Exhibits to
the Memorandum in Support of Application Pursuant to Nev. Rev. Stat. § 239.001/ Petition
for Writ of Mandamus/ Application for Declaratory and Injunctive Relief.

4. Exhibit 1 is a true and correct copy of the February 22, 2017 Order in *Las Vegas
Review-Journal v. Clark County School District*. (Eighth Judicial District Court Case No. A-

1 17-7501551-W).

2 5. Exhibit 2 is a true and correct copy of the January 7, 2009 Order in *Karen Gray v.*
3 *Clark County School District, et al.* (Eighth Judicial District Court Case No. A543861).

4 6. I declare under penalty of perjury that the foregoing is true and correct.

5

6

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Executed on: August 16, 2017

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MARGARET A. MCLEITCHIE

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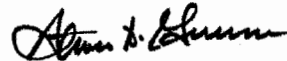
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EXHIBIT 1


CLERK OF THE COURT

1 **ORDR**
2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931
3 ALINA M. SHELL, Nevada Bar No. 11711
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9 *Counsel for Petitioner*

7 **EIGHTH JUDICIAL DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-750151-W

10 Petitioner,

Dept. No.: XVI

11 vs.

12
13 **ORDER GRANTING WRIT OF**
14 **MANDATE**

14 CLARK COUNTY SCHOOL DISTRICT,

15 Respondent.

16
17 The Las Vegas Review-Journal's Petition for Writ of Mandamus having come on
18 for hearing on February 14, 2017, the Honorable Timothy C. Williams presiding, Petitioner
19 LAS VEGAS REVIEW-JOURNAL ("Review-Journal") appearing by and through its
20 attorneys, MARGARET A. MCLEATCHIE and ALINA M. SHELL, and Respondent CLARK
21 COUNTY SCHOOL DISTRICT ("District Attorney"), appearing by and through his
22 attorneys, CARLOS M. MCDADE and ADAM HONEY, and the Court having read and
23 considered all of the papers and pleadings on file and being fully advised, and good cause
24 appearing therefor, the Court hereby grants the Petition and makes the following findings of
25 fact and conclusions of law:

26 ///

27 ///

28 ///

I.

PROCEDURAL HISTORY AND FINDINGS OF FACT

1. On December 5, 2016, Review-Journal reporter Amelia Pak-Harvey (the "Reporter") sent CCSD a request on behalf of the Review-Journal and pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* (the "NPRA"). The request sought certain documents pertaining to CCSD Trustee Kevin Child (the "Request"). The Request asked CCSD to produce:

- All incident reports filed by CCSD staff, CCSD police or any other CCSD officials that involve grief counselors and Trustee Kevin Child;
- All emails from CCSD staff, CCSD police or CCSD officials regarding school visits conducted by Kevin Child; and
- All emails and correspondence relating to the guidelines issued to CCSD staff on December 5, 2016 regarding Trustee Kevin Child's visits to schools and interaction with staff.

2. On behalf of CCSD's Office of Community and Government Relations, Cynthia Smith-Johnson confirmed receipt on December 9, 2016.

3. The Reporter supplemented the Request on December 9, 2016 ("Supplemental Request"). The Supplemental Request asked CCSD to produce "any written complaints the Clark County School District has received regarding Trustee Kevin Child."

4. After CCSD failed to provide documents or assert any claim of confidentiality pursuant to Nev. Rev. Stat. § 239.0107, the Review-Journal initiated this action on January 26, 2017, requesting expedited consideration pursuant to Nev. Rev. Stat. § 239.011.

5. CCSD subsequently produced thirty six (36) pages of documents but asserted that there were twenty-three (23) additional pages that required redactions (the "Redacted Records"). After informal efforts to set a briefing schedule and/or obtain copies the Redacted Records sought failed, the Review-Journal submitted an *ex parte* motion for order shortening time and requesting an expedited hearing on February 8, 2017.

6. On February 8, 2017, this Court ordered that CCSD either fully produce all requested records (in unredacted form) by 12 p.m. on Friday, February 14, 2017 or that the matter would proceed to hearing.

7. On February 8, 2017, CCSD provided the Redacted Records, as well as an unredacted corresponding set of records, to the Court. It did not provide a copy of the Redacted Records to the Review-Journal.

8. Then, later on February 8, 2017, in response to the February 8, 2017 Order, CCSD provided a copy of the Redacted Records to the Review-Journal.

9. On February 10, 2017, CCSD provided the Redacted Records with fewer redactions to Court and the Review-Journal.

10. On February 13, 2017, CCSD provided a further version of the Redacted Records to the Court and the Review-Journal, along with a log listing the following legal bases for the redactions: Nev. Rev. Stat § 386.230 and CCSD Regulations 1212 and 4110.

11. On February 13, 2017, CCSD also provided ten (10) additional pages not previously identified (the "Additional Redacted Records"). CCSD also provided a new log ("Revised Log") including the Additional Redacted Records and additionally asserting the following bases for the redactions:

- a) "safety and well-being of employees (fear of retaliation) and inherent chilling effect if names of individual employees are released;" and
- b) "inherent chilling effect if names of . . . general public are released."

Finally, CCSD provided an unredacted version of the Additional Redacted Records to Court.

12. Nev. Rev. Stat § 239.010 "does not explicitly provide that the records are confidential, and provides that, unless expressly provided for in the NPRA or other listed statutes, Nev. Rev. Stat § 239.010, or "unless otherwise declared by law to be confidential,"

all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

13. Nev. Rev. Stat § 386.230 ("General powers; exceptions") provides:

Each board of trustees is hereby given such reasonable and necessary powers, not conflicting with the Constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the public schools, excluding charter schools and university schools for profoundly gifted pupils, are established and to promote the welfare of school children, including the establishment and operation of schools and classes deemed necessary and desirable.

14. CCSD Regulation 1212 ("CONFIDENTIAL INFORMATION: ALL EMPLOYEES") provides that "Confidential information concerning all personnel will be safeguarded.

15. CCSD Regulation 4110 pertains to "EMPLOYMENT DISCRIMINATION, HARASSMENT, AND SEXUAL HARASSMENT: ALL EMPLOYEES."

16. The Redacted Records and Additional Records consist of various records regarding Trustee Child.

17. On February 14, 2017, the Court heard oral arguments on the Review-Journal's Petition for Writ of Mandamus.

18. The Court has also performed an in-camera review of the Redacted Records, the Additional Redacted Records, and the unredacted version of both sets of records.

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II.

ORDER

19. The purpose of the NPRA is to “foster democratic principles by providing members of the public with access to inspect and copy public books and records to the extent permitted by law[.]” Nev. Rev. Stat. § 239.001(1). To that end, the NPRA must be construed liberally, and any limitation on the public’s access to public records must be construed narrowly. Nev. Rev. Stat. § 239.001(2) and § 239.001(3).

20. Unless explicitly confidential, public records are to be made available to the public for inspection or copying. NRS 239.010(1); *Newspapers, Inc. v. Gibbons*, 127 Nev. Adv. Rep. 79, 12 266 P.3d 623, 628 (2011). If a statute explicitly makes a record confidential or privileged, the public entity need not produce it. *Id.* “

21. If a public record contains confidential or privileged information only in part, in response to a request for access to the record, a governmental entity shall redact the confidential information and produce the record in redacted form. Nev. Rev. Stat. § NRS 239.010(3).

22. A petition for Writ of Mandamus is the appropriate vehicle by which to pursue production under the NPRA, where a governmental entity has refused it. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, n.4, 266 P.3d 623, 630, n.4 (2011); *citing DR Partners v. Board of County Comm’rs*, 116 Nev. 616, 620, 6 P.3d 465, 468, *citing* NRS 34.160.

23. A governmental entity seeking to withhold or redact records must prove by a preponderance of evidence that the records are confidential or privileged. *Gibbons*, 127 Nev. at 880, 266 P.3d at 628 (citations omitted).

24. “[I]n the absence of a statutory provision that explicitly declares a record to be confidential, any limitations on disclosure must be based upon a broad balancing of the interests involved, . . . and the state entity bears the burden to prove that its interest in

1 nondisclosure clearly outweighs the public's interest in access" *Id.* (citing *DR Partners*, 116
2 Nev. at 622, 6 P.3d at 468).

3 25. A governmental entity cannot meet its "... burden by voicing non-
4 particularized hypothetical concerns[.]" *DR Partners v. Board of County Comm'rs*, 116 Nev.
5 616, 628, 6 P.3d 465, 472-73 (2000).

6 26. In *Reno Newspapers, Inc. v. Gibbons*, the Nevada Supreme Court held that
7 a Vaughn index is not required when the party that requested the documents has enough
8 information to fully argue for the inclusion of documents. 127 Nev. 873, 881-82 (Nev. 2011).
9 The Nevada Supreme Court has also held that if a party has enough facts to present "a full
10 legal argument," a Vaughn index is not needed. *Id.* at 882. However, the Nevada Supreme
11 Court held that a party requesting documents under NPRA is entitled to a log, unless the state
12 entity demonstrates that the requesting party has enough facts to argue the claims of
13 confidentiality. *Id.* at 883. A log provided by a governmental entity should contain a general
14 factual description of each record and a specific explanation for nondisclosure. *Id.* In a
15 footnote, the Nevada Supreme Court notes that a log should provide as much detail as
16 possible, without compromising the alleged secrecy of the documents. *Id.* at n. 3. Finally,
17 attaching a string cite to a boilerplate denial is not sufficient under the NPRA. *Id.* at 885.

18 27. The Review-Journal does not contest redacting the names of direct victims
19 of sexual harassment or alleged sexual harassment, or the name of students and staff persons
20 that are not administrators being redacted.

21 28. With regard to CCSD's other proposed redactions, which include the names
22 of schools, teachers, administrators, and program administrators, the Court finds that CCSD
23 failed to meet its burden in demonstrating the existence of an applicable privilege.

24 29. First, CCSD failed to assert any claim of confidentiality within five (5) days
25 as required by Nev. Rev. Stat. § 239.0107(d).

26 30. Second, the Revised Log does not sufficiently articulate that the information
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1 redacted by CCSD is protected by confidentiality. CCSD Regulation 1212 pertains to
2 personnel records, and the parties agree that the records produced are not personnel records.
3 CCSD Regulation 4110 pertains to protections from sexual harassment. To the extent that it
4 is applicable, the parties have agreed that the names of victims of sexual harassment, or
5 alleged sexual harassment, shall be redacted. This also addresses any chilling effect that may
6 occur. Nev. Rev. Stat. § 239.010 and § 386.230 do not provide that the records are
7 confidential.

8
9 31. Third, even if CCSD did assert an applicable privilege by a preponderance
10 of the evidence, it failed to articulate the application to each piece of information it sought
11 to redact. *Gibbons*, 127 Nev. at 883, 266 P.3d at 629.

12 32. Thus, CCSD failed to prove by a preponderance of evidence that the records
13 are confidential or privileged. *Gibbons*, 127 Nev. at 880, 266 P.3d at 628.

14 33. Fourth, even if it met its burden of establishing the existence of an
15 applicable privilege, CCSD has failed to establish that the interests in secrecy outweigh the
16 interests in disclosure. *See, e.g., Gibbons*, 127 Nev. at Adv. Rep. at 881, 66 P.3d at 628.
17 (citing *DR Partners*, 116 Nev. at 622, 6 P.3d at 468). "[I]n the absence of a statutory
18 provision that explicitly declares a record to be confidential, any limitations on disclosure
19 must be based upon a broad balancing of the interests involved, . . . and the state entity bears
20 the burden to prove that its interest in nondisclosure clearly outweighs the public's interest
21 in access"

22 34. Accordingly, both because CCSD did not timely assert any claim of
23 confidentiality and because it still has not met its burden in redacting public records, the
24 Court orders CCSD to provide the Review-Journal with new versions of the Redacted
25 Records and Additional Redacted Records, with only the following redactions: *the names of*
26 *direct victims of sexual harassment or alleged sexual harassment, students, and support*
27 *staff.*
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35. CCSD may not make any other redactions, and must unredact the names of schools, all administrative-level employees, including but not limited to deans, principals, assistant principals, program coordinators), and teachers.

36. CCSD must comply with this Order within two (2) days.

IT IS SO ORDERED this 22nd day of February, 2017.


HONORABLE JUDGE TIMOTHY C. WILLIAMS



Respectfully submitted,


Margaret A. McLetchie, Nevada State Bar No. 10931
Alina M. Shell, Nevada State Bar No. 11711
MCLETSCHIE SHELL, LLC
701 E. Bridger Avenue, Suite 520
Las Vegas, NV 89101
Counsel for Petitioner, Las Vegas Review-Journal

EXHIBIT 2

ORIGINAL

ORDR

FILED

DISTRICT COURT

JAN 7 6 01 AM '09

CLARK COUNTY, NEVADA

KAREN GRAY,

Case No. A543861

Dept. No. XXII

CLERK OF THE COURT

Plaintiff,

Vs.

CLARK COUNTY SCHOOL
DISTRICT; CLARK COUNTY
SCHOOL DISTRICT BOARD OF
SCHOOL TRUSTEES, CAROLYN
EDWARDS, LARRY MASON,
SHIRLEY BARBER, TERRI
JANISON, MARY BETH SCOW,
RUTH JOHNSON, SHEILA
MOULTON, in their official
capacities as Trustees,

Defendants.

ORDER

These matters, concerning Defendants' Motion for Summary Judgment filed August 15, 2008, and Plaintiff KAREN GRAY'S Counter-Motion for Summary Judgment filed September 9, 2008, both came on for hearing on the 14th day of October 2008 at the hour of 8:30 a.m. before Department XXII of the Eighth Judicial District Court, in and for Clark County, Nevada, with JUDGE SUSAN H. JOHNSON presiding; Plaintiff KAREN GRAY, appeared by and through LEE ROWLAND, ESQ. and ALLEN LICHTENSTEIN, ESQ. of ACLU OF NEVADA; and Defendants CLARK COUNTY SCHOOL DISTRICT and CLARK COUNTY SCHOOL BOARD OF TRUSTEES, appeared by and through

CLERK OF THE COURT

JAN 7 2009

RECEIVED

SUSAN H. JOHNSON
DISTRICT JUDGE

DEPARTMENT TWENTY TWO
LAS VEGAS NV 89155

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2 their General Counsel, C.W. HOFFMAN, ESQ. This Court, having reviewed the
3 papers and pleadings on file, heard oral arguments of the parties, taken this matter
4 under advisement, makes the following Findings of Fact and Conclusions of Law:
5

6 **FINDINGS OF FACT**

7 1. On June 28, 2007, Plaintiff KAREN GRAY filed her Complaint
8 and Request for Mandatory Expedited Hearing Pursuant to NRS 239.011, seeking
9 declaratory, injunctive and monetary relief. By virtue of her Complaint, Plaintiff
10 requested access to:

11 a. Any records of telephone calls of any publicly provided or
12 funded cellular phones in the possession of Defendant CLARK COUNTY
13 SCHOOL DISTRICT BOARD OF SCHOOL TRUSTEES (identified as
14 "CCSD TRUSTEES," herein) from November 2005 to November 2006;
15 and
16

17 b. All electronic mails (referred to as "e-mails," herein) that
18 were originated, received or distributed through InterAct¹ or other CCSD
19 or Board of Trustees e-mail systems, which are public records, from
20 November 2005 to November 2006.²
21

22 2. Plaintiff GRAY requested access to cellular telephone records and
23 e-mails on matters of public concern for purposes of administrative or policy
24 discussions, and to use such information to propose possible laws or regulations
25

26 ¹According to Plaintiff's Complaint, p. 5, "InterAct" is CCSD'S e-mail system used
27 district-wide and by the individual Board of Trustees' members. CCSD employees and trustees'
28 public e-mail addresses are all linked through InterAct.

²According to proof presented by CCSD (Exhibit C), MS. GRAY requested CCSD
TRUSTEES' travel and mileage expenses on November 6, 2006 in addition to cell phone records
and e-mails, and such documentation encompassing 93 copies was provided to her on November
17, 2006.

1
2 before the 2007 Nevada Legislature.³ Apparently, Plaintiff has concerns as there
3 have been repeated references to e-mails and telephone calls by CCSD
4 TRUSTEES during discussions and votes regarding policies at the school board
5 meetings.
6

7 3. There is no dispute the only member of the CCSD TRUSTEES
8 who uses a publicly-provided cellular telephone is LARRY MASON. There also
9 is no dispute CCSD TRUSTEE RUTH JOHNSON, who uses her own private
10 cellular telephone, received and apparently still receives a \$50.00 monthly stipend
11 from the school district to support the use of her personal telephone used for
12 work-related calls. The CCSD did not create, receive, or keep records relating to
13 MS. JOHNSON'S personal cellular telephone use, including those that may relate
14 to her work-related calls. The other CCSD TRUSTEES received no
15 reimbursement or stipend from CCSD for any work-related calls that may have
16 transpired on their private or personal cellular telephones; taking the matter a step
17 further, CCSD did not receive and thus, does not keep any records relating to calls
18 made by or to the other CCSD TRUSTEES.
19

20 4. On November 17, 2006, CCSD responded to MS. GRAY'S
21 November 6, 2006 request to inspect CCSD TRUSTEES' cellular telephone
22 records, noting (1) only one trustee, LARRY MASON, used a CCSD-provided
23 telephone, but no invoices or billings relating to MR. MASON'S public cellular
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28 ³At the October 14, 2008 hearing, the parties discussed the possible use of such
information in proposing legislation at the 2009 Legislature.

1
2 telephone use had then yet been received,⁴ and (2) only one trustee, RUTH
3 JOHNSON, received a \$50.00 per month.

4 5. On November 17, 2006, CCSD also responded to MS. GRAY'S
5 requests to inspect CCSD TRUSTEES' e-mails. As such e-mails may include
6 public, private and/or privileged information, CCSD informed MS. GRAY it
7 would take time and effort to inspect, separate and/or redact the public and non-
8 public e-mails and information. For a one-year period, CCSD estimated the cost
9 of retrieval and review to be \$4,280.00.⁵ For a 90-day period, the cost would be
10 \$1,448.00.⁶ It is CCSD'S position such inspection, separation and/or redaction of
11 documents/information would require it to extend extraordinary use of its
12 personnel or technological resources, whereby it may charge a fee for such
13 extraordinary use. MS. GRAY argues the proposed estimated cost is "exorbitant"
14 and "unduly expensive" for someone who merely desires to inspect the public
15 record.⁷
16
17
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19

20 ⁴At the time of MS. GRAY'S November 6, 2006 records request, MR. MASON'S
21 cellular had recently been issued to him, and thus, no invoice had been received by CCSD at that
22 time. See Exhibit Affidavit of CINDY KROHN, attached as D to CCSD'S Motion for Summary
23 Judgment filed August 15, 2008. It is this Court's understanding that, since the invoices have
24 been received concerning MR. MASON'S cellular telephone use, such records have been afforded
25 MS. GRAY for her inspection.

26 ⁵The \$4,280 total cost is calculated as 30 hours of technology department staff at \$60.00
27 per hour, plus 62 hours of Board office staff review of all e-mails for confidential material at
28 \$38.00 per hour. In addition to the over \$4,000 in estimated costs, CCSD proposed in its
November 17, 2006 letter to MS. GRAY (Exhibit C to CCSD'S Motion for Summary Judgment
filed August 15, 2008) there would be a charge of 10 cents per copy over 100 pages requested. As
MS. GRAY desires to inspect the records, and not receive copies of them, the proposed photocopy
charge is not at issue in this case.

⁶The \$1,448 total cost is calculated as 14 hours of technology department staff at \$60.00
per hour, plus 16 hours of Board office staff review of all e-mails for confidential material at
\$38.00 per hour.

⁷See MS. GRAY'S Opposition, pp. 2-3.

1
2 6. Thereafter, at the April 12, 2007 CCSD TRUSTEES' Meeting,⁸
3 MS. GRAY requested all policies, procedures and protocol regarding the
4 repository and retrieval of CCSD TRUSTEES' electronic public records.
5 According to MS. GRAY'S Complaint, p. 8, CCSD provided her a brief
6 response,⁹ but accorded no answers for retention or management policies of
7 electronic records. MS. GRAY raised the issue of the Board's "non-response"
8 and "non-receipt" of the requested cellular telephone records and e-mails at
9 subsequent CCSD TRUSTEES' Meetings held May 7 and 31, 2007.
10

11 7. MS. GRAY claims she has been irreparably harmed by
12 Defendants' non-compliance with NRS 239.010 as she was unable to use these
13 public records to support her legislative proposals submitted to the 2007 Nevada
14 Legislature (which is now out of session). She claims she has a right to and a
15 continuing need for such records given her position as a community activist
16 concerned with the accountability of the school district and CCSD TRUSTEES.
17 She also intends to re-introduce her failed bill proposal to the 2009 Nevada
18 Legislature to be bolstered by records she now seeks to access.
19

20 8. MS. GRAY has asserted three causes of action against Defendants
21 for violations of NRS 239.010 by not making publicly-funded cellular telephone
22

23 ⁸While there may have been some confusion, it appears there was some discussion, but
24 no consensus, regarding whether MS. GRAY should obtain the information without tendering the
25 estimated cost of over \$4,000 for the "extraordinary" effort. NRS 239.052(2) provides "[a]
26 governmental entity may waive all or a portion of a charge or fee for a copy of a public record if
27 the governmental entity: (a) Adopts a written policy to waive all or a portion of a charge or fee for
28 a copy of a public record; and (b) Posts, in a conspicuous place at each office in which the
governmental entity provides copies of public records, a legible sign or notice that states the terms
of the policy." MS. GRAY also requested the policies in writing on April 12, 2008. See Exhibit
H to CCSD'S Motion for Summary Judgment filed August 15, 2008.

⁹Presumably, that "brief response" was by CINDY KROHN, Executive Assistant to the
CCSD TRUSTEES dated April 26, 2007. A copy of this letter is attached as Exhibit H and as part
of Exhibit D to CCSD'S Motion for Summary Judgment filed August 15, 2008.

1
2 records, public e-mails, and official CCSD policies on Public Records available
3 for access by the public.

4 **CONCLUSIONS OF LAW**

5 **Standard of Review**

6
7 1. Summary judgment is appropriate and "shall be rendered
8 forthwith" when the pleadings and other evidence on file demonstrate no
9 "genuine issue as to any material fact [remains] and that the moving party is
10 entitled to a judgment as a matter of law." See NRCP 55(c); Wood v. Safeway,
11 Inc., 121 Nev. 724, 729, 121 P.3d 1026 (2005). The substantive law controls
12 which factual disputes are material and will preclude summary judgment; other
13 factual disputes are irrelevant. Id., 121 Nev. at 731. A factual dispute is genuine
14 when the evidence is such that a rational trier of fact could return a verdict for the
15 non-moving party. Id., 121 Nev. at 731.

16
17 2. While the pleadings and other proof must be construed in a light
18 most favorable to the non-moving party, that party bears the burden "to do more
19 than simply show that there is some metaphysical doubt" as to the operative facts
20 in order to avoid summary judgment bent entered in the moving party's favor.
21 Matsushita Electric Industrial Co. v. Zenith Radio, 475 U.S. 574, 586 (1986),
22 cited by Wood, 121 Nev. at 732. The non-moving party "must, by affidavit or
23 otherwise, set forth specific facts demonstrating the existence of a genuine issue
24 for trial or have summary judgment entered against him." Bulbman Inc. v.
25 Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992), cited by Wood, 121
26 Nev. at 732. The non-moving party "is not entitled to build a case on the
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2 gossamer threads of whimsy, speculation, and conjecture.” Bulbman, 108 Nev.
3 at 110, 825 P.2d 591, *quoting Collins v. Union Fed. Savings & Loan*, 99 Nev.
4 284, 302, 662 P.2d 610, 621 (1983).

5
6 3. The purpose of NRS Chapter 239 is “to foster democratic
7 principles by providing members of the public with access to inspect and copy
8 public books and records to the extent permitted by law.” *See* NRS 239.001(1).
9 The provisions of NRS Chapter 239 *must* be construed liberally to carry out its
10 important purpose. *See* NRS 239.001(2). As NRS Chapter 239 must be
11 interpreted liberally, “[a]ny exemption, exception or balancing of interests which
12 limits or restricts access to public books and records by members of the public
13 must be construed *narrowly*.” NRS 239.001(3)(emphasis added).¹⁰

14
15 4. NRS 239.010(1) provides:

16 Except as otherwise provided in subsection 3,¹¹ all public books
17 and public records of a governmental entity, *the contents of which are not*
18 *otherwise declared by law to be confidential, must be open* at all times
19 during office hours to inspection by any person, and may be fully copied
20 or an abstract or memorandum may be prepared from those public books
21 and public records. Any such copies, abstracts or memoranda may be
22 used to supply the general public with copies, abstracts or memoranda of
the records or may be used in any other way to the advantage of the
governmental entity or of the general public. This section does not
supersede or in any manner affect the federal laws governing copyrights or
enlarge, diminish or affect in any other manner the rights of a person in

23 ¹⁰Also see DR Partners v. Board of County Commissioners, 116 Nev. 616, 621, 6 P.3d
24 465, 468 (2000), *citing Ashokan v. State, Department of Insurance*, 109 Nev. 662, 668, 856 P.2d
25 244, 247 (1993)[*citing United States v. Nixon*, 418 U.S. 683, 710, 94 S.Ct. 3090, 41 L.Ed.2d 1039
(1974)] (“The public official or agency bears the burden of establishing the existence of privilege
based upon confidentiality. It is well settled that privileges, whether creatures of statute or the
common law, should be interpreted and applied narrowly.”).

26 ¹¹Section 239.010(3) provides: “A governmental entity that has legal custody or control
27 of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or
28 copy a public book or record on the basis that the requested public book or record contains
information that is confidential if the governmental entity can redact, delete, conceal or separate
the confidential information from the information included in the public book or record that is not
otherwise confidential.”

1
2 any written book or record which is copyrighted pursuant to federal law.
3 (emphasis added)

4 5. A "public record" is defined in Nevada Administrative Code
5 (NAC) 239.091 as "a record of a local governmental entity that is *created,*
6 *received or kept* in the performance of a duty *and paid for* with public money."
7 (emphasis added) There is no dispute that CCSD, or a school district, is
8 encompassed within the definition of a "local governmental entity," and is subject
9 to the requirements set forth in NRS Chapter 239 and NAC Chapter 239. See
10 NRS 239.121(3).
11

12 6. While a "public record" generally must be open to inspection at all
13 times by the general public, there is an exception for records that are considered
14 "confidential." See NRS 239.010(1). Such exceptions include, but are not limited
15 to:

16 a. *Student educational records*, as set forth by NRS 392.029,
17 Title 20 U.S.C. §1232(g) (Family Educational Rights and Privacy Act) and 34
18 C.F.R. Part 99;

19 b. *Employment records*, as indicated in NRS 386.365 and
20 Clark County School District Regulation 1212;

21 c. *Person's identifying information contained within the*
22 *public record*, as noted in NRS 239.0105;

23 d. *Attorney-client privileged communications*, indicated in
24 NRS 49.095;¹²
25

26 e. *Psychologist and patient communications*, NRS 49.207;
27

28 ¹²See NRS 49.115 for exceptions.

- 1
2 f. *Doctor and patient communications*, NRS 49.215;
3 g. *Marriage and family therapist and client communications*,
4 NRS 49.246;
5 h. *Social worker and client communications*, NRS 49.252;
6 i. *Victim's advocate and victim communications*, NRS
7 49.2546;
8 j. *Counselor and pupil communications*, NRS 49.290;
9 k. *Teacher and pupil communications*, NRS 49.291; and
10 l. *Confidential information communicated to public officer*
11 *when public interests would suffer by disclosure*, set forth in NRS 49.285.

12 Unless a statute provides an absolute privilege against disclosure, the
13 burden of establishing the application of a privilege based upon confidentiality
14 can be satisfied only pursuant to a balancing of interests. "In balancing the
15 interests..., the scales must reflect the fundamental right of a citizen to have
16 access to the public records as contrasted with the incidental right of the agency to
17 be free from unreasonable interference....The citizen's predominant interest may
18 be expressed in terms of the burden of proof which is applicable in this class of
19 cases; the burden is cast upon the agency to explain why the records should not be
20 furnished." *DR Partners*, 116 Nev. at 621, quoting *MacEwan v. Holm*, 226 Ore.
21 27, 359 P.2d 413, 421-22 (Ore. 1961); also see *Donrey of Nevada v. Bradshaw*,
22 106 Nev. 630, 635-636, 798 P.2d 144, 147-148 (1990).

23
24 7. While public records, not considered "confidential," *must be open*
25 and available to MS. GRAY and the community in general, NRS 239.052
26
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1
2 provides the governmental entity may charge a reasonable fee for providing a
3 copy.¹³ Further, there may be additional fees for transcription services or for
4 information from a geographic information system. See NRS 239.053 and
5 239.054. Perhaps more pertinent here, NRS 239.055 provides there may be an
6 additional fee when *extraordinary use of personnel or technological resources is*
7 *required* by the governmental entity.¹⁴
8

9 8. The term "extraordinary use of personnel or technological
10 resources" is not defined in NRS Chapter 239 (or within NRS 239.055
11 specifically). From a historical perspective, NRS 239.055 was enacted in 1997
12 through the passage of Assembly Bill (AB) 214. See Assembly Bill 214 of the
13 1997 Legislative Session. AB 214's history sheds light on the Legislature's
14 purpose in using this term. At that time, Dale Erquiaga, Deputy Secretary of
15 State, described an example of an "extraordinary use of a governmental entity's
16 technological resources:
17

18 ¹³NRS 239.052(1) provides "[e]xcept as otherwise provided in this subsection, a
19 governmental entity may charge a fee for providing a copy of a public record. Such a fee must not
20 exceed the actual cost to the governmental entity to provide the copy of the public record unless a
21 specific statute or regulation sets a fee that the governmental entity must charge for the copy. A
22 governmental entity shall not charge a fee for providing a copy of a public record if a specific
23 statute or regulation requires the governmental entity to provide the copy without charge."

24 ¹⁴NRS 239.055 provides:

25 1. Except as otherwise provided in NRS 239.054 regarding information
26 provided from a geographic information system, if a request for a copy of a public record
27 would require a governmental entity to make extraordinary use of its personnel or
28 technological resources, the governmental entity may, in addition to any other fee
authorized pursuant to this chapter, charge a fee for such extraordinary use. Upon
receiving such a request, the governmental entity shall inform the requester of the amount
of the fee before preparing the requested information. The fee charged by the
governmental entity must be reasonable and must be based on the cost that the
governmental entity actually incurs for the extraordinary use of its personnel or
technological resources. The governmental entity shall not charge such a fee if the
governmental entity is not required to make extraordinary use of its personnel or
technological resources to fulfill additional requests for the same information.

2. As used in this section, "technological resources" means any
information, information system or information service acquired, developed, operated,
maintained or otherwise used by a governmental entity.

1
2 As an example, Mr. Erquiaga said if a person came into the Secretary of
3 State's office and wanted a list of all corporations which had been filed
4 pursuant to Nevada Revised Statutes (NRS), Chapter 82, a program would
5 have to be written to pull the information out of the database—which was
6 extraordinary use of that office's technology.

7 See Hearing on AB 214 Before the Assembly Committee on Government Affairs,
8 1997 Legislative Session 7 (March 20, 1997). To wit, the state's legislative
9 record supports the conclusion the term "extraordinary use," as it relates to
10 technological resources, would include the necessity of having to write a
11 computer program for purposes of information retrieval.

12 Some guidance as to the intended scope of the term "extraordinary use" as
13 it relates to an agency's personnel is found in an exchange between State Senator
14 William Raggio and Kent Lauer, Executive Director, Nevada Press Association:

15 Senator Raggio asked how Mr. Lauer would reply to Mr. Glover's concern
16 regarding low costs of public records opening a door for nuisance
17 behavior and tying up government. Noting although one could stop
18 productivity of an office, the senator maintained, he did not agree with
19 creating a disincentive to provide public information. Mr. Lauer replied a
20 provision in the bill would provide for this situation. He recognized
21 language stipulates requests requiring "extraordinary use of personnel"
22 would provide the right to charge fees to cover "extraordinary use of
23 personnel."

24 See Hearing on AB 214 Before the Senate Committee on Government Affairs,
25 1997 Legislative Session 14 (May 28, 1997). Given the aforementioned
26 statements and concerns, it appears the authority granted a governmental entity to
27 recover actual costs for the "extraordinary use" of personnel in retrieving and
28 copying public records, at least in part, may have been intended to make the entity
whole in responding to nuisance inquiries or any inquiry that encompasses an
unusual amount of staff time.

1
2 Public Access to CCSD TRUSTEES' Cellular Telephone Records

3 9. Notably, the parties' focus has been upon those cellular telephone
4 records generated by CCSD TRUSTEES RUTH JOHNSON and LARRY
5 MASON. MS. JOHNSON accepted a monthly stipend of \$50.00 for use of her
6 private cellular telephone in making/accepting work-related calls. MR. MASON
7 used and still utilizes a cellular telephone supplied him by the CCSD. There is no
8 evidence the other CCSD TRUSTEES, namely CAROLYN EDWARDS,
9 SHIRLEY BARBER, TERRI JANISON, MARY BETH SCOW, and SHEILA
10 MOULTON, accepted or currently accepts any public funding to reimburse them
11 for any work-related calls conducted on their private cellular telephones. As the
12 telephone records of all CCSD TRUSTEES, except MS. JOHNSON and MR.
13 MASON, are not, in any way, "*created, received or kept* in the performance of a
14 duty *and paid for* with public money," such records do not fall within the
15 definition of "public record,"¹⁵ and thus, are not subject to the requirements of
16 NRS 239.010. In short, this Court concludes neither MS. GRAY nor any
17 member of the public is entitled to private cellular telephone records of CCSD
18 TRUSTEES CAROLYN EDWARDS, SHIRLEY BARBER, TERRI JANISON,
19 MARY BETH SCOW, and SHEILA MOULTON.¹⁶ Summary judgment,
20 therefore, should be granted in favor of the CCSD Defendants, pursuant to NRCF
21 56, with respect to the right of these Defendants not to disclose their private
22
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26 ¹⁵See NAC 239.091.

27 ¹⁶It should be noted here that, on February 8, 1996, Congress passed the
28 Telecommunications Act of 1996, which further protected the privacy of customer information
while using their telephones. Also see Fred H. Cate, *Privacy and Telecommunications*, 33 Wake
Forest L.Rev. 1, 40 (1998). More recently, on January 12, 2007, President George W. Bush
signed into law "The Telephone Records and Privacy Protection Act of 2006," which established
criminal penalties for the unauthorized disclosure of telephone records.

cellular telephone records. Such is true *even though* these CCSD TRUSTEES may have made work-related calls on their private cellular telephones.

10. It is undisputed that, sometime during the period, November 2005 and November 2006, LARRY MASON was issued and utilized a publicly-provided and funded cellular telephone.¹⁷ As this telephone was publicly-provided and funded, the records, generated as a result of MR. MASON'S use, likewise, are "*created, received or kept* in the performance of a duty and paid for with public money."¹⁸ To wit, MR. MASON'S cellular telephone records are considered "public" within the definition set forth in NAC 239.091, and therefore, they are accessible to MS. GRAY and the public in general,¹⁹ absent them falling within the exception of being confidential, private or non-public. Again, as noted above, the CCSD Defendants would have the burden of explaining why the records could not be furnished.

Here, it is this Court's understanding that, at the time MS. GRAY made her initial request (early November 2006), MR. MASON'S cellular telephone had "recently" been issued, whereby records/billings had not yet been received by the school district from the telephone company and thus, they were not then available. This situation was not a matter of CCSD refusing MS. GRAY access to MR.

¹⁷As noted above and shown in Affidavit of CINDY KROHN, attached as Exhibit D to CCSD'S Motion for Summary Judgment filed August 15, 2008, MR. MASON was "recently" issued a CCSD cellular telephone at the time she responded to MS. GRAY on November 17, 2006.

¹⁸NAC 239.091.

¹⁹See *DR Partners v. Board of County Commissioners*, 116 Nev. 616; also see *City of Elkhart v. Agenda: Open Government, Inc.*, 683 N.E.2d 622 (Ind.Ct.App. 1997); *PG Publishing Company v. County of Washington*, 638 A.2d 422 (Pa.Commonwealth 1994); *Dorch v. Atlanta Journal and Atlanta Constitution*, 261 Ga.350, 405 S.E.2d 43 (1991)(cellular bills of governmental officials using publicly funded phones were not exempted from Georgia's Open Records Act, Ga. Code Annot. §50-18-70, *et seq.*);

1
2 MASON'S cellular telephone records. CCSD cannot accord MS. GRAY
3 information/documents it did not then possess or have access. Shortly after
4 November 2006, MR. MASON'S cellular records were received by CCSD, and
5 then provided to MS. GRAY at no cost. As MS. GRAY has been provided access
6 to MR. MASON'S cellular telephone records as she requested, such matter is now
7 moot.²⁰
8

9 11. With respect to records relating to CCSD TRUSTEE JOHNSON'S
10 telephone use, MS. GRAY provided this Court no case law or other authority
11 supporting the proposition a public official's personal cellular use automatically
12 became a matter of public record, open to review and scrutiny by the community,
13 when the bureaucrat is partially reimbursed by a governmental entity. This
14 Court's research likewise produced no such case law, statute or other authority.
15

16 To fall within the definition of "public record," as set forth in NAC
17 239.091, the Code requires the particular documentation be *created, received or*
18 *kept* in the performance of the official's duty *and* it be paid for with public
19 money. Although MS. JOHNSON was reimbursed \$50.00 monthly for use of her
20 personal telephone for work-related calls, the school district did not create,
21
22

23 ²⁰Normally, a controversy must be live through all stages of the proceeding. See
24 University and Community College System of Nevada, et al. v. Nevadans for Sound Government,
25 120 Nev. 712, 720, 100 P.3d 179, 186 (2004), *citing* Arizonans for Official English v. Arizona,
26 520 U.S. 43, 67, 117 S.Ct. 1055, 137 L.Ed.2d 170 (1997). "The duty of every judicial tribunal is
27 to decide actual controversies by a judgment which can be carried into effect, and not to give
28 opinions upon moot questions or abstract propositions, or to declare principles of law which
cannot affect the matter in issue before it. *Id.*, *citing* NCAA v. University of Nevada, 97 Nev. 56,
57, 624 P.2d 10 (1981). However, when a matter becomes moot because of a subsequent event,
the Court may determine the matter is capable of repetition, yet evading review. University and
Community College System of Nevada, 120 Nev. at 720, *citing* Traffic Control Services v. United
Rentals, 120 Nev. 168, 171-172, 87 P.3d 1054, 1057 (2004). There was nothing suggested by
MS. GRAY or the CCSD Defendants that access to MR. MASON'S public cellular telephone
records would be impeded in the future, or that this particular controversy would be repeated.

1
2 receive or keep records of her use.²¹ As CCSD did not create, receive or keep the
3 records, this Court concludes MS. JOHNSON'S personal cellular telephone
4 records do not come within "public record" definition, and therefore, do not fall
5 within the purview of open review and scrutiny by MS. GRAY or the public in
6 general. Summary judgment, therefore, should be granted in favor of the CCSD
7 Defendants, pursuant to NRCP 56, with respect to CCSD having no obligation to
8 accord MS. GRAY or the public access to MS. JOHNSON'S private cellular
9 records, inasmuch as it did not create, receive or keep them.
10

11 Public Access to CCSD Policies/Procedures
12 Re: Holding/Managing Electronic Files

13 12. On April 12, 2007, MS. GRAY requested, *in writing*, from CCSD
14 the following policies, procedures or protocol:

- 15 a. Establishing repository for holding and managing
16 electronic files;
17
18 b. Ensuring that metadata information contained within the e-
19 mail transmission is included in the public records (i.e. headers, forward headers
20 and transmission data);
21
22 c. That address the ability to efficiently locate specific files
23 when necessary; and
24
25 d. That ensure public records remain fully accessible
26 throughout the entire records retention period.

27 See Exhibit H to CCSD'S Motion for Summary Judgment.

28 ²¹As CCSD did not create, receive or keep such records, it had nothing to produce to MS.
GRAY or the community with respect to information/documentation relating to MS. JOHNSON'S
personal cellular telephone use.

1
2 13. The evidence adduced from the parties' papers and at the hearing
3 indicates CCSD provided MS. GRAY its policies, procedures or protocol
4 establishing repository for holding and managing electronic files via a copy of the
5 District Regulation §§3620 (Retention of Records) and 3621 (Records Retention
6 Schedule) on April 26, 2007.²² In response to the second request identified above,
7 CCSD, by CINDY KROHN'S April 26, 2007 letter, informed MS. GRAY that
8 each message or e-mail transmission on the InterAct or CCSD computer system
9 contains the header information (sender, date, time and recipient) as part of the
10 message; presumably, such e-mails remain archived on the computer system as
11 long as the computer's hardware and software exists.²³ With respect to MS.
12 GRAY'S third request, CCSD, again via MS. KROHN'S April 26, 2007 letter,
13 indicated specific e-mails or files could be located by the "Find" feature on the
14 InterAct system. "The 'Find' feature on InterAct permits the user to search the
15 messages by the sender, recipient, date attachment name, or text contained the
16 body of the message." MS. GRAY'S fourth request identified above was
17 answered by CCSD:

18
19
20 The ability to locate and/or retrieve any specific record or file depends on
21 several factors that include, but are not limited to, the age and design of
22 the system, the amount of information on which to base the search, and the
23 date of the data.

24 Public Access to CCSD TRUSTEES' Electronic Mails

25 14. CCSD concedes communications or e-mails generated by CCSD
26 TRUSTEES, utilizing InterAct or other school district computer or e-mail system,

27
28 ²²Such documentation encompassed 20 pages.

²³Exhibit I of CCSD'S Motion for Summary Judgment did not indicate how long
electronic mail is kept or maintained.

1
2 fall within the definition of "public record," and thus, absent issues of
3 confidentiality or privilege, such documentation/information is open to review by
4 the public. However, CCSD proposes e-mails generated by the trustees
5 containing confidential or privileged information fall within the exception to open
6 disclosure to the public. Further, from a technological resource perspective, it
7 claims it would take some extraordinary effort to (1) retrieve e-mails sent or
8 received by CCSD TRUSTEES during the requested one-year period (November
9 2005 to November 2006), separate them from e-mails generated by or to the other
10 thousands of CCSD employees, (2) review the retrieved e-mails to ensure they do
11 not contain confidential, privileged or other non-public information, and (3)
12 redact any confidential or privileged information that may be found within the
13 trustees' e-mails. According to CCSD, such e-mail retrieval/separation, review
14 and possible redaction would consume "extraordinary use of personnel and
15 technological resources," whereby it seeks to be reimbursed for such expenses. It
16 anticipates the cost of the extraordinary use of school district resources to be over
17 \$4,000 for retrieval, review and possible redaction of e-mails generated over the
18 requested one-year period.²⁴
19
20

21 15. With respect to retrieval/separation of the CCSD TRUSTEES' e-
22 mails from those generated by other CCSD personnel, CCSD has admitted
23 specific e-mails or files can be located by the "Find" feature on the InterAct
24 system. The 'Find' feature on InterAct permits the user to search the messages by
25 the sender, recipient, date attachment name, or text contained the body of the
26
27

28 ²⁴See Affidavits of CINDY KROHN and DAN WRAY, attached as Exhibits D and F,
respectively, to CCSD'S Motion for Summary Judgment filed August 15, 2008.

1
2 message. Further, such e-mails remain archived on the school district's computer
3 system as long as the computer's hardware and software exists.²⁵ Inasmuch as the
4 e-mails of each school board trustee can be located by a simple search utilizing
5 the "Find" feature, it is difficult to perceive why extraordinary use of personal or
6 technological resources is required, or that the cost is \$1,800.00 (30 hours @
7 \$60.00 per hour for a technology department staff member) to retrieve/separate
8 such records over a one-year period would be incurred. If anything, taking the
9 CCSD'S position in its papers as true, the actual retrieval/separation of all e-mails
10 generated by seven (7) school board trustees should expend little of the
11 technology staff's time in making a few computer key strokes. With that said,
12 the Court is not making a finding that extraordinary use of personal or
13 technological resources would not be required as CCSD claims. This Court will
14 hold an evidentiary hearing prior to the upcoming 2009 Nevada Legislative
15 session to allow CCSD to present further testimony and an explanation from its
16 technology department staff as to why at least 30 hours to retrieve e-mails
17 generated over a one-year period needs to be expended. *See infra*.

18
19
20 16. With respect to CCSD'S review for and possible redaction of
21 confidential information, this Court first notes the Nevada Legislature's intent in
22 1997, when NRS Chapter 239 was enacted, was to ensure openness of its records,
23 and not create disincentives by the governmental entity to provide public
24 information.²⁶ While NRS 239.055 was enacted to reimburse the local
25

26
27 ²⁵See Affidavits of CINDY KROHN and DAN WRAY, attached as Exhibits D and F,
respectively, to CCSD'S Motion for Summary Judgment filed August 15, 2008.

28 ²⁶See Hearing on AB 214 Before the Senate Committee on Government Affairs, 1997
Legislative Session 14 (May 28, 1997).

1
2 governmental entity where public record requests require extraordinary use of
3 personal or technological resources for retrieval, there is nothing contained within
4 that statute to suggest a citizen, such as MS. GRAY, should bear the costs of the
5 entity's review for and redaction of what it may claim to be confidential or
6 privileged material. Given the balance between the citizen's fundamental and
7 predominant interest to have public records access, and the governmental entity's
8 interest to be free from unreasonable interference, it is evident CCSD must be the
9 party to first explain what records, if any, are confidential or privileged, and then
10 why they should not be furnished. To wit, it is not MS. GRAY'S burden to bear
11 the expense to determine what public records she seeks may be confidential.
12 Once she makes a request for public records, it is the governmental entity's
13 burden to produce the record or explain why it is not furnished. In short, if CCSD
14 believes certain e-mails generated by its school trustees contain confidential
15 information, it is the one who should bear the expense of review and redaction, if
16 any, as well as provide MS. GRAY an explanation as to why the public record
17 will not be produced. Plaintiff KAREN GRAY'S Counter-Motion for Summary
18 Judgment, therefore, is granted with respect to CCSD'S request for anticipated
19 costs of "extraordinary use of personnel and technology resources" to review the
20 e-mails for and redaction of confidential information.
21
22

23 Accordingly,

24
25 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

26 Defendants' Motion for Summary Judgment filed August 15, 2008 is granted in
27 part, and denied in part, as set forth more fully above and below;
28

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT TWENTY TWO
LAS VEGAS NV 89155

1
2 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
3 Plaintiff's Counter-Motion for Summary Judgment filed September 9, 2008 is
4 granted in part, and denied in part, as set forth more fully above and below;

5 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
6 Plaintiff KAREN GRAY is entitled to publicly provided or funded cellular
7 telephone records generated by CCSD TRUSTEE LARRY MASON'S use from
8 the time he was provided the cellular telephone, and records were created,
9 received or kept by Defendant CCSD. Again, it is this Court's understanding MS.
10 GRAY was afforded such documentation, whereby such issue of production now
11 is moot;
12

13 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
14 Plaintiff KAREN GRAY is not entitled to any records generated by CCSD RUTH
15 JOHNSON'S use of her private or personal cellular telephone as they were
16 created, received or kept by Defendant CCSD. As noted above, the definition of
17 "public record" requires that it be created, received or kept *and* paid for by the
18 governmental entity;
19

20 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
21 Plaintiff KAREN GRAY is not entitled to any records generated by the other
22 CCSD SCHOOL TRUSTEES' use of their private or personal cellular telephones
23 as they were not created, received or kept, or paid for by Defendant CCSD. Such
24 records do not fall within the definition of "public record;"
25
26
27
28

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT TWENTY TWO
LAS VEGAS NV 89155

1
2 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, as
3 Defendant CCSD provided Plaintiff KAREN GRAY the following
4 information/documentation:

- 5 a. Establishing repository for holding and managing electronic files;
6
7 b. Ensuring that metadata information contained within the e-mail
8 transmission is included in the public records (i.e. headers, forward headers and
9 transmission data);
10 c. That address the ability to efficiently locate specific files when
11 necessary; and
12 d. That ensure public records remain fully accessible throughout the
13 entire records retention period,
14 the production is no longer at issue, and the question now is moot;

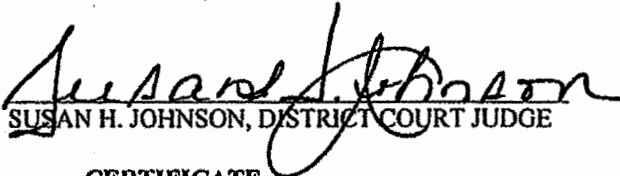
15
16 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that
17 Plaintiff KAREN GRAY should not be charged an additional fee for
18 "extraordinary use of personal or technological resources" where Defendant
19 CCSD finds it necessary to review and possibly redact public records sought for
20 confidential information;

21 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that this
22 Court shall take additional evidence and testimony from Defendants regarding the
23 necessity of expending of extraordinary use of personal or technological resources
24
25 ...
26
27
28

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT TWENTYTWO
LAS VEGAS NV 89155

1
2 to retrieve/separate the e-mails generated by CCSD TRUSTEES during the period
3 sought, as well as the extent of the cost thereof, on Friday, January 23, 2009, at
4 9:00 a.m.

5 DATED this 6th day of January 2009.

6
7
8 
9 SUSAN H. JOHNSON, DISTRICT COURT JUDGE

10 CERTIFICATE

11 I hereby certify that on the date filed, I either placed within the attorney's
12 folder with the Court Clerk's Office, or mailed a true and correct copy of the
13 foregoing ORDER to the following counsel of record, and that first-class postage
14 was fully prepaid thereon:

15 LEE ROWLAND, ESQ., STAFF ATTORNEY
16 ACLU OF NEVADA
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Las Vegas, Nevada 89101

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23 5100 West Sahara Avenue
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24 
25 Laura Banks, Judicial Executive Assistant
26
27
28

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT TWENTY TWO
LAS VEGAS NV 89155

Steven B. Wolfson

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Clark County Coroner Medical Examiner

DISTRICT COURT
CLARK COUNTY, NEVADA

LAS VEGAS REVIEW JOURNAL,

Petitioner,

vs.

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

Case No: A-17-758501-W
Dept. No: XXIV

**RESPONSE TO PETITION AND MEMORANDUM SUPPORTING WRIT FOR
MANDAMUS FOR ACCESS TO AUTOPSY REPORTS OF JUVENILE DEATHS**

COMES NOW Defendant CLARK COUNTY OFFICE OF THE CORONER/MEDICAL
EXAMINER, by its attorney STEVEN B. WOLFSON, District Attorney, through Laura C. Rehfeldt,
Deputy District Attorney, and hereby files its Response to Petition and Memorandum Supporting Writ
for Mandamus for Access to Autopsy Reports of Juvenile Deaths. This response is based upon the
pleadings and papers on file in the above-entitled action, the attached memorandum of points and
authorities, and oral argument of counsel at the time of hearing.

DATED this 29th day of August, 2017.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

By: *Laura C. Rehfeldt*
LAURA C. REHFELDT
District Attorney
State Bar No. 005101
Las Vegas, Nevada 89155-2215
Attorney for Defendant

Clark County Coroner Medical Examiner

1 I. INTRODUCTION

2 A. Duties and Purpose of the Clark County Coroner Medical Examiner (NRS
3 Chapter 259 and Clark County Code Chapter 2.12)

4 The purpose of the Coroner is to investigate deaths within Clark County that are violent,
5 suspicious, unexpected or unnatural in order to identify and report on the cause and manner of death.
6 This may include those reported as unattended by a physician, suicide, poisoning or overdose,
7 occasioned by criminal means, resulting or related to an accident. Clark County Code ("CCC") §
8 2.12.060; Declaration of John Fudenberg, attached as Exhibit A.

9 When the Coroner is notified of a death, a Coroner investigator responds to the scene and
10 conducts a medicolegal investigation. Information is gathered from the scene and persons, such as
11 witnesses, law enforcement officers and family members, the decedent is identified, the next of kin
12 is notified, and property found on or about the decedent is secured. The investigation often entails
13 obtaining medical records or health information of the decedent. Most often the body is transported
14 to the Coroner's Office for a physical examination known as an autopsy, which is conducted by a
15 Medical Examiner who is a forensic pathologist. CCC §§ 2.12.060, 2.12.280. Exhibit A, ¶ 2(b).

16 In conducting the autopsy, the Medical Examiners perform an external and internal exam of
17 the body of the decedent. They review investigative findings, medical records, health history prior
18 to commencing the exam. The organs are examined, and histology samples along with blood is
19 submitted to a laboratory for analysis. It is the responsibility of the medical examiner to determine
20 the cause and manner of death. CCC §§ 2.12.040, 2.12.060; Exhibit A, ¶ 2(c).

21 The manner of death is the method by which someone died. The five manners of death are
22 homicide, suicide, natural, accident and undetermined. The cause of death is the circumstance that
23 triggers a death such as a gunshot wound, heart attack, or drug overdose. The Medical Examiner
24 documents findings, including the cause and manner of death in an autopsy report ("Autopsy
25 Report"). CCC §§ 2.12.060, 2.12.040, 2.12.250; Exhibit A, ¶ 2(d).

26 After completion of the autopsy, the body is released to a mortuary and the person with
27 rights to the body takes over the handling of the body. CCC §§ 2.12.270, 2.12.280; Nev. Rev. Stat.
28 ("NRS") § 451.024. The death of the decedent, including the cause and manner are documented in a

1 death certificate which is generated and maintained by the Department of Vital Statistics. CCC §
2 2.12.250, ¶ 2(e).

3 **B. Content of Autopsy Reports**

4 As stated, Autopsy Reports consist of the findings resulting from the autopsy, including
5 those related to the cause and manner of death of the decedent. Additionally, the name, age, sex and
6 date of death are identified. Exhibit A, ¶ 3(a).

7 The external examination is described in the Autopsy Report, and includes an analysis as to
8 the medical/health status or condition of the exterior parts of the body. These findings could range
9 from observations about the genitalia to recent medical treatment to a hidden tattoo. Exhibit A, ¶
10 3(b).

11 The findings related to the internal examination are also included in the Autopsy Report.
12 This may include radiographic findings, detailed descriptions of medical evaluations as to the
13 condition of organs and functions which may include the neck (i.e. thyroid, cricoid, prevertebral
14 tissue and muscles); cardiovascular system (i.e. aorta, coronary arteries, heart); respiratory system
15 (i.e. trachea, major bronchi, pulmonary vessels, lungs); hepatobiliary system (i.e. liver);
16 hemolymphatic system (i.e. spleen); gastrointestinal system (i.e. esophagus, stomach, appendix,
17 intestines); genitourinary system (i.e. renal and genitalia); endocrine system (i.e. thyroid and adrenal
18 glands); central nervous system (i.e. brain). Exhibit A, ¶ 3(c).

19 The fluids, tissue and organ samples retained and submitted for testing are included in the
20 Autopsy Report along with the types of tests ordered. The test results and any microscopic
21 examinations are also included. Exhibit A, ¶ 3(d).

22 References to specific medical records, specific medical or health information and personal
23 characteristics about the decedent may also be included in the Autopsy Report. This could include
24 sexual orientation of the decedent, and types of disease such as venereal, HIV, liver, cancer, mental
25 illness, or drug or alcohol addiction or overdoses. This information may not be publicly known, or
26 desired by the decedent or its family to be public, and its dissemination may result in unwanted
27 social stigmas or embarrassment to a family. Exhibit A, ¶ 3(e).

28 / / /

1 **C. Coroner Policy with Respect to the Release of Autopsy Reports**

2 The Coroner's policy with respect to the release of Autopsy Reports is to release them, upon
3 request, to the legal next of kin, an administrator or executor of an estate, law enforcement officers
4 in performing their official duties, and pursuant to a subpoena.

5 The Coroner's policy not to release the Autopsy Reports to the general public is based on the
6 legal analysis in 1982 Nev. Op. Atty. Gen. No. 12 (hereinafter "AGO 82-12"). This opinion
7 concludes that the Autopsy Report is a public record but not for public dissemination based on
8 public policy and law treating the subject matter in an Autopsy Report confidential. However, the
9 Coroner does make public information related to the fulfillment of its statutory duties, such as the
10 identification of a decedent, location and date of death, cause and manner of death, which is
11 consistent with AGO 82-12. Exhibit A, ¶ 4.

12 **II. STATEMENT OF FACTS RELATING TO RJ'S REQUEST FOR AUTOPSY**
13 **REPORTS OF JUVENILE DECEDENTS**

14 On April 13, 2017, Arthur Kane and Brian Joseph, Investigative Reporters for the Las Vegas
15 Review-Journal ("RJ"), emailed a public records request to the Coroner for:

16 ...all autopsy reports, notes and other documentation of all autopsies
17 performed by the Clark County Coroner's office from Jan. 1 2012 to
 present on anyone who was younger than the age of 18 when he or she
 died. LVRJ¹ 006

18 On the same day, Nicole Charlton, Administrative Secretary, of the Coroner, responded by stating
19 that there were hundreds of these cases and asked if they wanted all manners of death (suicide,
20 homicide, accidents, etc.) or just certain types. The RJ was informed that the Coroner could not
21 provide Autopsy Reports, notes or other documents, but could provide a spreadsheet of data
22 consisting of the Coroner case number, name of decedent, date of death, gender, age, race, location
23 of death, and cause and manner of death.. LVRJ 004-005; Exhibit A, ¶6. ²

24 Mr. Kane verified the desire for spreadsheets in addition to the Autopsy Reports and asked
25 for confirmation as to whether the cases went to full autopsy. LVRJ 004. Ms. Charlton explained
26

27 ¹ RJ's Appendix of Exhibits in Support of Petition for Writ of Mandamus.

28 ² A few months earlier the RJ had asked for a listing of all homicides dating back to 2006. The Coroner provided a
spreadsheet of public information, pursuant to CCC § 2.12.060, consisting of name, Coroner case number, date of death,
age, gender, race, cause and manner of death going back to January 2012. Exhibit A, ¶6.

1 that autopsies are not conducted on all decedents involved in the Coroner's Office, and that she
2 could not separate cases that were not autopsied from ones that were. She also provided an
3 explanation as to why the Coroner does not release Autopsy Reports.

4 Autopsy reports are public records but not open to any member of the
5 public for inspection, copying, and dissemination. The reasoning is
6 that the reports contain medical information and confidential
7 information about the deceased's body. There may be a situation
8 when a particular report would be available for a particular party who
9 has sufficient interest to justify access. AGO 82-12 (6-15-82). This
10 decision may preclude the dissemination of an autopsy report to
11 members of the decedent's immediate family without following the
12 correct procedures of law, i.e., a court order. In that situation, it may
13 be appropriate to require the decedent's family to sign a release form
14 in exchange for the autopsy report. LVRJ 002-003 (emphasis added).

15 Mr. Kane was emailed detailed spreadsheets listing all Clark County juvenile deaths dating back to
16 January 2012 that involved the Coroner. . (Spreadsheets appear to be marked as LVRJ 009-014;
17 034-046).

18 Later that day, April 13, 2017, Mr. Kane emailed the Civil Division, District Attorney's
19 ("D.A.") Office stating:

20 I requested all autopsies for any deaths between 2012 and present of
21 people younger than 18 years old from the Clark County Coroner's
22 office this morning. The response is below. I do not see any legal
23 citation to deny these records, the Coroner admits they're public just
24 not available and they cite a privacy right which does not exist for
25 deceased people.

26 Can you consult with them and let them know these are public
27 documents that they are required to produce. Conversely, if you
28 believe they are not, please cite a statute that exempts them from
release. LVRJ 015

29 The D.A.'s Office responded to Mr. Kane on April 14, 2017, stating that the basis for nondisclosure
30 of the Autopsy Reports is the legal analysis in AGO 82-12 as previously expressed by the Coroner.
31 Specifically, the D.A.'s Office stated:

32 As I believe you are aware, the Nevada Attorney General, in Opinion
33 No. 82-12, has opined that the autopsy report is a public record but not
34 open to public inspection. The opinion setting forth the legal analysis
35 of the attorney general is attached.

36 It is the practice of the Clark County Coroner to release the autopsy
37 reports to the next of kin, if desired. It is my belief that the Nevada
38 Supreme Court would agree with the practice of the Coroner.

1 Notably, there is legislation pending, AB57, which, if enacted, will
2 specifically state to whom the Coroner may provide a report (parents,
3 guardians, adult children or custodians of a decedent). The analysis
4 behind this bill is also compatible with the current practice. LVRJ 018
5 (emphasis added).

6 On Sunday, May 7, 2017, Coroner John Fudenberg met in person with Mr. Joseph and Mr.
7 Kane at the Coroner's Office. Mr. Fudenberg explained the office policy on the release of Autopsy
8 Reports to them. He tried to determine the information they wanted and to understand their request.
9 Mr. Joseph emailed Mr. Fudenberg after that meeting. Based on that email it became apparent that
10 Mr. Joseph was interested in deaths of children who were involved in the Clark County Department
11 of Child and Family Services ("DFS") as he was trying to match up DFS cases with Coroner cases.
12 See Exhibit A, ¶ 7, Attachment 1.

13 After the meeting and email from Mr. Joseph, Mr. Fudenberg compiled a second spreadsheet
14 consisting of the same data as the spreadsheet sent on April 13, 2017, but listed only the cases on
15 which autopsies were conducted. Exhibit A; LVRJ 033, 047-071. This was sent to the RJ Reporters
16 on May 9, 2017.³ Exhibit A, ¶ 7.

17 The RJ did not contact the Coroner again about May 23, 2017, when counsel for the RJ,
18 Maggie McLetchie, wrote to the Coroner and the D.A.'s Office. In that letter it is alleged that the
19 Coroner failed to establish the existence of a privilege protecting the documents, or that any interest
20 in nondisclosure outweighed the public interest to access. LVRJ025-028. Additionally, the purpose
21 of the RJ became obvious as it was revealed that it was investigating the handling of child deaths,
22 "which of course implicates important child welfare and public policy interests." LVRJ027; Exhibit
23 A, ¶ 8.

24 The D.A.'s Office responded to Ms. McLetchie on May 26, 2017 setting forth the Coroner's
25 legal position with respect to the release of the Autopsy Reports. This letter essentially repeated the
26 analysis of the policy and law stated within AGO 82-12. Additionally, due to the specific expressed
27 interest in DFS cases, the response cited to the statutory privilege, NRS 432B.407, with respect to
28 the Autopsy Reports accessed by the Child Death Review ("CDR") team, of which the Coroner is a

³ The previous spreadsheet provided to the reporters included all deaths of children that were addressed by the Coroner, whether autopsied or not.

1 representative. The D.A.'s Office, on behalf of the Coroner, offered to consider redacting Autopsy
2 Reports, pursuant to NRS 239.010(3), provided the RJ identified particular cases. LVRJ 031-033.
3 Later in the day on May 26, 2017, Mr. Kane requested redacted Autopsy Reports of approximately
4 126 specific deaths. LVRJ 073; See Exhibit A, ¶9. On May 31, 2017, the D.A.'s Office responded:

5
6 We are in receipt of your records request. Due to the magnitude of
7 the request and the review involved, we will be unable to have the
8 records available by the end of the fifth business day. Each record
9 has to be reviewed individually by experienced personnel, and, of
10 course, those subject to privilege will not be
11 disclosed. Additionally, it will take time to redact content of the
12 records that are not subject to privilege. Because of the detail
13 involved in this request, we are unable to determine at this time
14 when they will be ready. As we progress, we will have a better
15 idea of the timeframe. We will keep you updated as to the
16 timeframe and the charges. LVRJ 072 (emphasis added).

17
18 On June 12, 2017, as suggested, Mr. Kane provided a list of prioritized cases. LVRJ075-
19 076. At this time the Coroner was ascertaining which Autopsy Reports involved cases not reviewed
20 by the CDR team and therefore could be disclosed in redacted form. Exhibit A, ¶¶ 10-11. On July
21 7, 2017, Mr. Kane inquired as to an update on the redacted records. LVRJ083. On July 9, 2017 Mr.
22 Kane was informed of the progress:

23
24 We have researched the cases going back to January 1, 2012 and
25 identified those that are not child death review committee cases
26 and subject to privilege under NRS 432B.407. The cases listed
27 below are not child death review committee cases. We are
28 commencing the redaction process with respect to these cases. I
will check with the Coroner tomorrow with respect to a time
frame, but I would think the redaction process and delivery to you
could occur within the next 30 days. Again, I will verify
tomorrow. LVRJ080-082 (emphasis added).

29
30 All of the cases involving the Coroner listed on the RJ's May 26, 2017 and June 12, 2017
31 lists had been reviewed by the CDR and were therefore privileged. Additionally, researching back
32 to January 2012, per the RJ's overall request, it was determined that all but 49 deaths were reviewed
33 by the CDR. Exhibit A, ¶¶ 10-11.

34
35 The D.A.'s Office followed up with Mr. Kane on July 11, 2017 informing him that it was
36 expected to take 30 days to redact the Autopsy Reports involving deaths that were not reviewed by
37 the CDR. Mr. Kane was also advised as to the significant work and time involved in compiling

1 spreadsheets, setting redaction parameters, and testing the redaction. Mr. Kane was provided with
2 three samples of redacted Autopsy Reports so that the RJ could review them and determine if it
3 wanted the Coroner to proceed with redaction of the remaining reports that were not privileged.
4 While the Coroner did not intend to seek costs for this preliminary work, it would charge the RJ for
5 the use of extraordinary personal in redacting remaining reports in cases not reviewed by the CDR.
6 This was due to the time, level of detail and necessity for experienced personnel. It was determined
7 that it would take 10-12 hours to redact the remaining reports and cost \$45.00 per hour for
8 extraordinary use of personnel. The RJ was advised of this cost and asked for a commitment before
9 it proceeded allocating further time and resources to this task. LVRJ 087-088; Exhibit A, ¶¶ 10-14.

10 With respect to the three sample redacted Autopsy Reports, the RJ was advised as to the
11 basis for the redactions as follows:

12 Attached please find samples of redacted autopsy reports. The
13 language that is redacted consists of information that is medical,
14 relates to the status of the decedent's health (or the mother of a baby),
15 could be marked with stigmata or considered an invasion of privacy by
16 the family. With respect to the autopsy reports of children decedents,
17 most of the redacted information is related to medical or health
18 related. Statements of diagnosis or opinion that are medical or health
19 related that go to the cause of death are not redacted. Note that there is
20 not much more information in the redacted documents than in the
21 spreadsheets the Coroner's Office provided you. LVRJ 087-088.

22 The RJ subsequently filed its Petition for Mandamus alleging that the Autopsy Reports are
23 not privileged or confidential, and the Coroner violated NRS 239.0107.

24 **III. LEGAL ARGUMENT**

25 **A. Nevada Public Records Law**

26 Books and records kept by government entities are public "unless otherwise declared by law
27 to be confidential." NRS § 239.010(1). If a record contains confidential information, it should be
28 redacted, but only "if the governmental entity can redact, delete, conceal or separate the confidential
information from the information included in the public book or record that is not otherwise
confidential." NRS § 239.010(3).

If any material is deemed confidential, the District Attorney must explain why. NRS 239.0107
provides, in pertinent part, that the public official must respond to the public records request within
five days, and if a document is claimed to be privileged or confidential, the request must say so with

1 “[a] citation to the specific statute or other legal authority that makes the public book or record, or a
2 part thereof, confidential.”

3 Beyond statutory privileges, Nevada law recognizes common law privileges. The seminal
4 Nevada Supreme Court decision interpreting the Nevada Public Records Act is Donrey of Nev., Inc.
5 v. Bradshaw, 106 Nev. 630, 798 P.2d 144 (1990). In that case, Donrey and Reno Newspapers
6 petitioned for writ of mandamus pursuant to NRS 239.010, seeking disclosure by the Reno Police
7 Department of a report prepared following investigation into the circumstances surrounding
8 dismissal of charges against Joe Conforte for contributing to the delinquency of a minor. The
9 Supreme Court concluded that the report was not expressly made confidential by statute, and turned
10 to a balancing of interests test to consider the question of whether there was a common law
11 limitation on disclosure of the records sought. Id. at 635, 147 (citing Carlson v. Pima County, 141
12 Ariz. 487, 490, 687 P.2d 1242, 1245 (1984)). The court weighed the privacy and law enforcement
13 policy justifications of nondisclosure against what it characterized as the general policy in favor of
14 open government. The Bradshaw decision, by implication, recognized that any limitation on the
15 general disclosure requirements of NRS 239.010, must be based upon balancing or “weighing” of
16 the interests of non-disclosure against the general policy in favor of open government. See DR
17 Partners v. Bd. of Cnty Comm’rs, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000).

18 The Nevada Supreme Court has clearly stated that the purpose of NPRA is to ensure
19 accountability of the government to the public by facilitating public access to “vital information” about
20 governmental activities. Id. The Court has also ruled therein that if a public agency declines to produce
21 records or information, it is the public official or agency that bears the burden of establishing the
22 existence of privilege based upon confidentiality. Id.; see also NRS § 239.0113. Where no statute provides
23 an absolute privilege against disclosure, the establishment of a privilege based upon confidentiality must
24 be satisfied pursuant to a balancing of interests test, described by the Court as follows:

25 In balancing the interests . . . , the scales must reflect the fundamental right
26 of a citizen to have access to the public records as contrasted with the
27 incidental right of the agency to be free from unreasonable interference. .
28 . . The citizen’s predominant interest may be expressed in terms of the
burden of proof which is applicable in this class of cases; the burden is
cast upon the agency to explain why the records should not be furnished.

1 DR Partners, 116 Nev. at 621, 6 P.3d at 468 (citing MacEwan v. Holm, 226 Or. 27, 46, 359 P.2d 413,
2 422 (1961); and referencing Bradshaw, 106 Nev. at 635-36, 798 P.2d at 147-48).

3 More recently, in Reno Newspapers, Inc. v. Gibbons, 127 Nev. 873, 880, 266 P.3d 623, 628
4 (2011), the Nevada Supreme Court walked through its historical analysis of the balancing of interests
5 test. The Court noted that the analysis begins with the presumption that all government-generated
6 records are open to disclosure, see Reno Newspapers v. Haley, 234 P.3d 922, 924 (Nev. 2010), and DR
7 Partners, 116 Nev. at 621, 6 P.3d at 468, and noted that the State may overcome this presumption by
8 proving, by a preponderance of the evidence, that the requested records are confidential. NRS § 239.0113;
9 DR Partners, 116 Nev. at 621, 6 P.3d at 468. Next, absent a statutory provision that explicitly declares a
10 record to be confidential, limitations on disclosure must be based upon a broad balancing of the interests
11 involved. DR Partners, 116 Nev. at 622, 6 P.3d at 468; Bradshaw, 106 Nev. at 635, 798 P.2d at 147.
12 Although the state entity bears the burden to prove that its interest in nondisclosure clearly outweighs the
13 public's interest in access, that burden will clearly be met in the right circumstance. In sum, under Nevada
14 law, the duty to disclose is not unlimited. Pub. Emps.' Ret. Sys. v. Reno Newspapers, Inc., 313 P.3d
15 221, 225 (Nev. 2013) (citing Gibbons).

16 As set forth in this brief, the Coroner will establish by a preponderance of the evidence that
17 Autopsy Reports presented and accessed by the CDR team are confidential pursuant to NRS 432B.407,
18 and therefore, barred from public disclosure. Additionally, the Coroner will establish that applying
19 the balance of the interests shows that the privacy interests in all Autopsy Reports clearly outweigh
20 public access, and on those grounds are barred from public disclosure.

21 **B. Statutory Privilege: NRS 432B.407**

22 The RJ is requesting Autopsy Records from a County department, the Clark County Coroner,
23 which are presented and accessed by the CDR team, of which the Coroner is a representative. NRS
24 432B.407 explicitly states that information acquired by the CDR team is confidential and privileged.
25 Therefore, based on NRS 432B.407, the Coroner must invoke the privilege and deny disclosure of
26 Autopsy Reports involved in cases reviewed by the CDR.

27 NRS 432B.405 provides for a multidisciplinary team to review the death of a child and
28 assess and analyze the circumstances surrounding the death. NRS 432B.406 provides for the

1 composition of CDR teams and lists the representatives of such a team, which includes a
2 representative from the Coroner's Office. Additionally, the members of the team include other
3 County representatives from the D.A.'s Office, the Department of Family Services, the Department
4 of Juvenile Justice Services, and University Medical Center. The purpose of this team is to make
5 recommendations for improving laws, policy and practice, supporting the safety of children and
6 preventing future deaths of children. NRS § 432B.403.

7 The Coroner has an integral role on the CDR team. Medical Examiner Dr. Alane Olson is
8 the Coroner representative, and the meetings are held at the Coroner's Office. Dr. Olson has
9 previously chaired the team, and actively participates and represents the Coroner's Office. Dr.
10 Olson attends the meeting with the Coroner documents, including the Autopsy Report, and makes a
11 presentation as to the Coroner's involvement and investigation in a child death. Dr. Olson explains
12 and presents the Coroner's findings, and interprets the Autopsy Report as it relates to each case
13 reviewed by the Child Death Review committee. Exhibit A, ¶ 9.

14 NRS 432B.407(1) states that the documents that the CDR team has access to includes
15 autopsy reports relating to death, as well as and medical or mental health records. NRS 432B.407(2)
16 states that each organization represented on the CDR shall share with the team information in its
17 possession concerning the child that is the subject of the review, any siblings of the child, any person
18 responsible for the welfare of the child and other pertinent information. NRS 432B.407(6) strictly
19 prohibits the disclosure of information acquired by and records of the child death review committee,
20 which would include information acquired from Autopsy Reports. NRS 432B.407 states:

21 Except as otherwise provided in this section, information acquired by,
22 and the records of, a multidisciplinary team to review the death of a
23 child are confidential, must not be disclosed and are not subject to
24 subpoena, discovery or introduction into evidence in any civil or
25 criminal proceeding.

26 NRS 432B.407 is related to the federal Child Abuse and Prevention Treatment Act of 1996
27 (CAPTA) disclosure requirements. CAPTA requires states to preserve the confidentiality of records
28 in order to protect the rights of the child and of the child's parents or guardians. CAPTA enumerates

1 limited exceptions to this confidentiality requirement, of which the media is not included.⁴ 42
2 U.S.C. § 5106a(a)(2)(A) and (b)(2)(B)(viii, ix, x). NRS Chapter 432B, is consistent with CAPTA.
3 In fact, failure to comply with the confidentiality requirements could impact the County's federal
4 grant eligibility requirements. 42 U.S.C. § 5106a(b); NRS § 432B.290(1).

5 In an email from the RJ to the Coroner dated May 8, 2017, and in correspondence from the
6 RJ's attorney dated May 23, 2017, it become apparent that the RJ was interested in Autopsy Reports
7 pertaining to juvenile deaths relating to DFS cases. Information relating to children is one of the
8 most, if not the most protected in terms of confidentiality under the NPRA.⁵ Because the RJ
9 expressed this interest in Autopsy Reports connected to children in the DFS system, it became
10 necessary for the Coroner to apply the privilege under NRS 432B.407.

11 All of the Autopsy Reports that the RJ specifically requested on May 26, 2017 and June 12,
12 2017 that involved deaths reviewed by the CDR. With respect to the child deaths going back to
13 January 2012, the vast majority were cases reviewed by the CDR. When the RJ expressed specific
14 interest in confidential DFS matters, the Coroner, as a representative on the CDR team, invoked the
15 CDR privilege and would not consider redaction. The RJ cannot use the Coroner to obtain Autopsy
16 Reports consisting of confidential information accessible and acquired by the CDR team.
17 Otherwise, the statutory protections provided to shield information concerning children from public
18 dissemination would be completely undermined by their back door approach. Further, the Coroner
19 cannot risk violating the non-disclosure requirements of CAPTA and NRS 432B.407 not just in
20 terms of protecting privacy interests of children, their families, persons who report abuse, etc., but in
21 terms of jeopardizing federal grant eligibility requirements under CAPTA.

22 Thus, based on privilege established in NRS 432B.407, the confidentiality required in
23 CAPTA and the Coroner's involvement on the CDR team, it has been demonstrated by a
24

25 ⁴Specifically CAPTA allows disclosure to individuals who are the subject of the report, governmental agencies, child
26 abuse panels, child fatality review panels, a grand jury or a court, and other entities or individuals authorized by state law
27 to receive such information. See 42 U.S.C. § 5106a(a)(2)(A) and (b)(2)(B)(viii, ix, x).

28 ⁵ NRS Chapter 432B, titled "Protection of Children", strictly protects the privacy interests in such information and
specifically provides what type of information and to whom it can be disseminated. See NRS §§ 432B.290(2) (limiting
disclosure of DFS records to specified individuals, including parents or legal guardian of the child, law enforcement and
the CDR, but not the media); 432B.175 (specifying certain data that can be made available to the public relating to a
child that is the subject of reported abuse or neglect and suffers a fatality); 432B.280 (criminal liability for release
confidential DFS information); 432B.290(2) (limiting disclosure of information to specified individuals).

1 preponderance of the evidence that Autopsy Reports involved in cases reviewed by the CDR are
2 confidential.

3 **C. The Privacy Interest in Autopsy Reports Clearly Outweighs Public Access**

4 In the event this Court finds that the privilege pursuant to NRS 432B.407 was not established
5 by a preponderance of the evidence with respect to Autopsy Reports in cases reviewed by the CDR,
6 then the balancing of the interests will clearly show that those Autopsy Reports are confidential.
7 Likewise, with respect to ALL of the Autopsy Reports requested by the RJ, the balancing of the
8 interests demonstrates that these reports are not for public disclosure. The privacy interests in the
9 Autopsy Reports, as demonstrated by law and policy relating to children (as established above),
10 medical and health information, information that may be socially stigmatic, as well as a statutory
11 amendment stating specific private individuals who may receive Coroner reports, clearly outweigh
12 public interest.

13 1. Protecting Medical and Health Information from Public Access is
14 Consistent with Public Policy set forth in HIPAA and State Law

15 As discussed, the vast majority of the information contained in an Autopsy Report consists of
16 medical and health information. Confidentiality, protection and limited disclosure of medical and
17 health information is addressed in the federal Health Insurance Portability and Accountability Act of
18 1996 (HIPAA). With respect to health information of decedents, HIPAA generally prohibits health
19 care providers and other covered entities from disclosing a decedent's protected health information
20 to anyone other than the decedent's personal representative. 45 C.F.R. § 164.502(f)-(g). Further,
21 HIPAA requires that covered entities protect this information for 50 years.⁶ *Id.*

22 There are certain exceptions to HIPAA, and one of them allows for disclosure to a coroner,
23 for purposes of exercising its duties, including identifying a decedent and determining the cause and
24 manner of death. 45 C.F.R. § 164.512(g). While the Coroner is not a covered entity under HIPAA
25 or a provider of health care, the fact that federal law stringently protects such information in the
26 health care context, and the fact that such information is contained in Autopsy Reports, demonstrates
27 privacy interests in health information contained in Autopsy Reports. Since an Autopsy Report

28

⁶ This is contrary to the RJ's position that deceased persons do not have a privacy right. RJ 015.

1 contains the same type of information HIPAA protects in the health care context, the only
2 responsible position that the Coroner can take is to limit further exploitation of that information by
3 allowing limited access to only the next of kin, law enforcement and by subpoena. This is consistent
4 with HIPAA requiring health information of a decedent be disclosed only to a personal
5 representative and protecting it for 50 years. With the privacy interests that federal law attaches to
6 health information, even of those who have passed, it is only prudent to apply the same privacy
7 interests to the same information contained in Autopsy Reports when dealing with public
8 dissemination of Autopsy Reports.

9 As discussed in AGO 82-12, state law also protects medical and health information. NRS
10 49.225 provides that communications between a patient and a physician are privileged. NRS
11 Chapter 629 restricts inspection of health care records to certain circumstances. See AGO 82-12, p.
12 3 (opining that in Nevada there is strong public policy that the secrets of a person's body are very
13 private and confidential and any intrusion in the interest of public health or adjudication is narrowly
14 circumscribed). As set forth below, other jurisdictions have extended this protection to Autopsy
15 Reports. Additionally, this position has been outright adopted in other jurisdictions. Globe
16 Newspaper Co. v. Chief Medical Exam'r, 404 Mass. 132, 135, 533 N.E.2d 1356, 1358 (1989)
17 addressed the public policy favoring confidentiality as to medical data about a person's body. Like
18 the legal analysis in AG 82-12, that case emphasized that the policy is evident in the confidentiality
19 of hospital records, records pertaining to venereal disease, records concerning Reyes Syndrome and
20 reports of infectious disease. Ultimately, the case held that Autopsy Reports contain medical
21 information, are diagnostic in nature and contain intimate details about a person's body and medical
22 information and are exempt from disclosure. The Supreme Court of South Carolina also holds that
23 Autopsy Reports are incorporated into the meaning of a medical record. Perry v. Bullock, 409 S.C.
24 137, 142, 761 S.E.2d 251, 253 (2014). In Perry, the court stated:

25 [T]he medical information gained from the autopsy and indicated in
26 the report is not confined to how the decedent died. Instead, an
27 autopsy, which is performed by a medical doctor, is a thorough and
28 invasive inquiry into the body of the decedent which reveals extensive
medical information, such as the presence of any diseases or
medications and any evidence of treatments received, regardless of
whether that information pertained to the cause of death.

1 Id.

2 Likewise, the Nevada Attorney General also opined:

3 While cognizant that public inspection is the rule and secrecy the
4 exception, we can ascertain no public interest in disclosure
5 sufficient to outweigh the public policy of confidentiality of
6 personal medical information. The fact that a person dies in an
7 accident, is drowned, or meets his death in any of a number of
ways which may require an autopsy is no justification for enabling
public knowledge of that which was closely guarded throughout
his lifetime.

8 AGO 82-12, p. 3.

9 While it is not necessary to change the meaning of "health records"⁷ in Nevada to include
10 Autopsy Reports, it is clear that the protection of such information pursuant to policy and law
11 logically applies to Autopsy Reports. Since the vast majority of subject matter in an Autopsy Report
12 consists of medical and health information, and HIPAA and Nevada law limit dissemination of such
13 information, it is logical to limit the release to the next of kin, consistent with HIPAA's release to an
14 executor of an estate. Autopsy Reports contain the sensitive medical and personal information that
15 the law protects in other contexts and, therefore, in the context of Autopsy Reports it only makes
16 sense that the privacy interests also outweigh public dissemination.

17 2. Other Nevada Laws Protect Privacy Interests in Subject Matter
Contained in an Autopsy Report

18 Other Nevada statutes demonstrate the public policy behind confidentiality of the type of
19 subject matter in an Autopsy Report.

20 As discussed in detail previously, with respect to juveniles, the law closely guards the release
21 of information relating to children. See NRS Chapter 432B, particularly § 432B.407(6), supra. The
22 public policy of closely guarding information relating to children is also evident in the laws
23 protecting juvenile justice records. See NRS §§ 62H.020 (limitation on the publication of name or
24 race of child and nature of charges); 62H.025 (confidentiality and limited release of juvenile justice
25
26

27 ⁷"Health care records" means any reports, notes, orders, photographs, X-rays or other recorded data or information
28 whether maintained in written, electronic or other form which is received or produced by a provider of health care, or
any person employed by a provider of health care, and contains information relating to the medical history, examination,
diagnosis or treatment of the patient. NRS 629.021.

1 information); 62H.100-170 (procedure for sealing criminal records of a child); 62H.210-220
2 (juvenile justice information collected by DFS has restricted public access).

3 The law protects other subject matter that may be included in Autopsy Reports. One
4 example is the release of data contained in vital statistics. NRS 440.170 restricts disclosure of data
5 contained in vital statistics except as authorized by statute or the State Board of Health. In other
6 words, the public does not have the right of access to this information. As discussed in AGO 82-12,
7 details about vital statistics is consistent with information in Autopsy Reports.

8 Another area of protection is with respect to death certificates. The public's access to death
9 certificates is limited under certain circumstances. NRS 440.650(2) restricts the issuance of a
10 certified copy of a record of death by State Registrar unless the applicant has a direct and tangible
11 interest in the manner recorded. Additionally, NAC 440.021(1)(b) states that the State Registrar
12 may allow examination of a certificate if it is determined not to contain confidential information, or
13 the disclosure would not constitute an unwarranted invasion of privacy which would result in
14 irreparable harm to the person named on the certificate or members of the immediate family. See
15 AGO 82-12, p. 3. Logically, if access to a death certificate is not open to the public, neither should
16 an Autopsy Report.

17 Certain information that may be socially stigmatic should also not be available for public
18 access. Disclosure of data in vital statistics indicating that a birth occurred out of wedlock is
19 prohibited except by court order. See NRS § 440.170(2). Information relating to communicable
20 disease is confidential medical information which must not be disclosed except under very limited
21 circumstances. NRS § 441A.220; AGO 82-12, p. 3. Likewise, the case of Haley, 234 P.2d at 927,
22 recognized "that an individual's privacy is also an important interest, especially because private and
23 personal information may be recorded in government files." Thus the policy imbedded in statutes,
24 restricting public access to information relating to children, and other subject matter that could be
25 contained in all Autopsy Reports such as pre-existing illness, sexual or other communicable
26 diseases, terminal illness, drug or alcohol addition, medical information or other details is consistent
27 with the Coroner's policy and AGO 82-12 that Autopsy Reports are not for public dissemination.

1 Autopsy Reports contain very private, personal and sensitive information, that decedent's, when
2 they were alive, or their grieving families, may not want publicly exploited.

3 3. AB57 Demonstrates Legislative Intent to Protect the Privacy Interests in
4 Autopsy Reports

5 AB57 was introduced and enrolled by the 2017 Nevada Legislature. A.B. 57, 79th Sess.
6 (Nev. 2017), attached hereto as Exhibit B. It became effective on July 1, 2017 and did two things.
7 First, it made provisions relating to notification of a death consistent with NRS 451.024, which
8 provides a hierarchy as to who has the right to the body after death, as well as listing certain other
9 persons who may be notified to include parents, adult children, guardian or custodian. Second, it
10 also provided that this very group of persons may be provided a copy of the report of the coroner
11 regardless of whether they had the right to the body under NRS 451.024. Id. It is this second
12 change that is relevant to this case for it is further evidence that Autopsy Reports are confidential but
13 may be released to specific persons consisting of the person with the right to the body, parents, adult
14 children, guardians and custodians.

15 AB57 was discussed at the Meeting of the Assembly Committee on Government Affairs on
16 February 16, 2017. Coroner John Fudenberg was present as were representatives of other public
17 entities, private citizens, and the Nevada Press Association. The RJ was not present and the Nevada
18 Press Association did not present testimony or documentation.⁸

19 The language in AB 57 that references the release of a report to the parents, adult children,
20 guardians or custodians, whether or not they have the right to the body under NRS 451.024 is based
21 on the principle that the reports of coroners in Nevada are not for public access, and as a matter of
22 practice are generally released only to next of kin. Note that Washoe and Elko Counties have the
23 same policy as the Clark county Coroner.⁹ In other words, the practice of the Coroner with respect

24 ⁸ Revised provisions relating to coroners: Hearing on A.B. 57 Before the Assemb. Comm. On GOv't Affairs, 2017 Leg.,
25 79th Sess. 1-2 (Nev., Mar. 8, 2017) (statement of John Fudenberg, Coroner, Office of the Coroner/Medical Examiner,
Clark County).

26 ⁹ The Coroner's policy of limiting the disclosure of Autopsy Reports to next of kin is consistent with other counties in
27 the State of Nevada. See Washoe County Code 35.160(4) for the purpose of demonstrating that the Washoe County
28 Coroner has adopted the same practice as the Coroner, and www.washoecounty.us/coroner/faq/autopsy_report.php.
For Elko County see www.elkosherriff.com/coroner.html (reports generated by the Elko County Coroner's Office are
not subject to public view. These reports are available to the legal next of kin but only at the conclusion of the
investigation (including district attorney's review) and upon written request, and appropriate fees being forwarded. The
reports do not included protected health information and reports or documents obtained from other agencies.)

1 to the limited release of Autopsy Reports to next of kin was implied, accepted and incorporated into
2 AB 57. AB 57 then expanded this practice to include a specific enumerated group of individuals.
3 Exhibit A, ¶¶ 15-17. This is discussed at a legislative hearing.
4

5 We have been working on this bill for well over a year. I want to thank
6 Rose Floyd. She is in Las Vegas today. She will be testifying in
7 support. Rose tragically lost three family members in 2015. As a result
8 of old statutes, she had problems with being notified and potentially
9 receiving copies of the Office of the Coroner/Medical Examiner reports
10 at the time because she was not considered legal next of kin. Her
11 daughter's next of kin was her husband, who was the suspect in the
murder. This bill will take care of that issue. Additionally, it will
ensure that coroners statewide will be allowed to release reports to
someone who is not necessarily the legal next of kin when the legal
next of kin is a suspect in the death. Needless to say, this is a no-
brainer. The nonlegal next of kin under these circumstances should be
entitled to reports of their family members. (emphasis added)¹⁰

12 * * *

13 Under the circumstances, if the legal next of kin is the suspect, then the
14 nonlegal next of kin – the parents in this scenario – would be entitled to
15 the report. A real-life example, Rose Floyd's daughter and two other
16 family members were murdered by her daughter's husband. By law,
the daughter's husband was the legal next of kin, so Rose was not
notified right away. This will minimize that from happening in the
future.

17 Rose would not have been entitled to receive coroner's reports because
18 she was not the legal next of kin. I do not want to speak for the other
19 16 counties in the state, but in Clark County under these circumstances,
20 we would release the reports to her although it is not clearly outlined in
statute. In section 3, subsection 2, the bill allows us to legally release
the reports to her as the nonlegal next of kin when the legal next of kin
is a suspect in a murder.¹¹

21 AB57 was not expanded to allow release to just anybody (unless pursuant to NRS 451.024);
22 not the press and not the general public. This is consistent with well-settled application of statutory
23 interpretation in Nevada. When the legislature specifically includes or enumerates particular things,
24 it must be interpreted to mean that all other things were intended to be excluded. Ramsey v. City of
25

26 ¹⁰ Revised provisions relating to coroners: Hearing on A.B. 57 Before the Assemb. Comm. On GOV't Affairs, 2017
27 Leg., 79th Sess. 4 (Nev., Mar. 8, 2017) (statement of John Fudenberg, Coroner, Office of the Coroner/Medical Examiner,
Clark County).

28 ¹¹ Revised provisions relating to coroners: Hearing on A.B. 57 Before the Assemb. Comm. On GOV't Affairs, 2017
Leg., 79th Sess. 5 (Nev., Mar. 8, 2017) (statement of John Fudenberg, Coroner, Office of the Coroner/Medical Examiner,
Clark County).

1 N. Las Vegas, 392 P.3d 614, 619 (Nev. 2017) (the maxim *expressio unius est exclusio alterius* the
2 expression of one thing is the exclusion of another, long adhered to in this state, instructs that the
3 failure to acknowledge or include one thing demonstrates the intent to exclude, or allow no other);
4 Galloway v. Truesdell, 83 Nev. 13, 26, 422 P.3d 237, 246 (1967) (the principle has been repeatedly
5 confirmed in Nevada): Silvers v. Sony Pictures Entm't, Inc., 402 F.3d 881, 885 (9th Cir. 2005)
6 (under traditional principles of statutory interpretation, the doctrine creates the presumption that
7 when a statute designates certain persons, things, or manners of operation, all omissions should be
8 understood as exclusions, citation omitted).

9 The Nevada Legislature could have stated that Autopsy Reports were open to the public and
10 not confidential, but it did not do that. Instead, AB57 furthered the policy of coroners in Nevada by
11 accepting the limited release of the reports to the immediate next of kin and then providing that
12 certain other persons associated with the decedent *may* also receive a report. The reason for
13 specifying other persons related to the decedent was so that, in the event the direct next of kin under
14 NRS 451.024 was responsible for the death of a loved one, other next of kin would be able to be
15 notified and obtain an Autopsy Report. By enumerating such a small number of individuals entitled
16 to notification and a report, AB57 recognizes and respects the privacy interests in information
17 pertaining to a decedent and its family.

18 Thus, AB 57, now statutory law, is consistent with the Coroner's release of Autopsy Reports
19 and clearly demonstrates that these reports are not for public disclosure. AB 57 all but explicitly
20 states that Autopsy Reports are not for public disclosure, and further demonstrates that the privacy
21 interests in the Autopsy Report by limiting dissemination to a specific persons associated with the
22 decedent.

23 4. Other Jurisdictions Respect Privacy Interest in Autopsy Reports

24 As the RJ points out, some states treat Autopsy Reports as public record available for public
25 access. However, many jurisdictions respect the privacy interests and classify them as confidential
26 but subject to release to certain specified individuals, such as the next of kin, which does not include
27 the media or the general public. In the case of Reid v. Pierce County, 136 Wash. 2d 195, 198, 961
28 P.2d 333, 335 (1998), relatives of deceased persons sued a county for common law invasion of

1 privacy with respect to allegations of appropriation and display of photographs of deceased relatives.
2 In that case the court discussed the privacy interest in autopsy records and held that: "...the
3 immediate relatives of a decedent have a protectable privacy interest in the autopsy records of the
4 decedent. That protectable privacy interest is grounded in maintaining the dignity of the deceased."
5 Id. at 212, 342; see also Galvin v. Freedom of Info. Com., 201 Conn. 448, 461, 518 A.2d 64, 71
6 (1986) (autopsy reports are not accessible to the general public as information in autopsy reports
7 could cause embarrassment or unwanted attention to the family of the deceased); Larry S. Baker,
8 P.C. v. City of Westland, 627 N.W.2d 27, 15 (Mich.App. 2001)¹² (notions of privacy in state law
9 applied to deceased individuals and their families and outweighed public interest in accidents and
10 injuries information).

11 Statutes in other jurisdictions also exempt Autopsy Report from public disclosure except to
12 certain specified persons such as next of kin. See Iowa Code § 22.7(41) (Iowa) (expressly exempts
13 autopsy reports from disclosure except to the decedent's immediate next of kin); Mass. Ann. Laws
14 ch. 38, § 2 (Massachusetts) (the chief medical examiner is required to promulgate rules for the
15 disclosure of autopsy reports, which are deemed not to be public records, to those who are legally
16 entitled to receive them); N.H. Rev. Stat. Ann. § 611-B:21,III (New Hampshire) (autopsy reports are
17 confidential, but available to the next of kin, law enforcement, decedent's physician and
18 organizations for education or research); N.D. Cent. Code § 23-01-05.5 (North Dakota) (autopsy
19 reports are confidential but may be disclosed to certain specified persons such as next of kin); Okla.
20 Stat. tit. 63, § 949(D) (Oklahoma) (reports of medical examiner may be furnished to next of kin or
21 others having need upon written statement); Or. Rev. Stat. Ann. § 146.035(5)(a) (Oregon) (autopsy
22 reports are generally exempt from public disclosure except next of kin or person liable for the death
23 may examine copies of the autopsy report); Utah Code Ann. § 26-4-17(3) (Utah) (despite being
24 confidential medical examiner shall deliver copies of reports to next of kin or decedent's physicians
25 upon request); Wash. Rev. Code Ann. § 68.50.105 (Washington) (autopsy reports are confidential,
26 but available to certain specified persons such as family members, decedent's physicians or law
27 enforcement).

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¹² Distinguishing Swickard v. Wayne Medical Examiner, 475 N.W.2d 304 (1991), cited by the RJ.

1 Consistent with Nevada legislative intent, these out of state statutes further demonstrate that
2 the privacy interests clearly outweigh public access. Further, they validate and reinforce the legal
3 analysis in AGO 82-12, and the policy of the Coroner, with respect to the release of Autopsy
4 Reports.

5 **D. The Coroner's Compliance with NRS 239.0107 is Not Deficient**

6 1. AGO 82-12 constitutes legal authority for nondisclosure of
7 Autopsy Reports.

8 NRS 239.0107(1)(d) states that if the governmental entity must deny a request for a record
9 on grounds of confidentiality, it must state in writing notice of that fact and a citation to a specific
10 statute or legal authority that makes the record confidential.

11 The RJ claims that AGO 82-12 is not a legal authority justifying nondisclosure of the Autopsy
12 Reports, is not binding authority and is outdated. To suggest the AGO 82-12 is not legal authority is
13 incorrect. When one actually reads AGO 82-12, it becomes obvious that it contains thorough legal
14 analysis with respect to the issue of public disclosure of Autopsy Reports. The basis for the
15 conclusion of the opinion is Nevada statutory law and laws of other jurisdictions adopting policy
16 protections applicable to the type of subject matter contained within the Autopsy Reports. AGO 82-
17 12, p. 3.

18 Importantly, AGO 82-12 also opinions what information should be public:

19 The official register, labeled 'Coroner Register,' sets forth the
20 fulfillment of the coroner's statutory duties including identification
21 of the dead person, inventory of any personal property of the
22 deceased, disposal of the remains, notification of the next of kin
and the date and cause of death.... Thus, the apparent intent is to
have a register, open to public inspection, and a file containing
detailed medical information maintained away from the public eye.

23 AGO 82-12, p. 2-3. The Coroner's preparation and release of the spreadsheets on April 13, 2017
24 and May 9, 2017 are consistent with this analysis. The legal analysis in the AGO is the best logical
25 way to address Autopsy Reports in the context of NPRA.

26 Specifically, AGO 82-12 analyzes whether an Autopsy Report is a public record and
27 concludes in the affirmative. The analysis then goes into detail as to whether it is subject to public
28 inspection. The opinion also analyzes NRS 239.010, which states that unless otherwise determined

1 confidential by law a record is open to public inspection. The opinion acknowledged that the
2 Autopsy Reports have not been declared to be confidential. AGO 82-12, p. 2. However, it cited to
3 laws of other states where public policy constituted grounds for denial of public inspection. The
4 opinion then analyzes Nevada statutes that as a matter of public policy make certain medical/health
5 related matters confidential or of limited disclosure (reporting of venereal disease, doctor-patient
6 privilege, health care records and medical history, as discussed previously herein). Since
7 medical/health matters are included in Autopsy Reports, the opinion concluded that public policy
8 constituted grounds for denial of public inspection. AGO 82-12, p. 3.

9 AGO 82-12 foreshadowed future rulings of the Nevada Supreme Court when it applied the
10 balancing test and concluded that the privacy interests would outweigh the public's right to access.
11 Specifically, the opinion states:

12 While cognizant that public inspection is the rule and secrecy the
13 exception, we can ascertain no public interest in disclosure sufficient
14 to outweigh the public policy of confidentiality of personal medical
15 information. The fact that a person dies in an accident, is no
justification for enabling public knowledge of that which was closely
guarded throughout his lifetime.

16 AGO 82-12 p. 3.

17 While the RJ cites to law stating an Attorney General Opinion is not binding on the court,
18 such opinions provide legal interpretations on important areas of law, such as public record and open
19 meeting law, and are of assistance to state and local agencies. In fact, in the case of Donrey v.
20 Bradshaw, 106 Nev. at 636, 798 P.2d at 148, the Nevada Supreme Court gave credence to an Attorney
21 General Opinion when it recognized public policy considerations in 83 Op. Att'y Gen. 3 (1983)
22 relating to the disclosure of a police report.

23 With respect to the allegation that the AGO is outdated, that argument is also incorrect.
24 While NPRA has become more comprehensive and consistent with the policy of open and
25 transparent government, laws and policy pertaining to the subject matter and information contained
26 in an Autopsy Report, particularly as they related to health information and review of juvenile
27 deaths, have become more strict, detailed and comprehensive in terms of confidentiality. This is
28

1 evident with HIPAA and CAPTA, both of which became federal law in 1996, 14 years after the
2 AGO, and NRS 432B.407 was not enacted until 2003.

3 This issue is not the first time the RJ has made a records request for Autopsy Reports. In
4 fact, the RJ has made such requests many times and many times the Coroner has cited to the legal
5 analysis in AGO 82-12 as the legal basis for nondisclosure. Exhibit A, ¶¶ 5-6. Even if it were
6 determined that citing AGO 82-12 is not a legal basis for nondisclosure, the RJ has become familiar
7 with the issue over the years and it has sufficient information to present its full legal argument, as it
8 has done so in its opening brief. See Reno Newspapers, 127 Nev. at 881, 266 P.3d at 629 (when
9 addressing documents withheld it stated that Vaughn index not required when requesting party has
10 sufficient information to present a full legal argument).

11 Likewise, if it were determined that citing AGO 82-12 in response to the April 13, 2017
12 request did not constitute legal authority for nondisclosure, such a defect was surely cured on May
13 26, 2017 when the D.A.'s Office responded to the formal request dated May 23, 2017 by the RJ's
14 attorney.¹³ In its response on May 26, 2017, the D.A.'s Office practically mirrored the legal analysis
15 in AGO 82-12 with similar arguments that statutory provisions demonstrate that public policy
16 supports the limited disclosure of medical information, which is contained in Autopsy Reports.

17 2. The RJ asserts that the Coroner did not cite to NRS 432B.407(6) in a
18 timely fashion.

19 RJ complains that the Coroner did not cite to NRS 432B.407 timely, when it first responded
20 to the request on April 13, 2017. However, it was not apparent that the RJ was trying to use the
21 Coroner to obtain confidential information acquired by the CDR team until the May 8, 2017 email
22 from Mr. Joseph to Mr. Fudenberg and the May 23, 2017 correspondence from the RJ's attorney.
23 Exhibit A, ¶ 7; LVRJ 027. Once the "red flag" was raised it became apparent it was imperative that
24 the Coroner assert the privilege, as it did in its response dated May 26, 2017 (LVRJ 032 – NRS
25 432B.407 privilege applies to Coroner participation on CDR team), and thereafter on May 31, 2017
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27

28 ¹³ After being denied the Autopsy Reports, being provided AGO 82-12, two sets of spreadsheets, a meeting with Coroner Fudenberg, the RJ, on May 23, 2017, essentially renewed its request via correspondence by its attorney.

1 (LVRJ 072 - reports subject to the privilege would not be redacted) and on July 9, 2017 (LVRJ 080-
2 082 – non CDR cases are not subject to privilege).

3 After the RJ asked for redacted Autopsy Reports on May 26, 2017, and due to the RJ's
4 attempt to use the Coroner as a way to obtain privileged information relating to children, the
5 Coroner had to determine what juvenile death cases were not reviewed by the CDR. This took
6 several weeks since the request on April 13, 2017 entailed cases going back to January 2012, of
7 which there are hundreds. It was determined that all of the cases listed in the RJ's emails on May
8 31, 2017 and June 13, 2017 that involved the Coroner were reviewed by the CDR. With respect to
9 the RJ's original request of reports going back to January 2012, the vast majority of the cases were
10 reviewed by CDR. Those that did not go to the CDR were provided to the RJ on July 9, 2017 when
11 the information was available. LVRJ 080-082, Exhibit A, ¶ 10.

12 When the Coroner became aware of the RJ's motivation to use the Coroner as a means to get
13 around CDR protections, the Coroner had no choice but to invoke the CDR privilege to guard
14 against the release of confidential information about children. Further, by not invoking the privilege
15 it places at risk the County's eligibility for federal funding.

16 3. Redacted Sample Autopsy Reports Provided to the RJ

17 The RJ complains that the Coroner did not provide sufficient legal basis for the redaction of
18 language in the sample Autopsy Reports provided. That is simply not true. First, the three samples
19 provided on July 11, 2017 were provided only as a courtesy for the RJ to determine whether it
20 wanted the Coroner to proceed redacting the reports that did not go to CDR. Second, a detailed legal
21 basis for the redaction was provided that made it crystal clear that the medical information was what
22 was redacted from the sample redacted reports. LVRJ 087-088. Third, through communications
23 between the Coroner and the RJ over the last few months, and over the years, the RJ has been
24 informed as to the Coroner's policy which protects medical and health information contained in
25 these Autopsy Reports, which is largely the legal analysis on which AGO 82-12 sets forth its basis
26 against disclosure. Exhibit A, ¶¶ 5-6.

27 As stated, this is not the first time the RJ has dealt with this issue. Mr. Fudenberg has been
28 the assistant coroner and the Coroner for the past 14 years and over the years received dozens of

1 requests for Autopsy Reports from the media, including the RJ. The Coroner's policy with respect
2 to the release of the reports and the reasoning in AG 82-12 has been provided and explained to
3 reporters, including those from the RJ many times.¹⁴ Exhibit A. ¶¶ 4-5. AGO 82-12 has been
4 provided many times. The RJ has sufficient information and more than enough familiarity with
5 NPRA to make a legal argument. This consistent with the ruling in Gibbons, which dealt with the
6 non-disclosure of a record, not a redacted record:

7 While requester may generally be entitled to a log, it would be
8 unnecessary when "the requesting party has sufficient information to
9 meaningfully contest the claim of confidentiality without a log". "...
10 It is sufficient to simply explain that in most cases, in order to preserve
 a fair adversarial environment, this log should contain, at a minimum,
 a general factual description of each record withheld and a specific
 explanation for nondisclosure."

11 Id. at 883, 629. The email dated July 11, 2017 to the RJ clearly states what the subject matter is
12 that was redacted and why. LVRJ 087-088.

13 The RJ also complains that the redacted reports were overly redacted.¹⁵ However, redaction
14 was consistent with Nevada Supreme Court cases, AGO 82-12 and public policy limiting publicity
15 of health information. NRS 239.010(3) provides that the governmental entity shall not deny a
16 request for a record that contains confidential information if the entity can redact, delete, conceal or
17 separate the confidential information from the non-confidential information.

18 While the Coroner "can" redact the Autopsy Reports on child deaths that were not reviewed by
19 the CDR, the redacted material will largely consist of medical and health information which is the
20 basis for the non-disclosure to begin with. Additionally, the information in the redacted reports will
21 consist of the public information on the spreadsheets already provided to the Coroner.

22 4. The RJ's Waiver Argument Fails

23 As a result of the Coroner's alleged defective notice under NRS 239.0107, as claimed by the
24 RJ which the Coroner has established as unfounded, as set forth above, the RJ says that the Coroner
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27 ¹⁴ The RJ's knowledge of this issue is demonstrated by the fact that the request it made for the homicides earlier this year
was limited to the public data included in the spreadsheets.

28 ¹⁵ If simply the name of the decedent was deleted from the report and the health information remained, the private health
information on the report could be linked to the name of the decedent based on data available to the public, which
violates public policy.

1 has waived its ability to assert a privilege or position of nondisclosure. There is not a provision in
2 NPRA for a waiver, except in NRS 239.052 where it states the public entity may waive a fee.

3 The RJ references an Eighth Judicial District Court Order from one of its own cases¹⁶ in
4 support of this argument. However, reference to that case, even for instructive purposes, is flawed
5 as in that case more than 45 days passed after the request was made and the public entity essentially
6 failed to respond at all until a lawsuit was filed. Decl. of Margaret A. McLetchie, Ex. 1, p.2, ¶¶ 1, 3,
7 4, 5. If that is the case, then that fact alone is so distinguishable from the present case it is hardly
8 worth mentioning. In the present case the Coroner and the D.A.'s Office responded timely, and, in
9 some cases immediately, after receiving emails relating to requests from the RJ.¹⁷ Further, the RJ
10 wants us to believe that the Court in Case No. A-17-750151-W determined the records should be
11 disclosed solely on the school district's failure to respond as required by NRS 239.0107, and due to
12 notice deficiencies the school district waived its right to assert a privilege. Importantly, the failure to
13 timely assert a claim of confidentiality was not in itself sufficient to be the basis of the Court Order.
14 The Order does not even mention a waiver and addresses substantive reasons for disclosure. Decl.
15 of Margaret A. McLetchie, Ex. 1, p.5, ¶¶ 32 (CCSD failed to prove by a preponderance of evidence
16 that the records were confidential), 33 (CCSD failed to establish privacy interests outweigh interest in
17 disclosure).

18 Even if it were assumed that the Coroner's notice was technically not compliant with NRS
19 239.0107, to suggest that alone is the basis for disclosure is inaccurate and would be unfair to
20 families of decedents, undermine confidentiality limitations relating to information about children,
21 contrary to public policy with respect to protecting medical and health, and place the County's
22 eligibility for federal grants under CAPTA at risk.

23 / / /

24 / / /

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26 ¹⁶ Las Vegas Review-Journal v. Clark County School District, Dist. Ct. Case No. A-17-750151-W.

27 ¹⁷ See LVRJ 002-003 (Coroner cited to AGO 82-12 and provided initial spreadsheets within hours of April 13, 2017
28 request); RJ 018 (D.A. Office responded to RJ the following day); Exhibit A, ¶ 7 (Coroner Fudenberg met personally
with RJ reporters on a Sunday); LVRJ 031-033 (D.A. Office responded three days after renewed request in May 23,
2017 correspondence from RJ attorney); LVRJ 072 (D.A. Office responded to May 26, 2017 request for redacted
records 3 business days later); LVRJ 080-082 (D.A. Office responded to RJ's request for update two days later).

1 **E. Public Record Fees**

2 The RJ asserts that NRS 239.055, which provides for an additional fee when extraordinary
3 use of personnel or resources is required, limits costs associated with extraordinary use of personnel
4 up to 50 cents per page. While it does not make sense that actual costs for extraordinary use of
5 personnel can't exceed 50 cents per age, it appears that this interpretation is reasonable with the
6 plain language of the statute, which was amended to include the 50 cent limitation in 2013.

7 The RJ also asserts that the Coroner is trying to charge for the cost of determining whether or
8 not to redact information based on grounds of confidentiality. This is not true. The Coroner has
9 determined, based on AGO 82-12, public policy, and Nevada law, what material should be redacted.
10 It already knows. Thus, the RJ's reliance on another Order in one of its cases in Eighth Judicial
11 District Court Case No. A543861¹⁸ is inapplicable in this context. It is the exercise of studying the
12 document and identifying the information itself in the document and redacting it that constitutes
13 extraordinary use of personnel.

14 NRS 239.052 allows the governmental entity to charge a fee for copying public records.
15 NRS 239.055 allows an additional fee to be charged when "extraordinary use of personnel ... is
16 required by the public entity." The term "extraordinary use of personnel" is not discussed by statute,
17 but as a guideline AGO 2002-32 opines that that expending staff time of more than thirty minutes
18 may constitute extraordinary use. As discussed, review of individual Autopsy Reports for redaction
19 of health information requires expertise and knowledge of the subject matter, public policy and the
20 law. It is not suitable for inexperienced employees or those not involved in the autopsy
21 investigation, or familiar with the autopsy reports and what they contain, and public policy. It has
22 been determined that by using the appropriately qualified personnel, 4-5 reports could be redacted in
23 one hour and it would take about 8-10 hours to redact reports on cases not reviewed by the CDR,
24 thus constituting extraordinary use of personnel. Exhibit A, ¶ 10-12.

25 The RJ request potentially requires the Coroner to review and redact numerous Autopsy
26 Reports. Thus, 50 cents per page for extraordinary use of personnel is certainly reasonable based on
27 actual costs incurred. Further, if done in accordance with law and policy, redaction of an Autopsy

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¹⁸ Gray v. Clark County School District, et. al., Dist. Ct. Case No. A543861.

1 Report will not contain much information, if any, in addition to that provided on the spreadsheets.
2 for which the Coroner is waiving NRS 239.052 fees.

3 The actual costs for the Coroner's Office is \$1.00 per page. Each Autopsy Report is
4 approximately 10 pages long. Therefore, if the RJ's interpretation of NRS 239.055 is true, the actual
5 cost, pursuant to NRS 239.052 is \$1 per page and .050 per page for production of the redacted
6 Autopsy Reports for extraordinary use of personnel, rather than the \$45.00 hourly rate. Again, the
7 Coroner waives the fees associated with the spreadsheets and redacted reports that have already been
8 provided. Exhibit A, ¶ 13-14.

9 **F. Attorneys' Fees are Not Warranted**

10 Pursuant to NRS 239.012, the Coroner cannot be liable for fees, no matter the Court's decision
11 on the RJ's Petition. That statute provides:

12 Immunity for good faith disclosure or refusal to disclose information.
13 A public officer or employee who acts in good faith in disclosing or
14 refusing to disclose information and the employer of the public officer
or employee are immune from liability for damages, either to the
requester or to the person whom the information concerns.

15 NRS § 239.012.

16 The Coroner has acted in good faith with respect to the RJ's request for Autopsy Reports of
17 juvenile deaths going back to January 2012. The Coroner has responded timely, maintained open
18 and professional communication, provided spreadsheets consisting of public data relating to these
19 deaths, and provided continuous discussion regarding the legal basis for non-disclosure. One
20 especial point of contention of the RJ is the Coroner's reliance on AGO 82-12. However this is
21 addressed in Cannon v. Taylor, 88 Nev. 89, 92, 493 P.2d 1313, 1314 (1972) (where government
22 officials are entitled to rely on opinions of the Attorney General, and do so in good faith, they are
23 not responsible for damages if the opinion is mistaken).¹⁹

24 Therefore, the Coroner is immune from liability for damages, even if that damage is in the
25 form of attorney's fees and costs for which there is no specific statutory entitlement. Accordingly, the
26 LVRJ's claim for attorney's fees and costs must be denied.

27
28 ¹⁹ The Nevada Revised Statutes, classified, arranged, revised, indexed and published by the Legislative Counsel Bureau,
include Attorney General Opinions as a list of legal references to a statute. This is particularly true with NRS 239.010.

1 **IV. CONCLUSION**


2 Based on the foregoing, the Coroner respectfully requests that this Court deny the RJ's
3 Petition for Writ of Mandamus on the following grounds:

4 1. The Coroner has established by a preponderance of the evidence that the Autopsy Reports
5 involving cases reviewed by the CDR are privileged pursuant to NRS 432B.407; and

6 2. That with respect to all Autopsy Reports, the application of the balance of interest test
7 demonstrates that the privacy interests in Autopsy Reports clearly outweighs the public interest.

8 DATED this 29th day of August, 2017.

9 STEVEN B. WOLFSON
DISTRICT ATTORNEY

10 By: 
11 LAURA C. REHFELDT
12 District Attorney
13 State Bar No. 005101
14 500 South Grand Central Pkwy. 5th Flr.
Las Vegas, Nevada 89155-2215
Attorney for Defendant
Clark County Coroner Medical Examiner

15 **CERTIFICATE OF ELECTRONIC SERVICE**

16 I hereby certify that I am an employee of the Office of the Clark County District Attorney
17 and that on this 30th day of August, 2017, I served a true and correct copy of the foregoing

18 **RESPONSE TO PETITION AND MEMORANDUM SUPPORTING WRIT FOR**

19 **MANDAMUS FOR ACCESS TO AUTOPSY REPORTS OF JUVENILE DEATHS** (United
20 States District Court Pacer System or the Eighth Judicial District Wiznet), by e-mailing the same to
21 the following recipients. Service of the foregoing document by e-mail is in place of service via the
22 United States Postal Service.

23 Margaret A. McLetchie, Esq.
24 Alina M. Shell, Esq.
McLetchie Shell LLC
25 701 East Bridger Avenue #520
Las Vegas, NV 89101
26 Attorney for Petitioner
alina@nvlitigation.com

27 
28 An Employee of the Clark County District Attorney's
Office - Civil Division

EXHIBIT A

Declaration of John Fudenberg

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DECLARATION OF JOHN FUDENBERG

John Fudenberg makes the following declaration:

1. That I am the Clark County Coroner / Medical Examiner ("Coroner") in Clark County, Nevada and have been so since 2015. From 2003 to 2015 I was the Assistant Coroner in Clark County.

2. That the general duties and purpose of the Coroner are summarized as follows:

a. To investigate deaths within Clark County that are violent, suspicious, unexpected or not natural for the purpose of identifying and reporting on the cause and manner of death. More specifically, these deaths include those reported to be unattended by a physician, suicide, poisoning or overdose, occasioned by criminal means, resulting or related to an accident. The duties of the Coroner are codified in NRS Chapter 259 and Clark County Code Chapter 2.12.

b. When a death has been reported to the Coroner, in most cases a Coroner investigator responds to the scene and conducts a medicolegal investigation. The investigator gathers information from the scene and persons, such as witnesses, law enforcement officers and family members, identifies the decedent, notifies the next of kin, and secures property found on or about the decedent. The investigation often entails obtaining medical records or health information of the decedent. In most cases the body is transported to the Coroner's Office and the investigator presents its investigative information to the Coroner medical examiner assigned to the case.

c. The medical examiners are forensic pathologists who conduct examinations of the body of a decedent. The medical examiner's review includes investigative findings, medical records, and health history prior to commencing the exam. Most often an autopsy is conducted. An autopsy involves a complete physical examination, internally and externally, on the decedent. The exam consists of examining organs, taking histology and blood samples, and reviewing lab results of said samples. Based on the investigative findings and autopsy, it is the responsibility of the medical examiner to determine the cause and manner of death.

d. The manner of death is the method by which someone died. The five manners of death are homicide, suicide, natural, accident and undetermined. The cause of death constitutes the circumstance that triggers a death such as a gunshot wound, heart attack, or drug overdose. The medical examiner documents its findings, including the cause and manner of death in an autopsy report ("Autopsy Report").

e. After the autopsy is complete, the body of a decedent is released to a mortuary and the person with rights to the body takes over the handling of the body. The death of the decedent, including the cause and manner are documented in a death certificate which are generated and maintained by the Department of Vital Statistics.

3. That Autopsy Reports generally include the following information:

1 a. The findings resulting from the autopsy, including those related to the findings as to
2 the cause and manner of death of the decedent. Along with the cause and manner of death,
the name, age, sex, race, gender and date of death are identified.

3 b. A description of the external examination is described in the Autopsy Report, which
4 includes an analysis as to the medical/health status or condition of the exterior of different
5 parts of the body. These findings could range from observations about the genitalia to recent
medical treatment to a hidden tattoo.

6 c. Findings related to the internal examination are also included in the report. This
7 includes radiographic findings as well as detailed descriptions and medical evaluations of the
8 condition of the internal exam which may include the neck (i.e. thyroid, cricoid, prevertebral
9 tissue and muscles); cardiovascular system (i.e. aorta, coronary arteries, heart); respiratory
10 system (i.e. trachea, major bronchi, pulmonary vessels, lungs); hepatobiliary system (i.e.
liver); hemolymphatic system (i.e. spleen); gastrointestinal system (i.e. esophagus, stomach,
appendix, intestines); genitourinary system (i.e. renal and genitalia); endocrine system (i.e.
thyroid and adrenal glands); central nervous system (i.e. brain).

11 d. The fluids, tissue and organ samples retained and submitted for testing are also
12 included in the report along with the types of tests ordered. The test results and any
microscopic examinations are also be included.

13 e. Descriptions of individual injuries, references to specific medical records, specific
14 medical or health information and personal characteristics about the decedent is also included
15 in the Autopsy Report. This could include the sexual orientation of the decedent, pre-
16 existing conditions and other types of disease such as hepatitis, venereal, HIV, liver, cancer,
17 mental illness, or drug or alcohol addiction, or overdoses. This information may not be
publicly known, or desired by the decedent or its family to be public, and its dissemination
may result in unwanted social stigmas.

18 4. The Coroner's policy with respect to the release of Autopsy Reports is to release them, upon
19 request, to the legal next of kin, an administrator or executor of an estate, law enforcement officers
20 in performing their official duties, and pursuant to a subpoena. The Coroner's policy not to release
21 the Autopsy Reports to the general public, and to limit the release to private individuals (except
22 pursuant to a subpoena) is based on the reasons set forth in Attorney General Opinion, 82-12 ("AGO
23 82-12"). This AG Opinion, opines that the Autopsy Report is a public record but is not for public
24 dissemination. This opinion is based on public policy and laws protecting the release of certain
25 information relating to a person's body, mostly medical and health information. It also opines that
26 material, such as identification of decedent, date of death, cause and manner of death, relating to the
27 fulfillment of the Coroner's duties is open to the public.

1 5. That I am familiar with the records request that Las Vegas Review-Journal ("RJ")
2 investigative reporters made to the Coroner's Office, on or about April 13, 2017, with respect to all
3 Autopsy Reports pertaining to deaths of children going back to January 2012, which involves
4 hundreds of reports. The position the Coroner took with respect to this particular request is
5 consistent with its policy that Autopsy Reports are not released to the public. In fact, over the years,
6 RJ reporters have made dozens of requests for Autopsy Reports and the Coroner's Office has
7 consistently taken the same position based on the legal analysis in the AG 82-12, which has been
8 explained and provided to the RJ many times.

9 6. I am also familiar with the communications relating to the RJ's request, and on April 13,
10 2017, the Coroner's Office provided a spreadsheet listing the names of all child deaths (plus date of
11 death, cause and manner of death, gender, race, location of death and age), whether autopsied or not,
12 that involved the Coroner's Office from January 2012 to the present.¹ Release of this information is
13 consistent with the analysis in AGO 82-12.

14 7. On Sunday, May 7, 2017, I met in person with RJ investigative reporters Brian Joseph and
15 Art Kane at the Coroner's Office. As I discussed their request with them, I tried to understand and
16 determine what they wanted. As I have with other RJ investigators, I explained to them the policy
17 and practice of the Coroner's Office with respect to the release of the Autopsy Reports. Mr. Joseph
18 emailed me on May 8, 2017, and in that email said he was trying to match up deaths of children
19 involved with the Clark County Department of Child and Family Services with Coroner cases. On
20 May 9, 2017, I emailed him a spreadsheet consisting of the cases involving children on which the
21 Coroner performed autopsies. It was my belief that the information I provided on May 9, 2017
22 would be satisfactory to the investigative reporters. Attached to this Declaration as Attachment 1 are
23 the emails dated May 8-9, 2017 between me and Mr. Joseph.

24 8. I am familiar with correspondence from Maggie McLetchie, dated May 23, 2017, and Clark
25 County District Attorney Civil Division Attorney Laura Rehfeldt dated May 26, 2017. In the
26 County's correspondence dated May 26, 2017, it was stated that the County would consider the

27
28 ¹On December 21, 2016, Investigative Reporter Art Kane requested for the same data in the same format for all
homicides going back to January 1, 2006. The Coroner provided these spreadsheets with same data back to January
2012.

1 redaction of Autopsy Reports, if desired by the RJ. Subsequent to that correspondence, on the same
2 day, the RJ asked for redacted Autopsy Reports and specified approximately 126 particular cases.

3 9. Pursuant to state law, the Coroner is a representative of the Child Death Review team. The
4 Coroner has an integral role on the CDR team. Medical Examiner Dr. Alane Olson is the Coroner
5 representative, and the meetings are held at the Coroner's Office. Dr. Olson has previously chaired
6 the team, and actively participates and represents the Coroner's Office. Dr. Olson attends the
7 meeting with the Coroner documents, including the Autopsy Report, and makes a presentation as to
8 the Coroner's involvement and investigation in a child death. Dr. Olson explains and presents the
9 Coroner's findings, and interprets the Autopsy Report as it relates to each case reviewed by the
10 Child Death Review committee. Pursuant to state law regarding confidentiality of information
11 accessed and acquired by that committee, the Coroner's role on that committee, and the RJ's
12 expressed interest in the Department of Family Services cases, it was determined that the Autopsy
13 Reports of child deaths reviewed by that committee would not be released, even in redacted form, to
14 the RJ.

15 10. After review of approximately 126 specific cases listed on Mr. Kane's email dated May 26,
16 2017, it was determined that all of those cases involving the Coroner were reviewed by the Child
17 Death Review team. I am also familiar with the "priority list" that Mr. Kane submitted in an email
18 on June 12, 2017 to Laura Rehfeldt. All of the cases on that list that involved the Coroner were also
19 reviewed by the Child Death Review team. Additionally the Coroner's Office researched all the
20 child deaths reviewed by the team going back to January 2012 (consistent with the RJ's initial
21 request on April 13, 2017), and it was determined that all but 49 of those cases were reviewed by
22 the Child Death Review committee. Those 49 cases are listed in an email dated July 11, 2017 from
23 Laura Rehfeldt to Art Kane. It took several weeks to ascertain the death cases that were reviewed by
24 the Child Death Review team.

25 11. With respect to the 49 cases not reviewed by the Child Death Review team, and in effort to
26 provide the RJ with the reports, we took considerable time in contemplating the process of the
27 redaction of information and decided that, at minimum, the language consisting of medical and
28 health information should be redacted. The information that was determined would not be redacted

1 for the most part comprises that listed on the spreadsheets provided to the RJ on April 13, 2017 and
2 May 9, 2017, and facts that, in my judgment, could not be considered private by a family of a
3 decedent, and not considered private by AG 82-12.

4 12. The redaction process is tedious and requires employees of appropriate experience, who have
5 knowledge of the subject matter, and pay attention to detail. It requires more than simple clerical
6 work as it requires thought and analysis. I participated in the preparation and thought process of the
7 sample redacted Autopsy Reports provided to RJ investigative reporters. The purpose of providing
8 the samples was so that the RJ could review the redacted work and determine if they wanted the
9 remaining Autopsy Reports redacted, that are part of the 49 not reviewed by the Child Death Review
10 team.

11 13. With respect to responding to public records requests that merely require providing copies of
12 records, the Coroner charges \$1.00 per page per copy and \$15.00 per compact disk under NRS
13 239.052.

14 14. While I and Laura Rehfeldt intended to perform the redaction of the Autopsy Reports
15 requested by the RJ that did not go through the Child Death Review team, it was determined that the
16 County would charge the RJ the hourly rate of \$45.00 for extraordinary use of personnel pursuant to
17 NRS 239.055. \$45.00 per hour is commensurable to the pay rate of a mid-level employee of the
18 Coroner, such as an investigator. Each Autopsy Report is approximately ten pages, and, based on
19 the sample redacted reports, it is estimated 4-5 Autopsy Reports could be redacted an hour. Thus, it
20 would take about 8-10 hours to redact the remaining 49 Autopsy Reports in cases that were not
21 reviewed by the Child Death Review team. It was determined not to seek fees for the copies of the
22 spreadsheets, sample redactions and preliminary work.

23 15. During the 2015 and 2017 Nevada Legislature Sessions, I served as a lobbyist for Clark
24 County. I represented the County's position with respect to legislation impacting the County and of
25 interest to the County. I am very familiar with AB57 which was introduced in the 2017 Session and,
26 after amendments, became effective on July 1, 2017. AB57 made changes to NRS Chapter 259 that
27 require a coroner to notify the next of kin with the right to the body of the decedent under NRS
28 451.024 in that it provided that a coroner may also notify certain other next of kin consisting of

1 parents, guardians, adult children or custodians as defined in NRS 432B.060. Additionally, that bill
2 provided that a copy of the coroner's report may be released to certain individuals (parents, adult
3 children, guardian or custodian as defined in NRS 432B.060) regardless of whether they have the
4 right to the body under NRS 451.024.

5 16. It is my understanding that the policy of the Coroner with respect to limiting dissemination
6 of Autopsy Reports to the next of kin is consistent with that of other coroners in Nevada. See
7 Washoe County Code 35.160(4). In fact, this policy and practice was the premise under which AB
8 57 was adopted.

9 17. The County supported AB57 and I testified on its behalf. At no time was there any
10 discussion or contemplation that the legislation intended for Autopsy Reports to be publicly
11 released, such as to the RJ.

12 I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045)

13 EXECUTED on this 30 day of August, 2017.

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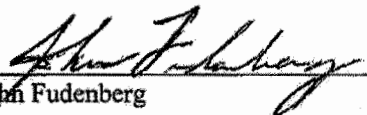
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John Fudenberg

ATTACHMENT 1

From: John Fudenberg
Sent: Tuesday, May 09, 2017 4:17 PM
To: 'Brian Joseph'
Subject: RE: Following up

Brian,

Please see the requested report.



John Fudenberg, D-ABMDI, Coroner
Clark County Office of the Coroner/Medical Examiner
1704 Pinto Lane
Las Vegas, NV 89106
702-455-3210
fud@ClarkCountyNV.gov
www.ClarkCountyNV.gov

Accredited by:



From: Brian Joseph [<mailto:bjoseph@reviewjournal.com>]
Sent: Monday, May 08, 2017 10:37 AM
To: John Fudenberg
Subject: Following up

Hi, Mr. Fudenberg. Brian Joseph here with the Review-Journal newspaper. You met with Art Kane and I yesterday morning at your office. It was great speaking with you; you were very helpful.

I'm just following up on some of the outstanding matters we discussed yesterday. You had said you would send us the report of deceased children under the age of 18 who had been autopsied from 2012 to present. Please send it to me at bjoseph@reviewjournal.com

Second, we had told you about 11 cases we were aware of in which DCFS had produced a child death disclosure but we could not match them up to the list of deceased children your office had provided. The attached Zip file, Reviews_but_no_death_records.zip, contains the 11 disclosures we were unable to match up with your records. You had said you'd be interested in reconciling those records for us.

Third, we also told you about two child deaths recorded on the LVMPD's homicide log that we were also unable to match up with your list of deceased children. Both of those names can be found in 2016HomicideLog_final. The two names that we were unable to match were Jasmine Sherfield

(page 5) and Henry Martinez (page 4).

Incidentally, we have been able to link up Jasmine Sherfield's information to one of the 11 disclosures mentioned above (2016-10-18_ID-1407241_30-Day.pdf, contained in the Zip file)

Really appreciate your help. Thank you so much.

Sincerely,

Brian Joseph
Staff reporter, Review-Journal
Office: 702-387-5208
Cell: 916-233-9681
E-mail: bjoseph@reviewjournal.com

EXHIBIT B

A.B. 57, 79th Sess. (Nov. 2017)

Assembly Bill No. 57-Committee
on Government Affairs

CHAPTER.....

AN ACT relating to coroners; requiring coroners to make a reasonable effort to notify the next of kin who is authorized to order the burial or cremation of a decedent of the decedent's death; authorizing a coroner to notify certain other persons of the death of the decedent; authorizing a coroner to provide a coroner's report to such persons; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires a coroner to notify the next of kin of a decedent of the decedent's death. (NRS 259.045) Existing law also establishes the order of priority of persons authorized to order the burial or cremation of the human remains of a deceased person. (NRS 451.024) **Section 3** of this bill requires a coroner to make a reasonable effort to notify the next of kin who is authorized to order the burial or cremation of the human remains of a decedent of the death of the decedent. **Section 3** also authorizes a coroner to notify the parents, guardians, adult children or custodians of the decedent of the decedent's death and provide a copy of the report of the coroner to the parents, guardians, adult children or custodians, as applicable. **Sections 1 and 2** of this bill make conforming changes. This bill is known as "Veronica's Law" after Veronica Caldwell.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 244.163 is hereby amended to read as follows:

244.163 1. The boards of county commissioners in their respective counties may create by ordinance the office of the county coroner, prescribe the qualifications and duties of the county coroner and make appointments to the office.

2. Any coroner so appointed is governed by the ordinances pertaining to such office which may be enacted by the board of county commissioners, and the provisions of NRS 259.025 , 259.045 and 259.150 to 259.180, inclusive.

3. The boards of county commissioners shall require that the county coroner *make a reasonable effort to notify a decedent's next of kin who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024 of the fact of the decedent's death* without unreasonable delay.

4. For any offense relating to the violation or willful disregard of such duties or trusts of office as may be specified by the



79th Session (2017)

respective boards of county commissioners, all coroners holding office by appointment pursuant to this section are subject to such fines and criminal penalties, including misdemeanor penalties and removal from office by indictment, accusation or otherwise, as the ordinance prescribes. This subsection applies to all deputies, agents, employees and other persons employed by or exercising the powers and functions of the coroner.

Sec. 2. NRS 259.010 is hereby amended to read as follows:

259.010 1. Every county in this State constitutes a coroner's district, except a county where a coroner is appointed pursuant to the provisions of NRS 244.163.

2. The provisions of this chapter, except NRS 259.025 , 259.045 and 259.150 to 259.180, inclusive, do not apply to any county where a coroner is appointed pursuant to the provisions of NRS 244.163.

Sec. 3. NRS 259.045 is hereby amended to read as follows:

259.045 1. The coroner shall *make a reasonable effort to* notify a decedent's next of kin *who is authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024* of the fact of *the* decedent's death without unreasonable delay.

2. *The coroner may notify the parents, guardians, adult children or custodians of a decedent of the fact of the decedent's death and provide a copy of the report of the coroner to the parents, guardians, adult children or custodians regardless of whether they are the next of kin authorized to order the burial or cremation of the human remains of the decedent pursuant to NRS 451.024.*

3. *As used in this section, "custodian" has the meaning ascribed to it in NRS 432B.060.*

Sec. 4. This act becomes effective on July 1, 2017.



CERTIFICATE OF SERVICE

I hereby certify that the foregoing **JOINT APPENDIX, VOLUME 1** was filed electronically with the Nevada Supreme Court on the 18th day of May, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Margaret A. McLetchie, Esq.
Alina M. Shell, Esq.

/s/ Leah Dell
Leah Dell, an employee of
Marquis Aurbach Coffing

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Appellant,

vs.

LAS VEGAS REVIEW-JOURNAL,

Respondent.

Electronically Filed
May 21 2018 08:55 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appeal from the Eighth Judicial
District Court, the Honorable
Jim Crockett Presiding

JOINT APPENDIX
Volume 1, Bates Nos. 1–237

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INDEX TO JOINT APPENDIX

DOCUMENT DESCRIPTION		LOCATION
Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus (filed 07/17/17)		Vol. 1, Bates Nos. 1–11
Appendix of Exhibits in Support of Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus (filed 07/17/17)		Vol. 1, Bates No. 12
Exhibit	Document Description	
1	April 13, 2017 Emails between Las Vegas Review-Journal and Clark County Coroner’s Office Regarding Nevada Public Records Act Request	Vol. 1, Bates Nos. 13–27
2	April 13, 2017 Las Vegas Review-Journal’s Email to Clark County District Attorney’s Office	Vol. 1, Bates Nos. 28–31
3	April 14, 2017 District Attorney’s Office Response Email to Las Vegas Review-Journal with Attorney General’s Opinion 82-12	Vol. 1, Bates Nos. 32–39
4	May 23, 2017 Letter from Las Vegas Review-Journal to Clark County Coroner’s Office and Clark County District Attorney’s Office	Vol. 1, Bates Nos. 40–44
5	May 26, 2017 Email with Response Letter from Clark County District Attorney’s Office to Las Vegas Review-Journal	Vol. 1, Bates Nos. 45–88
6	May 31, 2017 Email from Coroner’s Office to Las Vegas Review-Journal	Vol. 1, Bates Nos. 89–92
7	June 12, 2017 Email Chain between Clark County District Attorney and Las Vegas Review-Journal	Vol. 1, Bates Nos. 93–98

DOCUMENT DESCRIPTION		LOCATION
Appendix of Exhibits in Support of Public Records Act Application Pursuant to NRS 239.001/Petition for Writ of Mandamus (cont.)		
Exhibit	Document Description	
8	July 9, 2017 Emails between Las Vegas Review-Journal and Clark County District Attorney's Office	Vol. 1, Bates Nos. 99–106
9	July 11, 2017 Email from Coroner's Office with Sample Redacted Files	Vol. 1, Bates Nos. 107–143
Memorandum in Support of Application Pursuant to NRS 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief (filed 08/17/17)		Vol. 1, Bates Nos. 144–161
Attorney Margaret A. McLetchie's Declaration in Support of Memorandum in Support of Application Pursuant to NRS 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief (filed 08/17/17)		Vol. 1, Bates Nos. 162–163
Exhibits to Attorney Margaret A. McLetchie's Declaration in Support of Memorandum in Support of Application Pursuant to NRS 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief		
Exhibit	Document Description	
1	Order Granting Writ of Mandate in District Court Case No. A-17-750151-W (filed 02/22/17)	Vol. 1, Bates Nos. 164–172
2	Order on Motion for Summary Judgment and Countermotion for Summary Judgment in District Court Case No. A543861 (filed 01/07/09)	Vol. 1, Bates Nos. 173–195

DOCUMENT DESCRIPTION		LOCATION
Response to Petition and Memorandum Supporting Writ for Mandamus for Access to Autopsy Reports of Juvenile Deaths (filed 08/30/17)		Vol. 1, Bates Nos. 196–224
Exhibits to Response to Petition and Memorandum Supporting Writ for Mandamus for Access to Autopsy Reports of Juvenile Deaths		
Exhibit	Document Description	
A	Declaration of John Fudenberg (dated 08/30/17)	Vol. 1, Bates Nos. 225–234
B	Assembly Bill No. 57, 79th Session (Nov. 2017)	Vol. 1, Bates Nos. 235–237
Reply to Response to Petition and Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief (filed 09/07/17)		Vol. 2, Bates Nos. 238–255
Exhibits to Reply to Response to Petition and Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief		
Exhibit	Document Description	
1	Minutes of the Meeting of the Assembly Committee on Government Affairs, 79th Session (March 8, 2017)	Vol. 2, Bates Nos. 256–291
2	Minutes of the Senate Committee on Government Affairs, 79th Session (April 26, 2017)	Vol. 2, Bates Nos. 292–319

DOCUMENT DESCRIPTION		LOCATION
Supplement to Reply to Response to Petition and Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief (filed 09/25/17)		Vol. 2, Bates Nos. 320–323
Exhibits to Supplement to Reply to Response to Petition and Memorandum in Support of Application Pursuant to Nev. Rev. Stat. 239.001/Petition for Writ of Mandamus/Application for Declaratory and Injunctive Relief		
Exhibit	Document Description	
3	Copies of White Pine County Coroner’s Reports	Vol. 2, Bates Nos. 324–369
4	Copies of Lander County Sheriff’s Office Reports	Vol. 2, Bates Nos. 370–397
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Notice of Appeal (filed 11/28/17)		Vol. 2, Bates Nos. 443–444
Case Appeal Statement (filed 11/28/17)		Vol. 2, Bates Nos. 445–447

DOCUMENT DESCRIPTION	LOCATION
Notice of Entry of Order with Order Granting Motion for Stay of District Court Order and Order Shortening Time (filed 01/12/18)	Vol. 2, Bates Nos. 448–452
Docket of Case No. A-17-758501-W	Vol. 2, Bates Nos. 453–454

Steven D. Grierson

PET

MARGARET A. MCLEITCHIE, Nevada Bar No. 10931
ALINA M. SHELL, Nevada Bar No. 11711
MCLEITCHIE SHELL LLC
701 East Bridger Avenue, Suite. 520
Las Vegas, NV 89101
Telephone: (702)-728-5300
Email: alina@nvlitigation.com
Counsel for Petitioner

**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

Petitioner,

Dept. No.: Department 24

vs.

PUBLIC RECORDS ACT
APPLICATION PURSUANT TO
NRS § 239.001/ PETITION FOR
WRIT OF MANDAMUS

CLARK COUNTY OFFICE OF THE
CORONER/MEDICAL EXAMINER,

Respondent.

EXPEDITED MATTER PURSUANT
TO NEV. REV. STAT. § 239.011

COMES NOW Petitioner the Las Vegas Review-Journal (the "Review-Journal"),
by and through its undersigned counsel, and hereby brings this Petition for Writ of
Mandamus for declaratory and injunctive relief and seeking an order requiring the Clark
County Office of the Coroner/Medical Examiner (the "Coroner's Office") to provide
Petitioner access to public records. Petitioner also requests an award for all fees and costs
associated with its efforts to obtain withheld and/or improperly redacted public records as
provided for by Nev. Rev. Stat. § 239.011(2). Further, the Review-Journal respectfully asks
that this matter be expedited pursuant to Nev. Rev. Stat. § 239.011(2).

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Petitioner hereby alleges as follows:

NATURE OF ACTION

1. Petitioner brings this application for relief pursuant to Nev. Rev. Stat. § 239.011. *See also Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266 P.3d 623, 630, n.4 (2011).

2. The Review Journal's application to this court is the proper means to secure the Coroner's Office's compliance with the Nevada Public Records Act. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 884, 266 P.3d 623, 630 n.4 (2011); *see also DR Partners v. Bd. Of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990)) (a writ of mandamus is the appropriate procedural remedy to compel compliance with the NPRA).

3. Petitioner is entitled to an expedited hearing on this matter pursuant to Nev. Rev. Stat. § 239.011, which mandates that "the court shall give this matter priority over other civil matters to which priority is not given by other statutes."

PARTIES

4. Petitioner, the Review-Journal, a daily newspaper, is the largest newspaper in Nevada. It is based at 1111 W. Bonanza Road, Las Vegas, Nevada 89125.

5. Respondent is a public agency in the County of Clark, Nevada. The Coroner's Office is subject to the Nevada State Public Records Act pursuant to Nev. Rev. Stat. § 239.005(5)(b).

JURISDICTION AND VENUE

6. This Court has jurisdiction to issue writs of mandamus. Nev. Const., Art. 6, § 6; Nev. Rev. Stat. § 34.160.

7. This Court has jurisdiction pursuant to Nev. Rev. Stat. § 239.011, as the court of Clark County where all relevant public records sought are held.

8. Venue is proper in the Eighth Judicial District Court of Nevada pursuant to Nev. Rev. Stat. § 239.011. All parties and all relevant actions to this matter were and are in Clark County, Nevada.

STANDING

9. Petitioner has standing to pursue this expedited action pursuant to Nev. Rev. Stat. § 239.010 because public records it has requested from Coroner's Office have been unjustifiably withheld and the Coroner's Office is improperly attempting to charge fees for the collection and review of potentially responsive documents, which is not permitted by law.

FACTS

10. On April 13, 2017, the Las Vegas Review-Journal sent the Coroner's Office a request pursuant to the Nevada Public Records Act, Nev. Rev. Stat. § 239.001 *et seq.* (the "NPR") (the "Request"). (Exh 1, LVRJ006.)

11. The Request sought all autopsy reports of autopsies conducted of anyone under the age of 18 conducted from 2012 through the date of the Request (the "Requested Records"). (*Id.*)

12. The Coroner's Office responded on April 13, 2017. It provided a spreadsheet with some information (Exh. 1, LVRJ009-14), but refused to provide "autopsy reports, notes or other documents." (*Id.* at LVRJ004.) The Coroner's Office did not cite any authority for its refusal to provide these records.

13. The Review-Journal followed up by emailing the Clark County District Attorney's Office on April 13, 2017, requesting legal support for the refusal to provide records. (Exh. 2, LVRJ015-16.)

14. The Coroner's Office (via the District Attorney's Office) responded on April 14, 2017. (Exh. 3; LVRJ0018-24.) The Coroner's office conceded that autopsy reports are public records, but contended that they are not open to public inspection. (*Id.* at LVRJ018.)

15. In its April 14, 2017 response, the Coroner's Office did not contend that Nev. Rev. Stat. § 432B.407, a statute that only pertains to child death review teams, served as a basis for non-disclosure. Instead, the Coroner's Office only relied on an Attorney

General Opinion (AGO No. 82-12), AB 57 (then-pending legislation). (*Id.* at LVRJ018-19, LVRJ021-24.)

16. The Coroner's Office did not assert any other basis for withholding records (such as Nev. Rev. Stat. § 432B.407) within five (5) business days.

17. On May 23, 2017, the Review-Journal (via counsel) wrote to the Coroner's Office to address concerns with the Coroner's Office's refusal to provide access to any of the requested juvenile autopsy reports. (Exh. 4; LVRJ025-28.)

18. On May 26, 2017, the Coroner's Office (via the District Attorney) responded to the May 23, 2017 letter, and agreed to consider providing redacted versions of autopsies of juveniles if the Review-Journal provided a specific list of cases it wished to review. (Exh. 5; LVRJ029-71.)

19. In its May 26, 2017 response, the Coroner's Office, for the first time, also asserted that the records may be protected by Nev. Rev. Stat. § 432B.407 and, for the first time, detailed that privacy interests outweighed public disclosure. (*Id.*, at LVRJ031-33.)

20. The Review-Journal provided the Coroner's Office with a list of specific cases it wanted reports for via email on May 26, 2017. (Exh. 6, LVRJ073.)

21. The Coroner's Office responded to the May 26, 2017 email on May 31, 2017. (*Id.*, at LVRJ072.)

22. On May 31, 2017, the Coroner's Office stated that responsive records were "subject to privilege and will not be disclosed" and that it would also redact other records. However, it did not assert any specific privilege. (*Id.*)

23. The Coroner's Office also asked the Review-Journal to specify the records it wanted to receive first, which the Review-Journal did on June 12, 2017. (Exh. 7; LVRJ075-79.)

24. On July 9, 2017, in a response to a further email from the Review-Journal inquiring on the status of the records, the Coroner's Office indicated it would not

1 produce any records that pertained to any case that was subsequently handled by a child
2 death review team pursuant to Nev. Rev. Stat. § 432B.403, *et. seq.* (Exh. 8; LVRJ080)

3 25. On July 11, 2017, the Coroner's Office provided sample files of
4 redacted autopsy reports for other autopsies of juveniles (cases that were not handled by a
5 child death review team). (Exh. 9; LVRJ095-122.) The samples files were heavily redacted,
6 but the Coroner's Office did not specify the bases for redactions.

7 26. On July 11, 2017, the Coroner's Office also demanded payment for
8 further work in redacting files for production (i.e., keeping information from the Review-
9 Journal), and refused to produce records without payment. (*Id.* at LVRJ087-88.)
10 Specifically, the Coroner's Office indicated it would take two persons 10-12 hours to redact
11 the records it was willing to produce, and that the Review-Journal would have to pay \$45.00
12 an hour for the two reviewers, one of which would be an attorney. (*Id.* at LVRJ087.)

13 27. The Review-Journal is willing to inspect the records in person.

14 28. The Coroner's Office's practice of charging impermissible fees
15 deters NPRA requests from Review-Journal reporters.

16 LEGAL AUTHORITY

17 *Legal Framework*

18 29. The NPRA reflects that records of governmental entities belong to
19 the public in Nevada. Nev. Rev. Stat. § 239.010(1) mandates that, unless a record is
20 confidential, "all public books and public records of a governmental entity must be open at
21 all times during office hours to inspection by any person, and may be fully copied..." The
22 NPRA reflects specific legislative findings and declarations that "[its] purpose is to foster
23 democratic principles by providing members of the public with access to inspect and copy
24 public books and records to the extent permitted by law" and that it provisions "must be
25 construed liberally to carry out this important purpose." Nev. Rev. Stat. § 239.010(1) and
26 (2).

27 30. Here, the Coroner's Office has conceded that the requested records
28 are public records, and it has not met its burden of establishing that, nonetheless, the records

1 it is withholding should not be produced. Moreover, regarding the records it is willing to
2 produce, the Coroner's Office is not entitled to redact the records in the manner it has
3 proposed. Further, the Coroner's Office cannot demand that the Review-Journal pay the
4 Coroner's Office to review and redact records for production.

5 ***Failure to Timely Assert Claims of Confidentiality***

6 31. The NPRA provides that a governmental entity must provide timely
7 and specific notice if it is denying a request because the entity determines the documents
8 sought are confidential. Nev. Rev. Stat. § 239.0107(1)(d) states that, within five (5) business
9 days of receiving a request,

10 [i]f the governmental entity must deny the person's request because the
11 public book or record, or a part thereof, is confidential, provide to the
12 person, in writing: (1) Notice of that fact; and (2) A citation to the specific
13 statute or other legal authority that makes the public book or record, or a
14 part thereof, confidential.

15 32. Accordingly, the Coroner's Office cannot rely on legal authority it
16 failed to timely assert in response to the Request.

17 ***The Records Sought Are Subject to Disclosure***

18 33. Even if it had timely asserted claims of confidentiality, he
19 Coroner's Office did not, and cannot, establish its heavy burden in withholding records.

20 34. In accordance with the presumption of openness and "emphasis on
21 disclosure," both the NPRA and the Nevada Supreme Court place a high burden on a
22 governmental entity to justify disclosure. First, the law requires that, if a governmental
23 entity seeks to withhold or redact a public record in its control it must prove by a
24 preponderance of the evidence that the record or portion thereof that it seeks to redact is
25 confidential. *See* Nev. Rev. Stat. § 239.0113; *see also Reno Newspapers, Inc. v. Gibbons*,
26 127 Nev. 873, 882, 266 P.3d 623, 629 (2011); *accord Nevada Policy Research Inst., Inc. v.*
27 *Clark Cty. Sch. Dist.*, No. 64040, 2015 WL 3489473, at *2 (D. Nev. May 29, 2015). It is of
28 note that, as a general matter, "[i]t is well settled that privileges, whether creatures of statute
or the common law, should be interpreted and applied narrowly." *DR Partners v. Bd. of Cty.*

1 *Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Ashokan v. State*,
2 *Dept. of Ins.*, 109 Nev. 662, 668, 856 P.2d 244, 247 (1993)). This is especially so in the
3 public records context: as noted above, any restriction on disclosure "must be construed
4 narrowly." Nev. Rev. Stat. § 239.001(2)-(3).

5 35. Second, in addition to first establishing the existence of the
6 privilege it asserts and applying it narrowly, unless the privilege is absolute, the
7 governmental entity bears the burden of establishing that the interest in withholding
8 documents outweighs the interest in disclosure pursuant to the balancing test first articulated
9 in *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990). See *DR Partners v.*
10 *Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) ("Unless a
11 statute provides an absolute privilege against disclosure, the burden of establishing the
12 application of a privilege based upon confidentiality can only be satisfied pursuant to a
13 balancing of interests."); see also *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 879,
14 266 P.3d 623, 627 (2011) ("...when the requested record is not explicitly made confidential
15 by a statute, the balancing test set forth in *Bradshaw* must be employed" and "any limitation
16 on the general disclosure requirements of Nev. Rev. Stat. § 239.010 must be based upon a
17 balancing or 'weighing' of the interests of non-disclosure against the general policy in favor
18 of open government").

19 36. Further, in applying the *Donrey* balancing test, the burden remains
20 squarely on the agency:

21 In balancing the interests . . . , the scales must reflect the fundamental right
22 of a citizen to have access to the public records as contrasted with the
23 incidental right of the agency to be free from unreasonable interference . . .
24 . The citizen's predominant interest may be expressed in terms of the burden
25 of proof which is applicable in this class of cases; the burden is cast upon
the agency to explain why the records should not be furnished.

26 *Id.* (quoting from *MacEwan v. Holm*, 226 Or. 27, 359 P.2d 413, 421-22 (1961) and citing
27 *Bradshaw*, 106 Nev. at 635-36, 798 P.2d at 147-48).

28 ///

1 37. Here, the Coroner's Office has not met its burden, and the public
2 interest in disclosure outweighs any interest in secrecy. Specifically, the Review-Journal is
3 investigating how child deaths are handled, which implicates important child welfare and
4 public policy interests.

5 38. AGO No. 82-12, the 1982 Nevada Attorney General Opinion does
6 not justify non-disclosure. An Attorney General Opinion does not have the force of law. In
7 addition, the 1982 Opinion was based on the Attorney General's interpretation of the 1965
8 version of Nev. Rev. Stat. § 239.010, which lacked the robust protections for the right of
9 access to public records that underpin the current version of the NPRA. Notably, the version
10 of the NPRA the Attorney General relied on in issuing the 1982 opinion did not include
11 Nev. Rev. Stat. § 239.0107, a provision of the NPRA first adopted in 2007 which delineates
12 the process for requesting public records and the burden a governmental entity must satisfy
13 in withholding such records. Further, the 1982 Opinion did not consider the public interest
14 in disclosure of autopsy reports.

15 39. Nev. Rev. Stat. § 432B.407 applies only to the child death review
16 teams and does not apply to the Coroner's Office. A document does not become forever
17 confidential for all purposes simply because it was transmitted to a child death review team.

18 40. Accordingly, the reports that were transmitted to the child death
19 review team should be produced and all the requested reports should be produced without
20 redactions.

21 ***The Fees the Coroner's Office Is Demanding Are Improper***

22 41. The NPRA does not allow for fees to be charged for a governmental
23 entity's privilege review, or for redacting material the governmental entity contends is
24 privileged or otherwise protected from disclosure.

25 42. The only fees permitted are set forth in Nev. Rev. Stat. § 239.052
26 and Nev. Rev. Stat. § 239.055(1).

27 43. Nev. Rev. Stat. § 239.052(1) provides that "a governmental entity
28 may charge a fee for providing a **copy** of a public record." (Emphasis added.)

1 44. Nev. Rev. Stat. § 239.055(1), the provision the Coroner's Office is
2 relying on for its demand for fees, also allows for fees for "extraordinary use" in connection
3 with providing copies. It provides that "... if a request for a copy of a public record would
4 require a governmental entity to make extraordinary use of its personnel or technological
5 resources, the governmental entity may, in addition to any other fee authorized pursuant to
6 this chapter, charge a fee not to exceed 50 cents per page for such extraordinary use...."

7 45. Interpreting Nev. Rev. Stat. § 239.055 to limit public access by
8 requiring requesters to pay public entities for undertaking a review for responsive
9 documents and confidentiality would be inconsistent with the plain terms of the statute and
10 with the mandate to interpret the NPRA broadly.

11 46. Further, allowing a public entity to charge a requester for legal fees
12 associated with reviewing for confidentiality is impermissible because "[t]he public official
13 or agency bears the burden of establishing the existence of privilege based upon
14 confidentiality." *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6
15 P.3d 465, 468 (2000).

16 47. Even if Respondent could, as it has asserted, charge for its privilege
17 review as "extraordinary use," such fees would be capped at 50 cents per page. Nev. Rev.
18 Stat. § 239.055(1).

19 48. The fee the Coroner's Office is demanding the Review-Journal pay
20 conflicts with the NPRA's provision that a governmental entity may only "charge a fee not
21 to exceed 50 cents per page" for "extraordinary use of its personnel or technological
22 resources." Nev. Rev. Stat. § 239.055(1).

23 **CLAIM FOR RELIEF**

24 49. Petitioner re-alleges and incorporates by reference each and every
25 allegation contained in Paragraphs 1-48 with the same force and effect as if fully set forth
26 herein.

27 50. The Review-Journal should be provided with the records it has
28 requested pursuant to the NPRA.

1 51. The records sought are subject to disclosure, and Respondent has
2 not met its burden of establishing otherwise.

3 52. A writ of mandamus is necessary to compel Respondent's
4 compliance with the NPRA.

5 53. The NPRA does not permit the fees the Coroner's Office is
6 demanding.

7 54. The NPRA permits governmental entities to charge a fee of up to
8 50 cents per page for "extraordinary use" of personnel or technology to produce copies of
9 records responsive to a public records request. Nev. Rev. Stat. § 239.055(1). The Coroner's
10 Office's Public Records Policy, however, requires requesters to pay a fee of up to \$83.15
11 per hour just to find responsive records and review them for privilege.

12 55. The Coroner's Office either does not understand its obligations to
13 comply with the law or it is intentionally disregarding the plain terms of the NPRA to
14 discourage reporters from accessing public records.

15 56. The Coroner's Office is legally obligated to undertake a search and
16 review of responsive records free of charge when it receives an NPRA request. It also has
17 the burden of establishing confidentiality, and is required to provide specific notice of any
18 confidentiality claims within five days. Yet it has demanded payment for staff time –and
19 attorney time. The Coroner's Office is also conditioning its compliance with NPRA on
20 payment.

21 57. The Coroner's Office is demanding payment not for providing
22 copies, but simply for locating documents responsive to a request—and then for having its
23 director and attorney determine whether documents should be withheld. Not only is this
24 interpretation belied by the plain terms of the NPRA,¹ requiring a requester to pay a public
25 entity's attorneys to withhold documents would be an absurd result. *See S. Nevada*

26
27 ¹ *See Sandifer v. U.S. Steel Corp.*, 134 S. Ct. 870, 876 (2014) ("It is a fundamental canon of
28 statutory construction" that, "unless otherwise defined, words will be interpreted as taking
their ordinary, contemporary, common meaning.") (quotation omitted).

1 *Homebuilders Ass'n v. Clark Cty.*, 121 Nev. 446, 449, 117 P.3d 171, 173 (2005) (noting that
2 courts must "interpret provisions within a common statutory scheme harmoniously with one
3 another in accordance with the general purpose of those statutes and to avoid unreasonable
4 or absurd results, thereby giving effect to the Legislature's intent") (quotation omitted); *see*
5 *also Cal. Commercial Enters. v. Amedeo Vegas I, Inc.*, 119 Nev. 143, 145, 67 P.3d 328, 330
6 (2003) ("When a statute is not ambiguous, this court has consistently held that we are not
7 empowered to construe the statute beyond its plain meaning, unless the law as stated would
8 yield an absurd result.")

9 WHEREFORE, the Petitioner prays for the following relief:

- 10 1. That the court handle this matter on an expedited basis as mandated
11 by Nev. Rev. Stat. § 239.011;
- 12 2. Injunctive relief ordering the Coroner's Office to immediately
13 make available complete copies of all records requested without charging fees, other than
14 permissible fees should the Review-Journal request copies;
- 15 3. Declaratory relief;
- 16 4. Reasonable costs and attorney's fees; and
- 17 5. Any further relief the Court deems appropriate.

18
19 DATED this the 17th day of July, 2017.

20 Respectfully submitted,

21
22
23
24 Margaret A. McLetchie, Nevada Bar No. 10931
Alina M. Shell, Nevada Bar No. 11711
25 MCLETSCHIE SHELL LLC
26 701 East Bridger Ave., Suite 520
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28 Counsel for Petitioner

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6 Las Vegas, NV 89101

7 Telephone: (702)-728-5300

8 Email: maggie@nvlitigation.com

9 Counsel for Petitioner

10 EIGHTH JUDICIAL DISTRICT COURT
11 CLARK COUNTY, NEVADA

12 LAS VEGAS REVIEW-JOURNAL,

Case No.: A-17-758501-W

13 Petitioner,

Dept. No.: Department 24

14 vs.

15 CLARK COUNTY OFFICE OF THE
16 CORONER/MEDICAL EXAMINER,

**APPENDIX OF EXHIBITS IN
SUPPORT OF PUBLIC RECORDS
ACT APPLICATION PURSUANT TO
NRS § 239.001/ PETITION FOR
WRIT OF MANDAMUS**

17 Respondent.

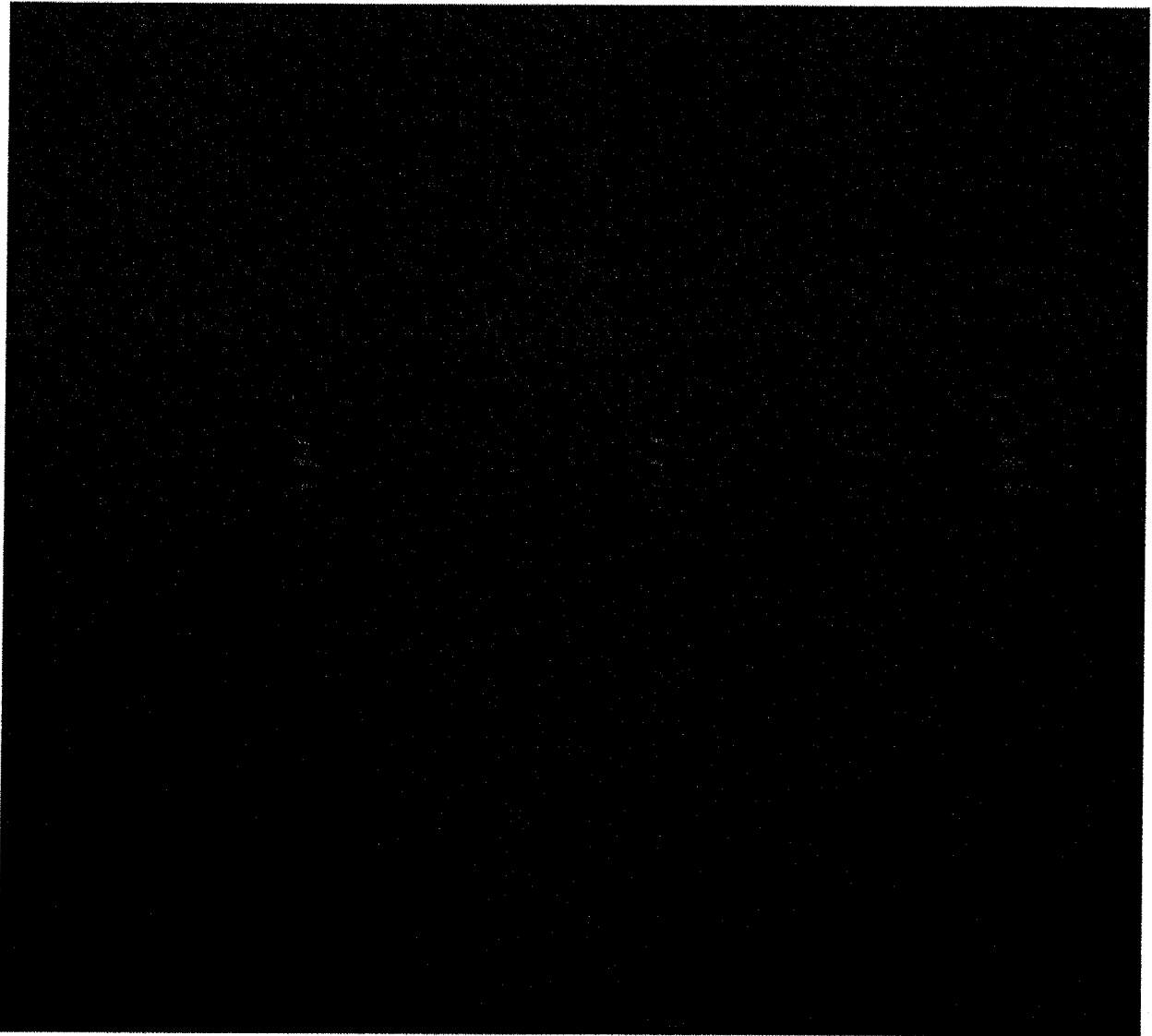
18 TABLE OF CONTENTS

Exhibit	Description	Date	Bates Nos.
1	Emails Between Las Vegas Review-Journal and Clark County Coroner's Office Regarding Nevada Public Records Act Request	04/13/17	LVRJ001-LVRJ014
2	Las Vegas Review-Journal's Email to Clark County District Attorney's Office	04/13/17	LVRJ015-LVRJ017
3	District Attorney's Response Email	04/14/17	LVRJ018-LVRJ024
4	Las Vegas Review-Journal's Letter to Clark Coroner's and District Attorney's Offices	05/23/17	LVRJ025-LVRJ028
5	District Attorney's Response Letter	05/26/17	LVRJ029-LVRJ071
6	Coroner's Office's Email	05/31/17	LVRJ072-LVRJ074
7	Las Vegas Review-Journal's Email	06/12/17	LVRJ075-LVRJ079
8	Emails Between Las Vegas Review-Journal and District Attorney's Office	07/09/17	LVRJ080-LVRJ086
9	Coroner's Office's Email With Sample Redacted Files	07/11/17	LVRJ087-LVRJ122

MCLEATCHIE SHELL

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701 EAST BRIDGER AVENUE, SUITE 520
LAS VEGAS, NV 89101
(702) 728-5300 (T) / (702) 425-8220 (F)
WWW.NVLITIGATION.COM

EXHIBIT 1



From: **Nicole Charlton** <Nicole.Charlton@clarkcountynv.gov>

Date: Thu, Apr 13, 2017 at 3:23 PM

Subject: RE: OPEN RECORDS REQUEST

To: Arthur Kane <akane@reviewjournal.com>

Here you are.

Please advise if there is anything further we can assist you with.

Nicole Charlton

Administrative Secretary

Clark County Office of the Coroner/Medical Examiner

1704 Pinto Lane

Las Vegas, NV 89106

Nicole.Charlton@clarkcountynv.gov

Office: (702) 455-3210

Desk: (702) 455-1937

Fax: (702) 387-0092

Accredited by:



From: Arthur Kane [mailto:akane@reviewjournal.com]

Sent: Thursday, April 13, 2017 3:14 PM

To: Nicole Charlton

Subject: Re: OPEN RECORDS REQUEST

yes, please provide me all the deaths under 18 that occurred in Clark County year by year since 2012.

Thanks,

art

On Thu, Apr 13, 2017 at 3:11 PM, Nicole Charlton <Nicole.Charlton@clarkcountynv.gov> wrote:

Mr. Kane,

We do not autopsy all decedents who come to our office and unfortunately I am unable to list out which cases were autopsied compared to those that were not. We have 5 types of death (Homicide, Suicide, Accident, Natural, & Undetermined).

What I can give you is ALL deaths under the age of 18, that occurred *within our jurisdiction*. That definitely does not include ALL deaths that occurred in Clark County.

Autopsy reports are public records but not open to any member of the public for inspection, copying, and dissemination. The reasoning is that the reports contain medical information and confidential information about the deceased's body. There may be a situation when a particular report would be available for a particular party who has sufficient interest to justify access. AGO 82-12 (6-15-82). This decision may preclude the dissemination of an autopsy report to members of the decedent's immediate family without following the correct procedures of law, i.e., a court order. In that situation, it may be appropriate to require the decedent's family to sign a release form in exchange for the autopsy report.

Nicole Charlton

Administrative Secretary

Clark County Office of the Coroner/Medical Examiner

1704 Pinto Lane

Las Vegas, NV 89106

Nicole.Charlton@clarkcountynv.gov

Office: (702) 455-3210

Desk: (702) 455-1937

Fax: (702) 387-0092

Accredited by:



From: Arthur Kane [mailto:akane@reviewjournal.com]
Sent: Thursday, April 13, 2017 1:26 PM
To: Nicole Charlton
Subject: Re: OPEN RECORDS REQUEST

Looking at that spreadsheet I do want those in addition to autopsies going back to 2012. Please let me know the difference from the all deaths (other than of course it has people older than 18) that you sent me previous. Are the sheets you sent me previously ones that went to a full autopsy? And these are all deaths?

I do still want the autopsies too so please site whatever law prevents their release.

Thanks

art

On Thu, Apr 13, 2017 at 12:31 PM, Nicole Charlton <Nicole.Charlton@clarkcountynv.gov> wrote:

We are not able to provide autopsy reports, notes or other documents, but I can supply you with a spreadsheet of all releaseable information. (such as the attached).

Will this suffice?

Nicole Charlton

Administrative Secretary

Clark County Office of the Coroner/Medical Examiner

1704 Pinto Lane

Las Vegas, NV 89106

Nicole.Charlton@clarkcountynv.gov

Office: (702) 455-3210

Desk: (702) 455-1937

Fax: (702) 387-0002

Accredited by:



From: Arthur Kane [mailto:akane@reviewjournal.com]

Sent: Thursday, April 13, 2017 12:28 PM

To: Nicole Charlton

Subject: Re: OPEN RECORDS REQUEST

yes, i'm looking for all of the records. Thanks

On Thu, Apr 13, 2017 at 12:25 PM, Nicole Charlton <Nicole.Charlton@clarkcountynv.gov> wrote:

Mr. Kane,

There are hundreds and hundreds of manners of death for those decedents under the age of 18. Please confirm if you are looking for ALL manners, or just certain types (Suicide, Homicide, Accidents, etc).

Nicole Charlton

Administrative Secretary

Clark County Office of the Coroner/Medical Examiner

1704 Pinto Lane

Las Vegas, NV 89106

Nicole.Charlton@clarkcountynv.gov

Office: (702) 455-3210

Desk: (702) 455-1937

Fax: (702) 387-0092

Accredited by:



From: Arthur Kane [<mailto:akane@reviewjournal.com>]
Sent: Thursday, April 13, 2017 11:43 AM
To: Nicole Charlton
Cc: Brian Joseph
Subject: OPEN RECORDS REQUEST

This is a request under state open records laws.

I am seeking all autopsy reports, notes and other documentation of all autopsies performed by the Clark County Coroner's office from Jan. 1, 2012 to present on anyone who was younger than the age of 18 when he or she died.

As you know, state law requires a response within five business days. Please call or email if you have a question or there will be a cost for the documents.

If you are not the custodian of the records, please forward this request to the proper person and notify me of that. Also, if you believe any part of this request is not subject to state open records laws, please provide the NRS that may exempt it.

THanks,

--

Thanks,

Arthur Kane & Brian Joseph

Investigative Reporters

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

[illegible]

Child Death

DEPARTMENT OF AGRICULTURE, FORESTRY AND FISHERIES
KINSHASA, ZAMBIA

[illegible]

CLARK COUNTY BOARDER MEDICAL EXAMINER									
Child Death									
Report of Death Form									
Form 10-100									
Case Number	Child Name	Sex	Age	Residence	Parent Name	Parent Address	Parent City	Parent State	Parent Zip
140001	John Doe	Male	10	1234 Main St	John Doe	1234 Main St	Anytown	CA	90001
140002	Jane Smith	Female	8	5678 Elm St	Jane Smith	5678 Elm St	Anytown	CA	90002
140003	Robert Johnson	Male	12	9101 Oak St	Robert Johnson	9101 Oak St	Anytown	CA	90003
140004	Emily White	Female	6	2345 Pine St	Emily White	2345 Pine St	Anytown	CA	90004
140005	Michael Brown	Male	9	3456 Maple St	Michael Brown	3456 Maple St	Anytown	CA	90005
140006	Sarah Green	Female	7	4567 Birch St	Sarah Green	4567 Birch St	Anytown	CA	90006
140007	David Black	Male	11	5678 Cedar St	David Black	5678 Cedar St	Anytown	CA	90007
140008	Anna Lee	Female	5	6789 Elm St	Anna Lee	6789 Elm St	Anytown	CA	90008
140009	Christopher King	Male	13	7890 Oak St	Christopher King	7890 Oak St	Anytown	CA	90009
140010	Michelle Hall	Female	4	8901 Pine St	Michelle Hall	8901 Pine St	Anytown	CA	90010
140011	James Taylor	Male	10	9012 Maple St	James Taylor	9012 Maple St	Anytown	CA	90011
140012	Patricia Scott	Female	9	0123 Birch St	Patricia Scott	0123 Birch St	Anytown	CA	90012
140013	Benjamin Adams	Male	7	1234 Cedar St	Benjamin Adams	1234 Cedar St	Anytown	CA	90013
140014	Elizabeth Baker	Female	6	2345 Elm St	Elizabeth Baker	2345 Elm St	Anytown	CA	90014
140015	William Miller	Male	11	3456 Oak St	William Miller	3456 Oak St	Anytown	CA	90015
140016	Olivia Wilson	Female	8	4567 Pine St	Olivia Wilson	4567 Pine St	Anytown	CA	90016
140017	Thomas Moore	Male	12	5678 Maple St	Thomas Moore	5678 Maple St	Anytown	CA	90017
140018	Isabella Davis	Female	5	6789 Birch St	Isabella Davis	6789 Birch St	Anytown	CA	90018
140019	Jonathan Evans	Male	10	7890 Cedar St	Jonathan Evans	7890 Cedar St	Anytown	CA	90019
140020	Avery Foster	Female	9	8901 Elm St	Avery Foster	8901 Elm St	Anytown	CA	90020
140021	Lucas Garcia	Male	7	9012 Oak St	Lucas Garcia	9012 Oak St	Anytown	CA	90021
140022	Sophia Hernandez	Female	6	0123 Pine St	Sophia Hernandez	0123 Pine St	Anytown	CA	90022
140023	Isaac Ibarra	Male	11	1234 Maple St	Isaac Ibarra	1234 Maple St	Anytown	CA	90023
140024	Charlotte Lopez	Female	8	2345 Birch St	Charlotte Lopez	2345 Birch St	Anytown	CA	90024
140025	Henry Martinez	Male	12	3456 Cedar St	Henry Martinez	3456 Cedar St	Anytown	CA	90025
140026	Amelia Morales	Female	5	4567 Elm St	Amelia Morales	4567 Elm St	Anytown	CA	90026
140027	Sebastian Nunez	Male	10	5678 Oak St	Sebastian Nunez	5678 Oak St	Anytown	CA	90027
140028	Valentina Ortiz	Female	9	6789 Pine St	Valentina Ortiz	6789 Pine St	Anytown	CA	90028
140029	Diego Perez	Male	7	7890 Maple St	Diego Perez	7890 Maple St	Anytown	CA	90029
140030	Leah Quinn	Female	6	8901 Birch St	Leah Quinn	8901 Birch St	Anytown	CA	90030
140031	Christopher Ramirez	Male	11	9012 Cedar St	Christopher Ramirez	9012 Cedar St	Anytown	CA	90031
140032	Madeline Roberts	Female	8	0123 Elm St	Madeline Roberts	0123 Elm St	Anytown	CA	90032
140033	Julian Sanchez	Male	12	1234 Oak St	Julian Sanchez	1234 Oak St	Anytown	CA	90033
140034	Grace Taylor	Female	5	2345 Pine St	Grace Taylor	2345 Pine St	Anytown	CA	90034
140035	Robert Thompson	Male	10	3456 Maple St	Robert Thompson	3456 Maple St	Anytown	CA	90035
140036	Victoria Torres	Female	9	4567 Birch St	Victoria Torres	4567 Birch St	Anytown	CA	90036
140037	Adrian Turner	Male	7	5678 Cedar St	Adrian Turner	5678 Cedar St	Anytown	CA	90037
140038	Isabella Vega	Female	6	6789 Elm St	Isabella Vega	6789 Elm St	Anytown	CA	90038
140039	Christopher Villarreal	Male	11	7890 Oak St	Christopher Villarreal	7890 Oak St	Anytown	CA	90039
140040	Alana Walker	Female	8	8901 Pine St	Alana Walker	8901 Pine St	Anytown	CA	90040
140041	Isaac Young	Male	12	9012 Maple St	Isaac Young	9012 Maple St	Anytown	CA	90041
140042	Charlotte Zayas	Female	5	0123 Birch St	Charlotte Zayas	0123 Birch St	Anytown	CA	90042
140043	Henry Adams	Male	10	1234 Cedar St	Henry Adams	1234 Cedar St	Anytown	CA	90043
140044	Amelia Baker	Female	9	2345 Elm St	Amelia Baker	2345 Elm St	Anytown	CA	90044
140045	Sebastian Brown	Male	7	3456 Oak St	Sebastian Brown	3456 Oak St	Anytown	CA	90045
140046	Valentina Clark	Female	6	4567 Pine St	Valentina Clark	4567 Pine St	Anytown	CA	90046
140047	Diego Davis	Male	11	5678 Maple St	Diego Davis	5678 Maple St	Anytown	CA	90047
140048	Leah Evans	Female	8	6789 Birch St	Leah Evans	6789 Birch St	Anytown	CA	90048
140049	Christopher Foster	Male	12	7890 Cedar St	Christopher Foster	7890 Cedar St	Anytown	CA	90049
140050	Madeline Garcia	Female	5	8901 Elm St	Madeline Garcia	8901 Elm St	Anytown	CA	90050
140051	Julian Hernandez	Male	10	9012 Oak St	Julian Hernandez	9012 Oak St	Anytown	CA	90051
140052	Grace Ibarra	Female	9	0123 Pine St	Grace Ibarra	0123 Pine St	Anytown	CA	90052
140053	Robert Lopez	Male	7	1234 Maple St	Robert Lopez	1234 Maple St	Anytown	CA	90053
140054	Victoria Morales	Female	6	2345 Birch St	Victoria Morales	2345 Birch St	Anytown	CA	90054
140055	Adrian Nunez	Male	11	3456 Cedar St	Adrian Nunez	3456 Cedar St	Anytown	CA	90055
140056	Isabella Ortiz	Female	8	4567 Elm St	Isabella Ortiz	4567 Elm St	Anytown	CA	90056
140057	Christopher Perez	Male	12	5678 Oak St	Christopher Perez	5678 Oak St	Anytown	CA	90057
140058	Alana Quinn	Female	5	6789 Pine St	Alana Quinn	6789 Pine St	Anytown	CA	90058
140059	Isaac Ramirez	Male	10	7890 Maple St	Isaac Ramirez	7890 Maple St	Anytown	CA	90059
140060	Charlotte Sanchez	Female	9	8901 Birch St	Charlotte Sanchez	8901 Birch St	Anytown	CA	90060
140061	Henry Taylor	Male	7	9012 Cedar St	Henry Taylor	9012 Cedar St	Anytown	CA	90061
140062	Amelia Turner	Female	6	0123 Elm St	Amelia Turner	0123 Elm St	Anytown	CA	90062
140063	Sebastian Vega	Male	11	1234 Oak St	Sebastian Vega	1234 Oak St	Anytown	CA	90063
140064	Valentina Villarreal	Female	8	2345 Pine St	Valentina Villarreal	2345 Pine St	Anytown	CA	90064
140065	Diego Walker	Male	12	3456 Maple St	Diego Walker	3456 Maple St	Anytown	CA	90065
140066	Leah Young	Female	5	4567 Birch St	Leah Young	4567 Birch St	Anytown	CA	90066
140067	Christopher Zayas	Male	10	5678 Cedar St	Christopher Zayas	5678 Cedar St	Anytown	CA	90067
140068	Madeline Adams	Female	9	6789 Elm St	Madeline Adams	6789 Elm St	Anytown	CA	90068
140069	Julian Baker	Male	7	7890 Oak St	Julian Baker	7890 Oak St	Anytown	CA	90069
140070	Grace Brown	Female	6	8901 Pine St	Grace Brown	8901 Pine St	Anytown	CA	90070
140071	Robert Clark	Male	11	9012 Maple St	Robert Clark	9012 Maple St	Anytown	CA	90071
140072	Victoria Davis	Female	8	0123 Birch St	Victoria Davis	0123 Birch St	Anytown	CA	90072
140073	Adrian Evans	Male	12	1234 Cedar St	Adrian Evans	1234 Cedar St	Anytown	CA	90073
140074	Isabella Foster	Female	5	2345 Elm St	Isabella Foster	2345 Elm St	Anytown	CA	90074
140075	Christopher Garcia	Male	10	3456 Oak St	Christopher Garcia	3456 Oak St	Anytown	CA	90075
140076	Alana Hernandez	Female	9	4567 Pine St	Alana Hernandez	4567 Pine St	Anytown	CA	90076
140077	Isaac Ibarra	Male	7	5678 Maple St	Isaac Ibarra	5678 Maple St	Anytown	CA	90077
140078	Charlotte Lopez	Female	6	6789 Birch St	Charlotte Lopez	6789 Birch St	Anytown	CA	90078
140079	Henry Morales	Male	11	7890 Cedar St	Henry Morales	7890 Cedar St	Anytown	CA	90079
140080	Amelia Nunez	Female	8	8901 Elm St	Amelia Nunez	8901 Elm St	Anytown	CA	90080
140081	Sebastian Ortiz	Male	12	9012 Oak St	Sebastian Ortiz	9012 Oak St	Anytown	CA	90081
140082	Valentina Perez	Female	5	0123 Pine St	Valentina Perez	0123 Pine St	Anytown	CA	90082
140083	Diego Quinn	Male	10	1234 Maple St	Diego Quinn	1234 Maple St	Anytown	CA	90083
140084	Leah Ramirez	Female	9	2345 Birch St	Leah Ramirez	2345 Birch St	Anytown	CA	90084
140085	Christopher Sanchez	Male	7	3456 Cedar St	Christopher Sanchez	3456 Cedar St	Anytown	CA	90085
140086	Madeline Taylor	Female	6	4567 Elm St	Madeline Taylor	4567 Elm St	Anytown	CA	90086
140087	Julian Turner	Male	11	5678 Oak St	Julian Turner	5678 Oak St	Anytown	CA	90087
140088	Grace Vega	Female	8	6789 Pine St	Grace Vega	6789 Pine St	Anytown	CA	90088
140089	Robert Villarreal	Male	12	7890 Maple St	Robert Villarreal	7890 Maple St	Anytown	CA	90089
140090	Victoria Walker	Female	5	8901 Birch St	Victoria Walker	8901 Birch St	Anytown	CA	90090
140091	Adrian Young	Male	10	9012 Cedar St	Adrian Young	9012 Cedar St	Anytown	CA	90091
140092	Isabella Zayas	Female	9	0123 Elm St	Isabella Zayas	0123 Elm St	Anytown	CA	90092
140093	Christopher Adams	Male	7	1234 Oak St	Christopher Adams	1234 Oak St	Anytown	CA	90093
140094	Alana Baker	Female	6	2345 Pine St	Alana Baker	2345 Pine St	Anytown	CA	90094
140095	Isaac Brown	Male	11	3456 Maple St	Isaac Brown	3456 Maple St	Anytown	CA	90095
140096	Charlotte Clark	Female	8	4567 Birch St	Charlotte Clark	4567 Birch St	Anytown	CA	90096
140097	Henry Davis	Male	12	5678 Cedar St	Henry Davis	5678 Cedar St	Anytown	CA	90097
140098	Amelia Evans	Female	5	6789 Elm St	Amelia Evans	6789 Elm St	Anytown	CA	90098
140099	Sebastian Foster	Male	10	7890 Oak St	Sebastian Foster	7890 Oak St	Anytown	CA	90099
140100	Valentina Garcia	Female	9	8901 Pine St	Valentina Garcia	8901 Pine St	Anytown	CA	90100

Child Death

[illegible]

CLARK COUNTY CORONER / MEDICAL EXAMINER

Child Death

Majority of Death Accidents Reported: Natural Suicide, Unintentional
 Majority of Death Type: All
 Year: 2017 Month: All

Total Cases: 18

Case Number	Decedent Name	Decedent Age	Decedent Gender	Decedent Race	Date of Death	Location of Death	Manner of Death	Cause of Death
17-00101	Richard Pender-Corona	17 Yrs	Male	Hispanic	01/15/2017	University Medical Center, PEDS ICU	Blunt	Gunshot wound to the head
17-00102	Kayla Ray	8 Yrs	Female	Black American	01/15/2017	University Medical Center	Unintentional	Carbon monoxide poisoning due to carbon monoxide from a heater
17-00103	Chantel Jett	20 wks 3 dr (0)	Female	Hispanic	01/15/2017	St. Rose Hospital - Santa	Maternal	Chorioamnionitis death due to chorioamnionitis of unknown etiology due to chorioamnionitis
17-00104	Yordan Cortez, Jr.	0 Days	Male	Hispanic	01/15/2017	St. Rose Hospital - Santa	Maternal	Chorioamnionitis death due to chorioamnionitis of unknown etiology due to chorioamnionitis
17-00105	Jacoby Williams	15 Yrs	Female	Black American	01/17/2017	University Medical Center	Accident	Blunt Force Head Trauma
17-00106	Felton Woodman	3 Yrs 22 Days	Female	Caucasian	01/19/2017	Bedroom	Unintentional	Unintentional
17-00107	Victor Angel Bautista	16 Yrs	Male	Hispanic	01/19/2017	University Medical Center	Blunt	Blunt
17-00108	Gage Doucet	3 Mths 20 Days	Male	Multi-Cultural	01/22/2017	University Medical Center	Blunt	Blunt head trauma due to assault
17-00109	Joselin Hernandez-Osuna	11 Yrs	Female	Hispanic	01/26/2017	South Sanville Road & East Village Road	Accident	Multiple blunt force trauma due to pedestrian struck by vehicle
17-00110	Jordan Joseph Aguado	18 Yrs	Male	Pacific Islander	02/05/2017	University Medical Center	Accident	Drug overdose
17-00111	Calvin Christ	11.6 weeks (0)	Male	Caucasian	02/07/2017	Burnside Hospital	Maternal	Chorioamnionitis death
17-00112	Baby Ray Ross	22 weeks (0)	Male	Caucasian	02/12/2017	Henderson Hospital	Maternal	Chorioamnionitis death
17-00113	Mia Selva Lyles	22 Days	Female	Caucasian	02/15/2017	Spring Valley Hospital	Accident	Strangulation
17-00114	Tina Coleman, Jr.	17 Yrs	Male	Black American	02/15/2017	University Medical Center	Blunt	Overdose of the neck
17-00115	Harmony Ferguson	3 Days	Female	Caucasian	02/16/2017	Sunrise Hospital	Maternal	Chorioamnionitis death due to chorioamnionitis
17-00116	Kalvin Michael Meyer	17 Yrs	Male	Caucasian	03/12/2017	Ort Road (Paseo Rd)	Accident	Motor vehicle accident due to being trapped under truck due to multiple blunt force trauma
17-00117	Ashton Eason	0 Days	Male	Black American	04/07/2017	University Medical Center	Accident	Strangulation death due to strangulation
17-00118	Marion Cleveland Thomas, Jr.	25 Days	Male	Black American	04/07/2017	University Medical Center	Blunt	Blunt force trauma

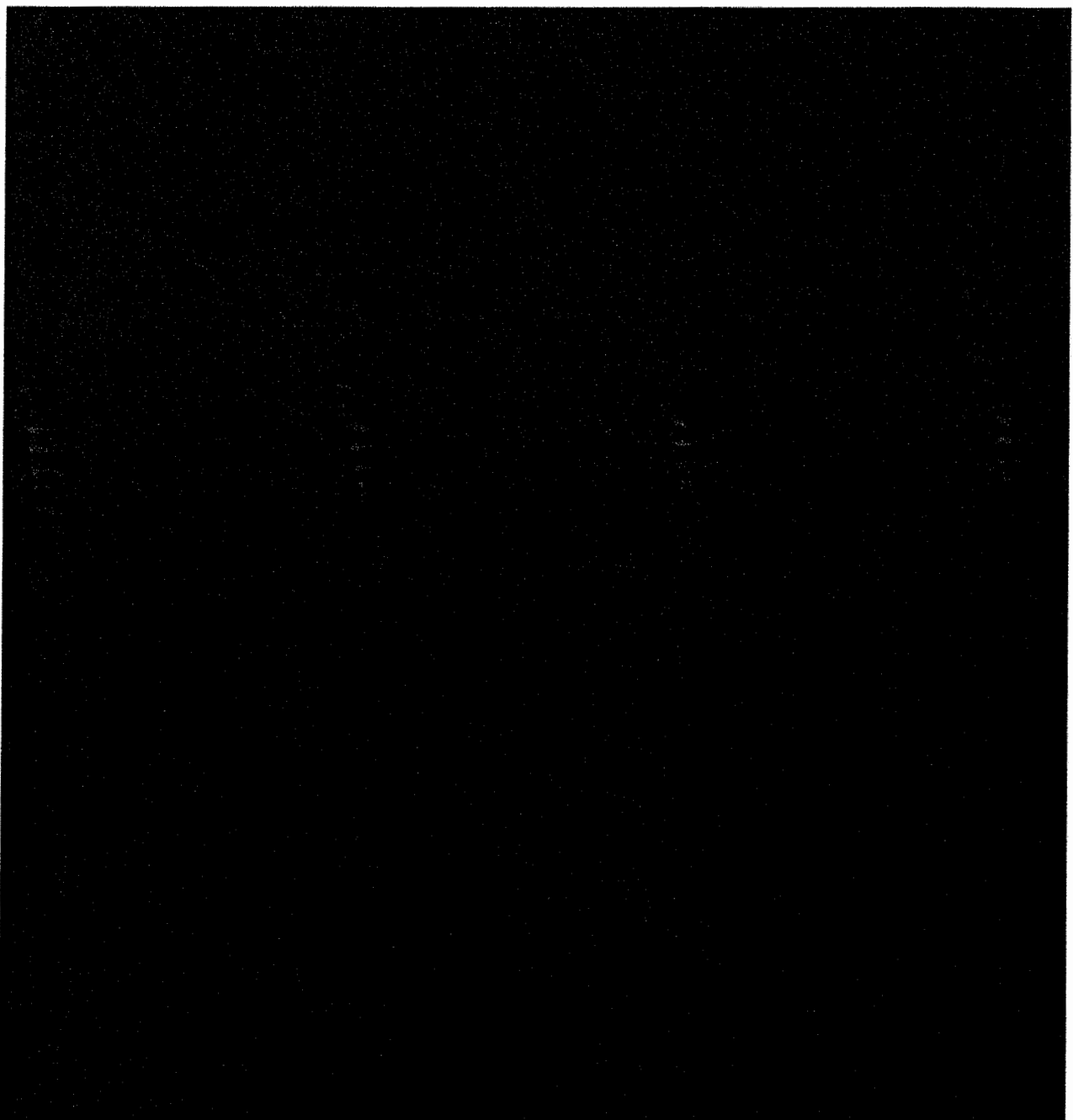
Apr 13 2017

1 of 1
 THIS IS CONFIDENTIAL INFORMATION IT IS NOT TO BE REPRODUCED OR RELEASED TO ANOTHER PERSON OR AGENCY

2:23:39 PM

LVRJ014

EXHIBIT 2



From: Arthur Kane <akane@reviewjournal.com>

Date: Thu, Apr 13, 2017 at 4:39 PM

Subject: OPEN RECORDS REQUEST WITH THE CORONER'S OFFICE

To: mary-anne.miller@clarkcountydade.com

Ms Miller:

I requested all autopsies for any deaths between 2012 and present of people younger than 18 years old from the Clark County Coroner's office this morning. The response is below. I do not see any legal citation to deny these records, the Coroner admits they're public just not available and they cite a privacy right which does not exist for deceased people.

Can you consult with them and let them know these are public documents that they are required to produce. Conversely, if you believe they are not, please cite a statute that exempts them from release.

Thanks,

art

--
Thanks,

Arthur Kane
Investigative Reporter
Las Vegas Review-Journal
702-383-0286
@arthurm Kane

Mr. Kane,

We do not autopsy all decedents who come to our office and unfortunately I am unable to list out which cases were autopsied compared to those that were not. We have 5 types of death (Homicide, Suicide, Accident, Natural, & Undetermined).

What I can give you is ALL deaths under the age of 18, that occurred *within our jurisdiction*. That definitely does not include ALL deaths that occurred in Clark County.

Autopsy reports are public records but not open to any member of the public for inspection, copying, and dissemination. The reasoning is that the reports contain medical information and confidential information about the deceased's body. There may be a situation when a particular report would be available for a particular party who has sufficient interest to justify access. AGO 82-12 (6-15-82). This decision may preclude the dissemination of an autopsy report to members of the decedent's immediate family without following the correct procedures of law, i.e., a court order. In that situation, it may be appropriate to require the decedent's family to sign a release form in exchange for the autopsy report.

Nicole Charlton

Administrative Secretary

Clark County Office of the Coroner/Medical Examiner

1704 Pinto Lane

Las Vegas, NV 89106

Nicole.Charlton@clarkcountynv.gov

Office: (702) 455-3210

Desk: (702) 455-1937


Fax: (702) 387-0092

--

Thanks,

Arthur Kane
Investigative Reporter
Las Vegas Review-Journal
702-383-0286
@arthurm Kane

EXHIBIT 3



From: **Laura Rehfeldt** <Laura.Rehfeldt@clarkcountyda.com>
Date: Fri, Apr 14, 2017 at 1:48 PM
Subject: Coroner Autopsy Reports
To: "akane@reviewjournal.com" <akane@reviewjournal.com>

Dear Mr. Kane,

I am responding to the email that you sent to Mary-Anne Miller yesterday evening relating to your request for all autopsy reports of deaths of juveniles for the past 5 years.

As I believe you are aware, the Nevada Attorney General, in Opinion No. 82-12, has opined that the autopsy report is a public record but not open to public inspection. The opinion setting forth the legal analysis of the attorney general is attached.

It is the practice of the Clark County Coroner to release the autopsy reports to the next of kin, if desired. It is my belief that the Nevada Supreme Court would agree with the practice of the Coroner.

Notably, there is legislation pending, AB57, which, if enacted, will specifically state to whom the Coroner may provide a report (parents, guardians, adult children or custodians of a decedent). The analysis behind this bill is also compatible with the current practice.

Earlier this year you requested death data consisting of names, dates of death, ages, locations of death, times of death and causes of death on all homicides since January 1, 2006. This information is open to the public, and the Coroner provided you spreadsheets containing that information going back to 2012. It is my understanding that yesterday the Coroner sent you the same data organized in the same fashion only pertaining to juvenile deaths in the past 5 years. Hopefully this will satisfy your inquiry.

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountyda.com

Clark County District Attorney | Civil Division

500 S. Grand Central Parkway, Las Vegas, NV 89106

T: [702-455-4761](tel:702-455-4761) | F: [702-382-5178](tel:702-382-5178)

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Thanks,

Arthur Kane
Investigative Reporter
Las Vegas Review-Journal
702-383-0286
@arthurm Kane

Westlaw

1982 Nev. Op. Atty. Gen. 47

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1982 Nev. Op. Atty. Gen. 47, 1982 Nev. Op. Atty. Gen. No. 12, 1982 WL 181273

(Nev.A.G.)

(Cite as: 1982 WL 181273 (Nev.A.G.))

Office of the Attorney General
State of Nevada

*1 Opinion No. 82-12
June 15, 1982

Autopsy Reports; Public Records--Strong public policy of confidentiality of medical information requires that **autopsy reports** not be available for public inspection.

Mr. Bill Curran
Clark County Counsel
Office of the District Attorney
Clark County Courthouse
Las Vegas, Nevada 89101

Dear Mr. Curran:

QUESTION

You have requested an opinion from this office as to whether an autopsy protocol is a public record which must be made available upon demand to any member of the public.

BACKGROUND

The office of the County Coroner is governed by Clark County Code Chapter 2.12 enacted pursuant to the authority of NRS 244.163. Under that code the County Coroner has a duty to determine the cause of death of 'any person reported to him as having been killed by violence, having suddenly died under such circumstances as to afford reasonable grounds to suspect or infer that death has been caused or occasioned by the act of another by criminal means, having died under circumstances affording reasonable grounds to suspect that the death has been occasioned by unnatural, unlawful, or suspicious means, or having committed suicide.' Among the deaths which must be investigated are accidental deaths, unattended deaths, deaths due to drowning, and deaths when the decedent had not been attended by a physician in the ten days before death (Clark County Code 2.12.060). If necessary to determine the cause of death an **autopsy**, including analysis of organs and tissues, may be undertaken. (Clark County Code 2.12.240).

An **autopsy** protocol consists of detailed findings of the pathologist in the course of the **autopsy** and contains detailed descriptions of the individual injuries found upon and within the body of the deceased, including any evidence of preexisting disease, and **reports** of all laboratory or technical tests performed. Thus, the **autopsy** protocol, sometimes referred to as the **autopsy report**, contains much information which is irrelevant to the final official determination of the cause of death which is entered into the 'Coroner's Register' and listed on the death certificate issued.

ANALYSIS

The statute governing public access to public records is NRS 239.010 which provides that:

1. All public books and public records of state, county, city, district, governmental subdivision and quasi-municipal corporation officers and offices of this state (and all departments thereof), the contents of which are not otherwise declared by law to be confidential, shall be open at all times during office hours to inspection by any person, and the same may be fully copied or an abstract or memorandum prepared therefrom, and any copies, abstracts or memoranda taken therefrom may be utilized to supply the general public with copies, abstracts or memoranda of the records or in any other way in which the same may be used to the advantage of the owner thereof or of the general public.

*2 2. Any officer having the custody of any of the public books and public records described in subsection 1 who refuses any person the right to inspect such books and records as provided in subsection 1 is guilty of a misdemeanor.

The first question which must be addressed is whether an autopsy protocol is a 'public record' for the purposes of this statute. 'Public record' has not been defined in Nevada by statute or by case law. Extensive research has uncovered but one decision by a sister state upon this precise question of public inspection of an autopsy report, but that case involved interpretation of a statute entirely different than NRS 239.010. Denver Publishing Co. v. Dreyfus, 184 Colo. 288, 520 P.2d 104 (1974). Other cases were concerned with criminal or civil discovery of autopsy reports, all of which were governed by a specific statute or ordinance, (People v. Preston, 13 Misc.2d 802, 176 N.Y.S.2d 542 (1958); Whitfield v. State, 492 S.W.2d 502 (Tex.App. 1973); Widziewicz v. Golding, 277 N.Y.S.2d 62 (1966); Walsh v. Beckman, 215 N.Y.S.2d 398 (1968); State v. Thompson, 338 P.2d 319 (Wash. 1959); Riordan v. Commercial Travelers Mutual Insurance Co., 525 P.2d 804 (Wash. 1974)), or with evidentiary questions, such as the admissibility of the **autopsy report** under public records hearsay exception (People v. Nisonoff, 45 N.Y.S.2d 854, 267 App.Div. 356 (1944); People v. Hampton, 38 A.D.2d 772, 327 N.Y.S.2d 961 (1972)) or whether the **autopsy report** was privileged (Travelers Inc. Co. of Hartford, Conn. v. Bergeron, 25 F.2d 680 (C.A. 8, 1928); Fleska v. John Hancock Mutual Life Insurance Co. of Boston, Mass., 144 Misc. 508, 259 N.Y.S. 35 (1932)).

It is therefore necessary to examine the common law (NRS 1.030). The generally accepted common law definition of a 'public record' is a record which is required to be kept pursuant to some law or is necessary to be kept in the discharge of a duty imposed by law. E.g., Mathews v. Pyle, 75 Ariz. 76, 251 P.2d 893 (1952); Council of Santa Monica v. Superior Court, 21 Cal.Rptr. 896 (1962); Nero v. Hyland, 76 N.J. 213, 386 A.2d 846 (1978); State v. State Board of Cosmetology, 49 Ohio St.2d 245, 361 N.E.2d 444 (1977). By this definition an autopsy protocol is a public record as the findings of an autopsy are required by regulation to be reduced to writing and filed (Clark County Code 2.12.240 and 2.12.250).

The inquiry does not end with this determination, however, as the public's right of inspection is not without qualification. First, if a public record is declared confidential by law access may be properly denied to the public. NRS 239.010. **Autopsy** protocols have not been expressly declared confidential by law but confidentiality of the protocol, or detailed findings of the **autopsy**, does appear to be implicitly, if not explicitly, required by the county code. The coroner is directed to file the findings of the **autopsy** in 'his records of the death of the deceased person' (Clark County Code 2.12.140) which file also includes witness' testimony, inquest information and other investigative **reports**. This material is used, among other things, to determine the cause of death. The official register, labeled 'Coroner Register,' sets forth the fulfillment of the coroner's statutory

duties including identification of the dead person, inventory of any personal property of the deceased, disposal of the remains, notification of the next of kin and the date and cause of death. (Clark County Code 2.12.050). Thus, the apparent intent is to have a register, open to public inspection, and a file containing detailed medical information maintained away from the public eye.

*3 The coroners of the Counties of Clark, Douglas and Washoe, all governed by substantially similar ordinances, have consistently held that the medical information in their files, including autopsy reports, to be of a confidential nature with restricted release. The construction of an ordinance by officials entrusted with its administration, while not controlling, is entitled to great weight. Board of School Trustees v. Bray, 60 Nev. 345, 357, 109 P.2d 274 (1941).

Second, the right of public inspection of public records is not absolute. Other states with public record statutes similar to Nevada's have concluded that, in addition to any express statutory exemption, public policy may constitute a ground for denial of public inspection. Northside Realty Associates v. Community Relations Commission, 241 S.E.2d 189, 191 (Ga. 1978); State ex rel. Newsome v. Alarid, 90 N.M. 790, 568 P.2d 1236, 1243 (1977); Papadopoulos v. State Board of Higher Education, 494 P.2d 260, 266 (Ore. 1972); MacEwan v. Holm, 359 P.2d 413, 421 (Ore. 1961); State v. Owen, 28 Wis.2d 672, 137 N.W.2d 470, 474 (1966), modified on denial of rehearing, 28 Wis.2d 672, 139 N.W.2d 241 (1966). Cf. City of St. Matthews v. Voice of St. Matthews, Inc., 519 S.W.2d 811, 815 (Ky.App. 1974) (expansion of common law right). The statutes are so closely analogous and the holdings so unanimous that this office considers them controlling. McLaughlin v. L.V.H.A., 68 Nev. 84, 227 P.2d 206 (1951). Furthermore, it is a recognized principle in this state that a strong public policy may require relief in the absence of, or contrary to, an express statute. County of Clark v. Christensen, 86 Nev. 616, 618, 472 P.2d 365 (1970); Mendive v. District Court, 70 Nev. 51, 253 P.2d 884 (1953).

There is in this state a strong public policy that the secrets of a person's body are a very private and confidential matter upon which any intrusion in the interest of public health or adjudication is narrowly circumscribed. Cf. NRS 441.110, 441.210 (reporting of venereal disease); NRS 49.245 (court-ordered examination partially privileged); NRS 49.235 (doctor-patient testimonial privilege). Of particular interest are NRS 629.021 and 629.061 which restrict the inspection of health care records containing 'information relating to the medical history examination, diagnosis or treatment' to the patient or his authorized representative and NRS 440.650 which restricts the release of a death certificate to a person who has a direct and tangible interest therein. While cognizant that public inspection is the rule and secrecy the exception, we can ascertain no public interest in disclosure sufficient to outweigh the public policy of confidentiality of personal medical information. The fact that a person dies in an accident, is drowned, or meets his death in any of a number of ways which may require an autopsy is no justification for enabling public knowledge of that which was closely guarded throughout his lifetime.

*4 There may, of course, be a situation when a particular report would be available for a particular party who has sufficient interest to justify that access. This access is, as always, available through the correct procedures of law. This opinion addresses solely the question of the inspection, copying and possible dissemination of an **autopsy report** by any member of the public.

CONCLUSION

1982 Nev. Op. Atty. Gen. 47 Page 4
1982 Nev. Op. Atty. Gen. 47, 1982 Nev. Op. Atty. Gen. No. 12, 1982 WL 181273
(Nev.A.G.)
(Cite as: 1982 WL 181273 (Nev.A.G.))

An **autopsy** protocol is a public record, but is not open to public inspection upon demand, because disclosure would be contrary to a strong public policy; the Coroner Register is open to public inspection. Furthermore, maintaining the confidentiality of the medical information contained in the protocol accords with the intent of the governing ordinances and the administrative interpretation thereof.

Sincerely,

Richard H. Bryan

Attorney General

By: Linda H. Bailey

Deputy Attorney General

1982 Nev. Op. Atty. Gen. 47, 1982 Nev. Op. Atty. Gen. No. 12, 1982 WL 181273
(Nev.A.G.)

END OF DOCUMENT

EXHIBIT 4

SENT VIA U.S. MAIL & EMAIL

May 23, 2017

John Fudenberg, D-ABMDI
Clark County Coroner
Clark County Office of the Coroner/Medical Examiner
1704 Pinto Lane
Las Vegas, Nevada 89106
Email: ncoleman@clarkcountynv.gov

Mary-Anne Miller
Clark County District Attorney's Office, Civil Division
500 S. Grand Central Parkway
Las Vegas, Nevada 89106
Email: mary-anne.miller@clarkcountynv.gov

Re: Public Records Act Request – Immediate Attention

Dear Mr. Fudenberg and Ms. Miller:

I am writing on behalf of the Las Vegas Review-Journal (the "Review-Journal") to address concerns regarding a recent request pursuant to Nevada's Public Records Act (NPRa) request seeking reports and other public records related to child fatalities in Clark County. While the Review-Journal appreciates the prompt response to the NPRa request, for the reasons set forth below, the Review-Journal is respectfully asking that the Clark County Coroner's Office provide the withheld records without delay.

The Request

Review-Journal reporter Arthur Kane sent the Clark County Coroner's Office an NPRa request on April 13, 2017 requesting all autopsies, notes, and other records between January 1, 2012 and the present pertaining to individuals who died when they were younger than 18 years of age.

Refusal to Provide Documents

On April 13, 2017, Nicole Charlton, an administrative secretary with the Clark County Coroner's Office replied by email and declined to provide the requested records. Ms. Charlton stated that

Autopsy reports are public records but are not open to any member of the public for inspection, copying, and dissemination. The reasoning is that the reports contain medical information and confidential information about the deceased's body. There may be a situation where a particular report would be publicly available for a particular party who has sufficient interest to justify access. AGO-82-12 (6-15-82).

This decision may preclude the dissemination of an autopsy report to members of the decedent's immediate family without following the correct procedures of law, i.e., a court order. In that situation, it may be appropriate to require the decedent's family to sign a release form in exchange for the autopsy report.

This response does not establish the heavy burden the Clark County Coroner's Office has under the NPRA to keep public records secret, and must provide all documents responsive to Mr. Kane's April 13 request without delay.

We must start with the premise that all governmental records are presumed to be public records, and a governmental entity who withholds documents bears a high burden to justify that decision. Pursuant to NRS 239.001(2)-(3), the provisions of the NPRA "must be construed liberally" to ensure the presumption of openness, and explicitly declares that any restriction on disclosure "must be construed narrowly." NRS 239.001(2)-(3). Subject to limited exceptions, "all public books and public records of a governmental entity [...] may be fully copied[.]" NRS 239.010. Unless declared to be confidential by another statute, under NRS 239.010, all documents and records generated by government entities are public records, and as such are to be made available for inspection and copying to whoever seeks access. As the Nevada Supreme Court noted in *Reno Newspapers, Inc. v. Gibbons*, 27 Nev. 873, 879, 882, 266 P.3d 623, 629 (2011), "the provisions of the NPRA place an unmistakable emphasis on disclosure."

In accordance with the presumption of openness and "emphasis on disclosure," both the NPRA and the Supreme Court place a high burden on a governmental entity to justify disclosure. First, the law requires that, if a governmental entity seeks to withhold or redact a public record in its control it must prove, by a preponderance of evidence that the record or portion thereof that it seeks to redact is confidential. See NRS 239.0113; see also *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 882, 266 P.3d 623, 629 (2011); accord *Nevada Policy Research Inst., Inc. v. Clark Cty. Sch. Dist.*, No. 64040, 2015 WL 3489473, at *2 (D. Nev. May 29, 2015). It is of note that, as a general matter, "[i]t is well settled that privileges, whether creatures of statute or the common law, should be interpreted and applied narrowly." *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) (citing *Ashokan v. State, Dept. of Ins.*, 109 Nev. 662, 668, 856 P.2d 244, 247 (1993)). This is especially so in the public records context: as noted above, any restriction on disclosure "must be construed narrowly." NRS 239.001(2)-(3).

Second, in addition to first establishing the existence of the privilege it asserts and applying it narrowly, unless the privilege is absolute, the governmental entity bears the burden of establishing that the interest in withholding documents outweighs the interest in disclosure pursuant to the balancing test first articulated in *Donrey of Nevada v. Bradshaw*, 106 Nev. 630, 798 P.2d 144 (1990). See *DR Partners v. Bd. of Cty. Comm'rs of Clark Cty.*, 116 Nev. 616, 621, 6 P.3d 465, 468 (2000) ("Unless a statute provides an absolute privilege against disclosure, the burden of establishing the application of a privilege based upon confidentiality can only be satisfied pursuant to a balancing of interests.") (considering and rejecting, *inter alia*, an assertion that documents at issue were subject to the predecisional process privilege); see also *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 879, 266 P.3d 623, 627 (2011) ("...when the requested record is not

explicitly made confidential by a statute, the balancing test set forth in *Bradshaw* must be employed” and “any limitation on the general disclosure requirements of NRS 239.010 must be based upon a balancing or ‘weighing’ of the interests of non-disclosure against the general policy in favor of open government”).

Further, in applying the *Donrey* balancing test, the burden remains squarely on the agency:

In balancing the interests . . . , the scales must reflect the fundamental right of a citizen to have access to the public records as contrasted with the incidental right of the agency to be free from unreasonable interference The citizen’s predominant interest may be expressed in terms of the burden of proof which is applicable in this class of cases; the burden is cast upon the agency to explain why the records should not be furnished.

Id. (quoting from *MacEwan v. Holm*, 226 Or. 27, 359 P.2d 413, 421–22 (1961) and citing *Bradshaw*, 106 Nev. at 635–36, 798 P.2d at 147–48). Here, the public interest in disclosure outweighs any interest in secrecy: the Review-Journal is investigating how child deaths are handled, which of course implicates important child welfare and public policy interests.

Although the Nevada Supreme Court has not addressed this precise issue, other courts have held that autopsy reports are public records. For example, in *Bozeman v. Mack*, 744 So.2d 34, 37 (La. App. 1 Cir. 1998), the Louisiana Court of Appeals held that under the Louisiana Public Records Act, “an autopsy report is a public record when it is prepared by a coroner in his public capacity as coroner.” See also *Everett v. S. Transplant Serv., Inc.*, 97–2992 (La. 2/20/98), 709 So.2d 764, (Supreme Court reinstated the trial court’s finding that a coroner’s records were public records); *Swickard v. Wayne Cty. Med. Exam’r*, 438 Mich. 536, 545, 475 N.W.2d 304, 308 (1991) (Autopsy report and toxicology test results prepared by the county medical examiner’s office were prepared “in the performance of an official function” and were “public records” for purpose of Freedom of Information Act); *Schoeneweis v. Hamner*, 223 Ariz. 169, 174, 221 P.3d 48, 53 (Ct. App. 2009) (holding that an autopsy report is a public record and not statutorily privileged under Arizona’s public records law).

Likewise, in *State ex rel. Findlay Publishing Co. v. Schroeder*, 76 Ohio. St. 3d 580, 583, 669 N.E.2d 835, 839 (1996), the Ohio Supreme Court has held that a county coroner’s records in which the cause of death was suicide were “unquestionably public records” under Ohio’s public records laws. The Colorado Supreme Court has also held that autopsy reports are public records, and may only be withheld from public inspection by application for a court order permitting refusal of disclosure on the ground of “substantial injury to the public interest.” *Denver Pub. Co. v. Dreyfus*, 184 Colo. 288, 295, 520 P.2d 104, 108 (1974) (en banc); accord *Freedom Newspapers, Inc. v. Bowerman*, 739 P.2d 881, 883 (Colo. App. 1987).

Moreover, several states have specifically designated autopsy reports as public records, and have placed limited restrictions on public access. See Ala. Code § 36-18-2 (designating autopsy reports as public records “open to public inspections at all reasonable times”); La. Rev. Stat. Ann. §

13:5713(K)(1) (providing that a coroner's autopsy report must be made available for public inspection and copying); N.C. Gen. Stat. Ann. § 132-1.8 (designating the text of official autopsy reports as public records); Ohio Rev. Code § 313.10 (providing that coroner's reports are public records, and providing specific mechanism for journalists to view preliminary autopsy reports, investigative notes and findings, suicide notes, or photographs of the decedent upon written request); Tenn. Code. Ann. § 38-7-110 (designating reports of the county medical examiners, toxicological reports and autopsy reports as public records).

Ms. Charlton's only authority for withholding the requested records is a 1982 Nevada Attorney General Opinion which was informed by the 1965 version of the NPRA. First, and quite obviously, an Attorney General Opinion does not have the force of law. Thus, the Coroner's office cannot rely on this opinion as authority for withholding the requested records.

Second, the opinion was based on the Attorney General's interpretation of the 1965 version of Nev. Rev. Stat. § 239.010, and lacked the robust protections for the right of access to public records that underpin the current version of the NPRA. Notably, the version of the NPRA the Attorney General relied on in issuing the 1982 opinion did not include Nev. Rev. Stat. § 239.0107, a provision of the NPRA first adopted in 2007 which delineates the process for requesting public records and the burden a governmental entity must satisfy in withholding such records.

Third and finally, the 1982 Opinion did not consider the public interest in disclosure of autopsy reports. As discussed above, the public interest in disclosure is great.

The Clark County Coroner's Office has failed to establish the existence of a privilege that protects the withheld documents responsive to Mr. Kane's April 13 request, or that any interest in withholding them outweighs the interest in disclosure. Please produce the documents without further delay.

Regards,



Margaret A. McLetchie

cc: file; Nicole.Charlton@clarkcountynv.gov; and Laura.Rehfeldt@clarkcountyda.com

1 VR1028

EXHIBIT 5

pharan@nvlitigation.com

From: maggie
Sent: Friday, May 26, 2017 11:41 AM
To: Laura Rehfeldt; pharan@nvlitigation.com
Cc: Nicole.Charlton@clarkcountynv.gov; Mary-Anne Miller; John Fudenberg; Arthur Kane; Karisa King
Subject: RE: Response to McLetchie Coroner PRA request

Thank you, Laura. Art Kane will be following up directly to request specific records in redacted format. Please feel free to communicate with him and other reporters / editors from the LVRJ directly.



ATTORNEYS AT LAW
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
www.nvlitigation.com

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From: Laura Rehfeldt [mailto:Laura.Rehfeldt@clarkcountynv.gov]
Sent: Friday, May 26, 2017 10:36 AM
To: pharan@nvlitigation.com; maggie <maggie@nvlitigation.com>
Cc: Nicole.Charlton@clarkcountynv.gov; Mary-Anne Miller <Mary-Anne.Miller@clarkcountynv.gov>; John Fudenberg <JFUD@ClarkCountyNV.gov>
Subject: Response to McLetchie Coroner PRA request

Good Morning,

Please see the attached correspondence to Ms. McLetchie. A copy will also be sent by U.S. Mail. Additionally, I will send the attachments to the correspondence in separate emails in a more legible format.

Thank you,

Laura C. Rehfeldt
Deputy District Attorney | Senior Attorney
Laura.Rehfeldt@clarkcountynv.gov
Clark County District Attorney | Civil Division
500 S. Grand Central Parkway, Las Vegas, NV 89106
T: 702-455-4761 | F: 702-382-5178

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From: pharan@nvlitigation.com [mailto:pharan@nvlitigation.com]
Sent: Tuesday, May 23, 2017 4:44 PM
To: ncoleman@clarkcountynv.gov; Mary-Anne Miller <Mary-Anne.Miller@clarkcountyda.com>
Cc: maggie <maggie@nvlitigation.com>; Nicole.Charlton@clarkcountynv.gov; Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>
Subject: Public Records Act Request – Immediate Attention

Good afternoon.

I am writing on behalf of Ms. McLetchie. Attached please find her correspondence dated today. A copy has also been sent by mail. Should there be questions or concerns, please contact the office at (702) 728-5300.

Thank you,
Pharan Burchfield
Paralegal



ATTORNEYS AT LAW
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101
(702)728-5300 (T) / (702)425-8220 (F)
www.nvlitigation.com

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CLARK COUNTY
OFFICE OF THE DISTRICT ATTORNEY
Civil Division

STEVEN B. WOLFSON
District Attorney

500 S. Grand Central Pkwy, Suite 5075 • Las Vegas, NV 89155 • 702-455-4761 • Fax: 702-382-5178 • TDD: 702-385-7486

MARY-ANNE MILLER
County Counsel

CHRISTOPHER LALLI
Assistant District Attorney

ROBERT DASKAS
Assistant District Attorney

JEFFREY WITTHUN
Director

May 26, 2017

VIA EMAIL AND U.S. MAIL

Margaret A. McLetchie
McLetchie Shell
Attorneys at Law
701 E. Bridger Ave., Suite 520
Las Vegas, NV 89101

Re: Public Records Request – autopsy reports on child deaths

Dear Ms. McLetchie:

I am responding to your letter dated May 23, 2017 addressed to Clark County Coroner John Fudenberg and County Counsel Mary-Anne Miller requesting autopsy reports, notes and other documentation of autopsies for child deaths performed by the Clark County Coroner since January 1, 2012, as per a request dated April 13, 2017 by Las Vegas Review Investigative Reporter Arthur Kane.

Please understand that the County takes its obligations under the NPRA seriously. Its position with respect to autopsy records is no different. One issue with these autopsy records, and related autopsy documentation, as you pointed out, is that the Nevada Supreme Court has not addressed whether or not they are public records, purely confidential, or a combination of public and confidential. Another issue, which is recognized in Attorney General Opinion No. 82-12, is that policy articulated through related subject matter in the NRS indicates that the type of information contained in these records is of confidential nature or warrants restricted release due to privacy issues. For example, as pointed out in the AGO, NRS Chapter 440 restricts the disclosure of data contained in vital statistics except as authorized by that chapter or the State Board of Health. See NRS 440.170. More specifically, NRS 440.650(2) states that the State Registrar shall not issue a certified copy of a record of death unless it is satisfied that the applicant has a direct and tangible interest in the manner recorded. Moreover, NAC 440.021(1)(b) states that the State Registrar may allow examination of a certificate if it is determined not to contain confidential information, or the disclosure would not constitute an unwarranted invasion of privacy which would result in irreparable harm to the person named on the certificate or members of the immediate family.

Also referenced in the AGO, is the confidentiality relating to communicable disease, which could be recorded in an autopsy report and autopsy related documentation. See NRS 441A.220. And, while the Coroner is not a covered entity under the Health Insurance Portability and Accountability Act of 1996, the policies relating to confidentiality of medical information

LVRJ031

must be considered when addressing the dissemination of autopsy reports and related documentation, which contain detailed medical information.

Another area of related subject matter is the child death review team, of which the Coroner is a representative, established by the legislature in 2003. NRS Chapter 432B provides for this multidisciplinary team and discusses in detail the confidentiality and privilege relating to records reviewed by this team. NRS 432B.407(1) and (6) state that the child death review team is entitled to access to autopsy reports, among other records, and information acquired by and the records of this team are confidential, must not be disclosed, are not subject to subpoena, discovery or introduction into evidence in any civil or criminal proceeding. Additionally, 432B.407(5) does not allow for the identification of any person that is the subject of the data collected by the team. Also compelling is NRS 432B.4095 which sets forth a civil penalty for disclosure of confidential information. While this privilege applies to the Coroner's participation on this team, the confidential treatment of the reports necessitates caution with respect to the release of autopsy reports and related documentation under the NPRA.

Most recently, the legislature passed AB57 which addresses the Coroner's obligations with respect to notifying the next of kin in accordance with NRS 451.024. That bill states that the Coroner may provide a copy of the report to the parents, guardians, adult children or custodians of a decedent, whether or not they have the right to the body under NRS 451.024. That bill has been signed by the Governor, goes into effect on July 1, 2017, and further recognizes privacy interests in information pertaining to a decedent and its family by specifically authorizing the release of autopsy reports to relatives of the decedent.

Thus, it is reasonable to assume that a court would find that the privacy interests in restricted release of these reports to the family of a decedent outweigh public disclosure. In fact, this approach is consistent with legislatures of other states that have exempt autopsy reports from public disclosure except when requested by law enforcement or the next of kin. See Mass. Ann. Laws ch. 38, § 2 (Massachusetts) (the chief medical examiner is required to promulgate rules for the disclosure of autopsy reports, which are deemed not to be public records, to those who are legally entitled to receive them such as next of kin); RSA 611-B:21,III (New Hampshire) (autopsy reports are confidential, but available to the next of kin, law enforcement, decedent's physician and organizations for education or research); N.D. Cent. Code § 23-01-05.5 (North Dakota) (autopsy reports are confidential but may be disclosed to certain specified persons such as next of kin); 63 O.S. § 949(D) (Oklahoma) (reports of medical examiner may be furnished to next of kin or others having need upon written statement); ORS § 146.035(5)(a) (Oregon) (autopsy reports are generally exempt from public disclosure except next of kin or person liable for the death may examine copies of the autopsy report); Utah Code Ann. § 26-4-17(3) (despite being confidential medical examiner shall deliver copies of reports to next of kin or decedent's physicians upon request); and Wash. Rev. Code Ann. § 68.50.105 (Washington) (autopsy reports are confidential, but available to certain specified persons such as family members, decedent's physicians or law enforcement).

You did not mention in your letter that the day after Mr. Kane made his request (on April 13, 2017) to the Coroner's Office for the autopsy reports, the Coroner's Office (on April 14, 2017) provided Mr. Kane death data on child deaths that is public record. This information is in spreadsheet format and consists of the Coroner case number, name of decedent, age of decedent, gender and race of decedent, date of death, location of death, manner of death and cause of

LVRJ032

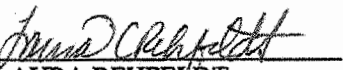
Margaret A. McLetchie
May 25, 2017
Page 3 of 3

death. (See Attachment A). These spreadsheets list the deaths of children reported to the Coroner's Office back to 2012. There is not an autopsy report for each one of these deaths. Additionally, Coroner John Fudenberg met in person with Mr. Kane on this issue on Sunday, May 7, 2017, and on May 9, 2017, Mr. Fudenberg provided a list of child deaths where an autopsy report was generated. This compilation goes back to 2011. (See Attachment B).

While reviewing the attached documentation, you might consider contacting the family of a decedent and obtain a release for the autopsy report. Further, if you identify a particular case, we may be able to consider redacting identifying information from an autopsy report. If you decide to pursue one of these alternatives, please let me know.

Sincerely,

STEVEN B. WOLFSON
DISTRICT ATTORNEY

BY: 
LAURA REHFELDT
Deputy District Attorney
Laura.Rehfeldt@ClarkCountyDA.com

LR:pv

cc via email:
Mary-Anne Miller, County Counsel
John Fudenberg, Clark County Coroner

LVRJ033

ATTACHMENT A

LVRJ034

Magnitude	Dust Fraction	Number of Stars	Distance (pc)	Masses of Dust Types A+B	Year	Notes
10-12	0.05	100	100	0.001	2017	

052

[illegible]

[illegible]054

Child Death

1998

[illegible]

Child Death

Psychiatrists for Veterans

LVRJ041

Abstracts in Danish, Accident, Horrific, For a, Sweden, Engineering
Advances in Design Types As
Year: 2016 Section: 25

060

061

Apr 13 2017

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LVRJ045

CLARK COUNTY CORONER / MEDICAL EXAMINER

Child Death

Manner of Death: Accident, Homicide, Natural, Suicide, Undetermined
 Manner of Death Type: All
 Year: 2017 Month: All

Case Number	Decedent Name	Decedent Age	Decedent Gender	Decedent Race	Date of Death	Location of Death	Manner of Death	Cause of Death
17-00333	Richard Paredes-Corona	17 Yrs	Male	Hispanic	01/08/2017	University Medical Center, PEDS ICU	Suicide	Gunshot wound to the head
17-00703	Koysha Ray	8 Yrs	Female	Black American	01/19/2017	University Medical Center	Undetermined	Carbon monoxide poisoning due to cutaneous thermal burn injuries
17-00902	Charles Juan	20 wks, 3 dy (G)	Female	Hispanic	01/25/2017	University Medical Center	Natural	Intrauterine Fetal Death due to Intrauterine Asphyxia of Unknown Etiology due to Twin Gestation
17-00903	Yordani Corona, Jr.	0 Days	Male	Hispanic	01/25/2017	St. Rose Hospital - Siona	Natural	Intrauterine Fetal Death due to Intrauterine Asphyxia of Unknown Etiology due to Twin Gestation
17-01073	Jazaya Williams	15 Yrs	Female	Black American	01/27/2017	University Medical Center	Accident	Burn Force Head Trauma
17-01113	Fallon Woodman	3 Mths 22 Days	Female	Caucasian	01/28/2017	Bedroom	Undetermined	Undetermined
17-01274	Victor Angel Bautista	16 Yrs	Male	Hispanic	01/31/2017	University Medical Center	Suicide	Hanging
17-01535	Gage Doucet	3 Mths 20 Days	Male	Multi-Cultural	02/07/2017	University Medical Center	Homicide	Burn head trauma due to Assault
17-01599	Jazmin Honorelo-Espino	11 Yrs	Female	Hispanic	02/08/2017	South Santhal Road & East Viking Road	Accident	Multiple blunt force trauma due to Pedestrian versus motor vehicle collision
17-01620	Jaelan Tolson Fajardo	16 Yrs	Male	Pacific Islander	02/08/2017	Sunrise Hospital	Accident	Burn force injuries
17-01634	Calvin Orlans	33.6 weeks (G)	Male	Caucasian	02/17/2017	Sunrise Hospital	Natural	Intrauterine Fetal Demise
17-01691	Bobby Boy Ross	22 weeks (G)	Male	Caucasian	02/17/2017	Henderson Hospital	Natural	Intrauterine Fetal Demise
17-01690	Mia Salvia Leyba	22 Days	Female	Caucasian	02/17/2017	Spring Valley Hospital	Accident	Suffocation
17-02017	Triss Coleman, Jr.	17 Yrs	Male	Black American	02/18/2017	University Medical Center	Homicide	Gunshot wound of the neck
17-02208	Harmony Ferguson	3 Days	Female	Caucasian	02/28/2017	Sunrise Hospital	Natural	Congenital Diaphragmatic Hernia due to Extreme Prematurity
17-02974	Kalid Michael Meyer	17 Yrs	Male	Caucasian	03/17/2017	Dirt road (Piscor Rd)	Accident	Mechanical asphyxia due to Being trapped under truck due to Multiple blunt force injuries of torso
17-03133	Adiaun Eaton	8 Days	Male	Black American	03/22/2017	University Medical Center	Accident	Intrauterine Fetal Demise due to Maternal F22
17-03395	Marcus Cleveland Thomas, Jr.	25 Days	Male	Black American	04/01/2017	University Medical Center	Homicide	Multiple gunshot wounds

1 of 1

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Apr 13, 2017

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LVRJ046

ATTACHMENT B

LVRJ047



CLARK COUNTY CORONER / MEDICAL EXAMINER

Under 18 Exams

May 5, 2017
7 of 24

Dates of death from Jan 1, 2011 to May 5, 2017

Exam Type	Cases
Autopsy	680
External Exam	150
Total	830

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
11-00078	Steven James Nagazyna	0	Autopsy	Sleep Apnea due to Prematurity (33 week gestation)	Natural
11-00080	Shelby Perez	14	External Exam	Hanging	Suicide
11-00118	Nicholas Basso	15	Autopsy	Gunshot Wound of the Head	Suicide
11-00583	Adriana Sweeney	1	Autopsy	Blunt Force Head and Chest Trauma	Homicide
11-00640	Kendell Kingman	15	Autopsy	Contact Perforating Gunshot Wound of Head	Undetermined
11-00692	Josiah Laguna	0	Autopsy	Acute Pneumonia due to Congenital Abnormality of the Great Vessels (Vascular Ring Abnormality)	Natural
11-00707	Knight Spencer	1	Autopsy	Undetermined	Undetermined
11-01169	Conner LeRoy Weir	0	Autopsy	Influenza (B) due to Kaposiform Hemangioendothelioma of the Mediastinum	Natural
11-01245	Alina Gardner	1	Autopsy	Congestive Brain Swelling with Scattered Bilateral Cerebral Subarachnoid Hemorrhages	Undetermined
11-01566	Mikie Alan Celis	16	Autopsy	Hanging	Suicide
11-01620	Anyela Gonzalez-Garcia	0	Autopsy	Positional asphyxia	Accident
11-01735	Tylasha Coleman	1	Autopsy	Hypoxic Brain Injury due to Cardiorespiratory Arrest due to Acute Cerebellitis due to Acute Disseminated Encephalitis	Natural
11-02082	Dayla Pizzoferrato	4	Autopsy	Gunshot Wound of the Head	Homicide
11-02329	Ja'Nasia Moore	0	Autopsy	Asphyxia in Bedding due to Bed sharing	Accident
11-02412	Donovan Antonio Smith	18	Autopsy	Hemoperitoneum due to Hepatic laceration due to Blunt Chest and Abdominal Trauma	Accident
11-02483	Messiah Brass	0	Autopsy	Undetermined due to Bed sharing	Undetermined
11-02595	Noah Berhe	1	Autopsy	Undetermined	Undetermined
11-02695	James Sirat	18	External Exam	Asphyxia due to Hanging	Suicide
11-02863	Moises Ruiz-James	3	Autopsy	Complications of Anoxic Encephalopathy due to Remote Near-Drowning Incident	Accident
11-02973	Omar Jimenez	18	External Exam	Atlanto-occipital fracture-dislocation	Accident
11-02974	Rocio Celaya	15	External Exam	Motor Vehicle Collision	Accident
11-03044	Cornelius Shanti Young	18	Autopsy	Gunshot Wound of the Chest	Homicide
11-03119	Erick Silveyra	2	Autopsy	Drowning	Accident
11-03211	Alexis Diaz	18	External Exam	Multiple Injuries due to Motor vehicle accident	Accident
11-03238	"Baby Boy" Lundby	0	Autopsy	Intrauterine Fetal Demise	Natural
11-03269	Kymanni Aedus McCray	0	Autopsy	Hydrocodone and Acetaminophen Intoxication	Accident
11-03325	Robert Ralph Roman, Jr	0	Autopsy	Abruption of Placenta due to Maternal Methamphetamine Intoxication	Accident
11-03351	Arturo Rubio Roa	1	Autopsy	Drowning	Accident
11-03363	Tara Robbins	17	External Exam	Gunshot wound of head	Suicide
11-03595	Heath Walton	17	Autopsy	Gunshot wounds of the chest and back	Homicide
11-03626	Manuel Philip Rios	16	Autopsy	Gunshot Wound of Left Chest	Homicide
11-03732	Brooks Hurst	17	Autopsy	Morphine Intoxication	Accident
11-03775	Christopher Saenz	17	External Exam	Gunshot wound of the head	Suicide
11-03926	Zaylon Andrews	0	Autopsy	Periventricular Leukoencephalopathy due to Pneumonia	Natural

May 5, 2017

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CLARK COUNTY CORONER / MEDICAL EXAMINER

Under 18 Exams

May 5, 2017
2 of 24

Dates of death from Jan 1, 2011 to May 5, 2017

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
11-03959	La'Niyah Pope	0	Autopsy	Undetermined	Undetermined
11-04062	Drew Digiovanni	16	External Exam	Shotgun Wound of Head	Suicide
11-04113	Nickolas David McCaulie	0	Autopsy	Undetermined due to Prone Sleeping Position on Soft Bedding	Undetermined
11-04167	Neacey Tavai	0	Autopsy	Asphyxia due to Suffocation	Accident
11-04209	Adrian Garcia	3	Autopsy	Blunt Head Trauma due to Assault	Homicide
11-04248	Mason Matthew Piper	0	Autopsy	Undetermined	Undetermined
11-04337	Christopher Isaac Colbert	18	Autopsy	Multiple Gunshot Wounds	Homicide
11-04365	Nicole Miller	12	Autopsy	Sepsis due to Staphylococcus aureus	Natural
11-04382	Jonathon Michael Ramos	15	Autopsy	Chlorodifluoromethane (Freon 22) Intoxication	Accident
11-04412	Randii Lennett Morrow	16	Autopsy	Gunshot Wound of the Face and Neck	Homicide
11-04417	Steve Medrano	1	Autopsy	Drowning	Accident
11-04440	Levi Centore	1	Autopsy	Post-Traumatic Encephalopathy (Per Neuropathology Consult) due to Remote, Blunt Force Trauma of Head	Homicide
11-04449	Jaylen Orey	0	Autopsy	Severe Traumatic Brain Injury due to Blunt Force Trauma of Head	Homicide
11-04531	Nathan Long	0	Autopsy	Asphyxia due to Overlay	Accident
11-04534	Alex Paula	18	Autopsy	Mixed Drug Intoxication	Accident
11-04724	Christopher Montgomery	6	Autopsy	Undetermined	Undetermined
11-04727	Jahvon Isaiah Bryan	0	External Exam	Extruterine Asphyxia due to Maternal Blunt Force Trauma due to Motor Vehicle Collision	Accident
11-04728	Jayden Elijah Bryan	0	External Exam	Intrauterine Asphyxia due to Maternal Blunt Force Trauma due to Motor Vehicle Collision	Accident
11-04784	Ashley Gaddis	17	Autopsy	Acute Oxycodone and MDMA Toxicity	Suicide
11-05047	Alexandra Grace Colin	17	External Exam	Hanging	Suicide
11-05332	Alfonso Gonzalez	18	Autopsy	Dilated Cardiomyopathy due to Methamphetamine Intoxication	Accident
11-05333	Brodie Aschenbrenner	2	Autopsy	Acute Peritonitis due to Duodenal Transection due to Blunt Force Injury of Abdomen due to Acute Mild Traumatic Brain Injury due to Blunt Force Injury of Head	Homicide
11-05564	Kristin Woodworth	14	External Exam	Hanging	Suicide
11-05739	Marie Siragusa	8	Autopsy	Drowning	Accident
11-05839	David Donato	17	Autopsy	Focal Left Ventricular Dysplasia/Disarray due to Opiate and Alprazolam Intoxication	Accident
11-05947	Gilbert R. Gonzales	17	Autopsy	Gunshot Wound of the Torso, Neck, and Face	Homicide
11-06029	Joel Benavides	18	External Exam	Asphyxia due to Hanging	Suicide
11-06108	Letrevious D Adams	17	Autopsy	Idiopathic Seizure Disorder	Natural
11-06120	Benjamin Akira Yatsu	15	External Exam	Traumatic brain injury due to Blunt force motor vehicle versus pedestrian trauma due to Pulmonary contusions	Accident
11-06121	Brayden Grusman-Buckmaster	5	Autopsy	Non-Accidental Head Trauma	Homicide
11-06220	Armani Mota	0	Autopsy	Congenital Cardiopulmonary Defects	Natural
11-06596	Trevion Alexander	16	Autopsy	Incised Wound of Left Chest/Abdomen	Homicide
11-06611	Andrew Hernandez	0	Autopsy	Suffocation due to Positional asphyxia with overlying bedding	Accident
11-06926	Julian Covarrubias Dimas	18	Autopsy	Gunshot Wound of the Chest	Homicide
11-07027	Victoria Zamora	0	Autopsy	Positional Asphyxia due to Being Found Prone in Adult Bedding	Accident
11-07083	Dyon Johnson	1	Autopsy	Blunt Head Trauma due to Child Abuse	Homicide

May 5, 2017

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LVRJ049



CLARK COUNTY CORONER / MEDICAL EXAMINER

Under 18 Exams

May 5, 2017
1 of 24

Dates of death from Jan 1, 2011 to May 5, 2017

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
11-07170	Zachariah Arevalo	0	Autopsy	Sudden Infant Death Syndrome	Natural
11-07347	Buffy Lynette Mintum	16	Autopsy	Morphine Intoxication	Accident
11-07506	Jax Savello	0	Autopsy	Asphyxia in Bedding	Accident
11-07547	Denica Denisse Zaragoza	14	External Exam	Gunshot Wound of the Head	Suicide
11-07734	Alyssa Otremba	15	Autopsy	Multiple Stab Wounds	Homicide
11-07751	Andrew Pierce, Jr.	6	Autopsy	Acute Asthma Exacerbation	Natural
11-07951	Adryan Mendoza	0	Autopsy	Pulmonary Vascular Congestion and Edema due to Viral Bronchopneumonitis due to Prone on Soft Bedding, Co-Sleeping, Clinical History of Apnea of Prematurity	Accident
11-07970	Ewien Cruz-Diaz	5	Autopsy	Drowning	Accident
11-08119	Christian Lee Novak	16	Autopsy	Acute morphine intoxication	Accident
11-08144	Martin Jefferson, Jr.	17	Autopsy	Gunshot Wound of the Neck	Homicide
11-08172	Malayah Taylor	3	Autopsy	Blunt Head Trauma due to Compression by Heavy Table	Accident
11-08376	Rhovin Rusty Morales Almonte	14	Autopsy	Gunshot Wound of Head	Suicide
11-08391	Robert Eugene Martin IV	5	Autopsy	Gunshot wound of the chest	Homicide
11-08402	Kevin Hudgens	16	Autopsy	Gunshot Wound of the Head, Contact Range	Suicide
11-08411	Aron Seifu	0	Autopsy	Blunt Force Injuries	Homicide
11-08465	Kyle Thomas High	18	External Exam	Gunshot Wound of the Head	Suicide
11-08471	James P. Robinson, Jr.	15	External Exam	Gunshot Wound of the Head	Suicide
11-08592	Sahrynity Taylor	0	Autopsy	Viral Bronchopneumonitis due to Co-Sleeping	Accident
11-08853	Jonathan Ryan VanSyckle	15	External Exam	Shotgun Wound of Head, Contact Range	Suicide
11-09074	Carl Mecom, Jr.	14	External Exam	Cervical Fracture-Dislocation due to Go-Cart Accident	Accident
11-09202	Jerick A. Goering	17	Autopsy	Drowning	Accident
11-09247	Amelia Paige Decker	6	External Exam	Multiple Injuries due to Motor Vehicle Striking Pedestrian	Accident
11-09372	Cory Anderson	17	Autopsy	Cardiac Arrhythmia due to Physical Exertion (running)	Natural
11-09387	Davon L. Hart	0	Autopsy	Drowning due to Caretaker Neglect	Homicide
11-09415	Brady Caipa	17	Autopsy	Mechanical Asphyxia and Positional Asphyxia due to Acute Ethanol Intoxication	Accident
11-09429	Lucas Ruiz-Brenes	15	External Exam	Blunt Head Trauma due to Pedestrian in Collision with Motor Vehicle	Accident
11-09463	Faith Monet Love	12	External Exam	Multiple Blunt Force Motor Vehicle versus Pedestrian Trauma	Accident
11-09477	Jade Iwalani Carroon	0	Autopsy	Undetermined	Undetermined
11-09697	Ezekiel Gerson-Green	0	Autopsy	Multiple Congenital Anomalies due to Abruptio Placentae, Maternal Methamphetamine and Methadone Use	Accident
11-09932	Jacques Deshawn Glass, II	0	Autopsy	Positional Asphyxia due to Overlay	Accident
11-10028	Sabrina Seldivar	3	Autopsy	Stab Wounds of the Chest	Homicide
11-10277	David Aguilar	1	Autopsy	Drowning	Accident
11-10547	Francisco Flores	17	External Exam	Multiple Blunt Force Bicycle Trauma	Accident
11-10811	Kameron Asgari	10	Autopsy	Gunshot Wound of the Head	Suicide
11-10952	Marina Momcheva	13	Autopsy	Gunshot wound of the head	Suicide
11-11145	James Watkins	4	Autopsy	Acute Morphine, Hydrocodone, and Dextromethorphan Toxicity due to Sickle Cell Disease	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
11-11245	Jhalon Glass	18	Autopsy	Gunshot wounds of the head and chest	Homicide
11-11348	Keaton Beverly	18	External Exam	Hanging	Suicide
12-00018	Mayra Lorena Verduzco	17	External Exam	Multiple blunt force motor vehicle trauma	Accident
12-00020	Anuar Campo	18	Autopsy	Acute Heroin and Cocaine Toxicity	Accident
12-00129	Nigel Johnson	0	Autopsy	Undetermined	Undetermined
12-00423	Joseph Boxley, Jr.	0	Autopsy	Undetermined	Undetermined
12-00446	Betty Jean Pinkney	17	Autopsy	Gunshot Wound of the Chest	Homicide
12-00581	Christopher Jacob Dodd	2	Autopsy	Intracranial Hemorrhage and Vascular Malformation due to Chromosome 10 Distal Trisomy Syndrome	Natural
12-00692	Josiah Hunter	15	Autopsy	Hypoxic-Ischemic Encephalopathy due to Near Drowning	Accident
12-00753	David Alexander Flores	0	Autopsy	Suffocation due to Co-Sleeping and Overlying Bedding	Accident
12-00823	Christopher Schenker	17	Autopsy	Restrictive Lung Disease due to Severe Scoliosis, Thoracolumbar Spine due to Remote Gunshot Wound of Neck	Homicide
12-00835	Sierra May Tate	6	Autopsy	Bronchopneumonia due to Clinical History of Down Syndrome	Natural
12-00886	Anjellica Adams	0	Autopsy	Asphyxia due to Occlusion of the Mouth by a Plastic Bag	Accident
12-01035	Isaiah Jordan Soriano	18	External Exam	Blunt Force Trauma of Chest due to Motor Vehicle Collision with Bicyclist	Accident
12-01139	Emmanuel Mercado	12	Autopsy	Peritonitis due to Ruptured Appendix due to Acute Appendicitis due to Medical Neglect	Homicide
12-01291	Raymond Esquivel	0	Autopsy	Suffocation (Positional Asphyxia)	Accident
12-01391	Alvaro DeJesus-Nolasco	16	External Exam	Hanging	Suicide
12-01437	Rahrico Hatcher	0	Autopsy	Sudden Infant Death Syndrome	Natural
12-01447	Kalib Troutman	8	Autopsy	Blunt Head Trauma due to Motor Vehicle Striking Pedestrian	Accident
12-01515	Frank Wiest	18	Autopsy	Close-range Gunshot Wound of the Head/Face	Homicide
12-01561	Oriando Andre Morris, Jr.	2	Autopsy	Undetermined	Undetermined
12-01580	Kryszal Macias	0	Autopsy	Asphyxia	Accident
12-01615	Baby Girl Godfrey	0	Autopsy	Preterm Labor due to Acute Chorioamnionitis due to Maternal Methamphetamine Use	Accident
12-01631	Jose Conde-Gonzalez	17	External Exam	Blunt Head Trauma due to Motor Vehicle versus Pedestrian Collision	Accident
12-01897	Rayoa Dawn Forsgren	0	Autopsy	Abusive Head Trauma	Homicide
12-02040	Liam Jones-Sailor	0	Autopsy	Respiratory Syncytial Virus (RSV) Infection due to Positional Asphyxia	Accident
12-02048	Desiree Chandler	17	External Exam	Blunt force injury of head and pelvis due to Jump from moving bus	Suicide
12-02133	"Baby Girl" Schumacher	0	Autopsy	Prematurity due to Placental Abruption due to Maternal Methamphetamine Intoxication	Accident
12-02400	Kyla Frank	6	Autopsy	Stab wounds of the neck and chest	Homicide
12-02497	Kioni Bacon	0	Autopsy	Bronchopneumonia due to Periventricular Leukomalacia with Cerebral Atresia due to Extreme Prematurity and Hepatic Cirrhosis	Natural
12-02571	Kaylee Renee Derks	11	External Exam	Multiple blunt force trauma due to Bus collision with pedestrian child	Accident
12-02611	Steven Ronald Boyd-Cummins	18	Autopsy	Cardiomyopathy (Not Otherwise Specified) due to Opiate Intoxication	Accident
12-02807	Zaryan Jones	0	Autopsy	Hypoxic-Ischemic Encephalopathy due to Cardiac Arrest of Undetermined Etiology	Undetermined
12-02848	Christopher Kaspar	4	Autopsy	Diabetic Hyperglycemic Ketoacidosis due to Acute Type I Diabetes Mellitus due to Agonal Bacteremia	Natural
12-02959	Briana Heath	8	Autopsy	Tracheobronchitis and Mild Interstitial Pneumonia with Alveolar Edema due to Influenza (H3 Subtype) Viral Infection due to Lymphoplasmaeytic Eosinophilic Colitis	Natural
12-02962	Damaji Nathan Lynn Johnson	12	Autopsy	Sarcoidosis, Lung and Liver due to Aspiration versus Agonal Aspiration, Gastric Content	Natural

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
12-02965	Demarius Aisenat	0	Autopsy	Positional Asphyxia due to Focal Cerebellar Neuronal Heterotopia due to In Utero Methamphetamine Exposure	Accident
12-03079	Alberto Paredes	18	External Exam	Blunt Head Trauma due to Motor Vehicle Accident	Accident
12-03156	Mythriel de Galadriel Reitz	7	External Exam	Blunt force injury of abdomen	Accident
12-03258	J'Mott Lamont Morris	1	Autopsy	Undetermined	Undetermined
12-03356	Spencer Melvin	9	Autopsy	Hypertrophic Cardiomyopathy due to Acute and Chronic Bronchitis	Natural
12-03458	Beau Braiden Green	17	External Exam	Blunt Force Injuries	Accident
12-03543	Karla Martinez	10	Autopsy	Multiple Blunt Force Injuries due to Assault	Homicide
12-03606	Michael Charles Westphal	18	External Exam	Gunshot Wound of the Head	Suicide
12-03680	Stephanie Rodriguez	16	External Exam	Blunt Head Trauma due to Motor Vehicle Accident	Accident
12-03936	Brandon Dennis	0	Autopsy	Meconium Aspiration due to Premature Rupture of Membranes due to Maternal Methamphetamine Intoxication due to Placental Abruption/Placenta Previa	Accident
12-03971	Jeremiah Eskow-Shahan	1	Autopsy	Blunt Force Injuries of Head and Neck due to Canine Attack	Accident
12-04307	Kadenecio Magdaleno	0	Autopsy	Undetermined	Undetermined
12-04442	Cesar Aguilar	16	Autopsy	Enterococcus Faecalis Sepsis due to Acute Lymphocytic Leukemia Status Post Chemotherapy and Radiation	Natural
12-04485	Isaac Sam Polu	16	External Exam	Multiple Blunt Force Motor Vehicle Trauma	Accident
12-04533	Sherlyn Martinez-Alvarez	3	Autopsy	Drowning	Accident
12-04543	Bryan Navarro	17	External Exam	Multiple Injuries due to Motor Vehicle Striking Pedestrian	Accident
12-04613	Lyndsey Paige Le Blanc	0	Autopsy	Suffocation due to Prone Sleeping on Soft Bedding	Accident
12-04656	Valeryne Pendergast Turnland	0	Autopsy	Positional Suffocation	Accident
12-04779	Breana Lynn Carasik-McGee	18	Autopsy	Gunshot Wounds of the Head	Homicide
12-04795	Luz Estrada Marroquin	0	Autopsy	Intrauterine Demise due to Maternal Methamphetamine Use	Accident
12-04824	Corea Li Sharpless	0	Autopsy	Abruptio Placentae due to Acute Maternal Methamphetamine Toxicity	Accident
12-04917	Tristan Prime	6	Autopsy	Anoxic Encephalopathy due to Drowning due to Aspiration Pneumonia due to Drowning	Accident
12-04930	Chad Lee Moutray	0	Autopsy	Intrauterine Fetal Asphyxiation (16-18 weeks) due to Undetermined Etiology	Undetermined
12-05014	Evan Alexander Ronca	0	Autopsy	Asphyxia (Smothering) due to Bedding Over Face due to Acute Methamphetamine Exposure, Recent Methadone Withdrawal Program, Prematurity with Developmental Delay	Accident
12-05016	Fetus Salgado	0	Autopsy	Extreme Prematurity due to Placental Abruption due to Maternal Methamphetamine Use	Accident
12-05349	Jacob D. Burr	0	Autopsy	Asphyxia (Smothering) due to Human Influenza B Virus Detected, Posterior Nasopharynx	Accident
12-05359	Daniel Rodabaugh	0	Autopsy	Undetermined	Undetermined
12-05367	I'Nyah Sarai Patton	1	Autopsy	Asphyxia due to Dislodged Ventilator Tube due to Ventilator Dependent Respiratory Failure due to Beare-Stevenson Cutis Gyrate Syndrome, and Staphylococcus Epidermidis Infection	Accident
12-05561	Skylar Lafia	2	Autopsy	Inhalation, Products of Combustion due to House Fire	Undetermined
12-05562	David Gouailhardou	2	Autopsy	Inhalation, Products of Combustion due to House Fire	Undetermined
12-05563	Aryana Lafia	1	Autopsy	Inhalation, Products of Combustion due to House Fire	Undetermined
12-05564	Jacob Carter	1	Autopsy	Drowning	Accident
12-05703	Peyton William James Klingenberg	0	Autopsy	Asphyxia due to Occlusion of Airway by Bedding	Accident
12-05806	Benjamin Misch	14	Autopsy	Drowning due to Ethanol Intoxication	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
12-06138	Krystal Esperza	9	External Exam	Multiple Blunt Force Injuries due to Motor Vehicle Rollover	Accident
12-06174	Albert Wang	0	Autopsy	Cardiopulmonary Arrest due to Pulmonary Hypoplasia due to Acute and Chronic Effects of Diaphragmatic Hernia due to Rotavirus Infection	Natural
12-06270	Angel Gabriel Hernandez	2	Autopsy	Drowning	Accident
12-06364	Athena Angelie Siobal-Harris	1	Autopsy	Drowning	Accident
12-06510	Ava Monroe Perez	0	Autopsy	Suffocation due to Bed Sharing and Co-Sleeping	Accident
12-06519	Erick J. Saravia Hernandez	7	External Exam	Multiple blunt force motor vehicle trauma	Accident
12-06541	Joseph David Flanagan	13	External Exam	Gunshot wound of head	Suicide
12-06587	Zachary Fox	3	External Exam	Multiple blunt force motor vehicle trauma	Accident
12-06670	Abraham Edwards	1	Autopsy	Undetermined	Undetermined
12-06711	Donnie Lee Johnson	0	Autopsy	Suffocation due to Soft Bedding and Impaired Motor Neuronal Development due to Smith-Magenis Syndrome due to Early Bronchopneumonia and Clinical History of Laryngomalacia	Accident
12-06820	Adrian Leonard	0	Autopsy	Intrauterine Demise due to Acute Maternal Drug Intoxication (Opiates, Benzodiazepines) due to Folate Deficiency due to Minimal Prenatal Care	Accident
12-06888	Liliana Michelle Margaretis	16	Autopsy	Undetermined	Undetermined
12-06890	Michael Mads Cobarruvia	0	Autopsy	Undetermined	Undetermined
12-06958	Sergio Gauna	18	Autopsy	Gunshot Wound of the Torso	Homicide
12-07069	Baby Boy Forstorkmaker	0	Autopsy	Intrauterine Demise, Stillborn Male due to Acute Morphine Intoxication due to Acute Maternal Heroin Intoxication due to Chronic Maternal Heroin Abuse	Accident
12-07159	Armando Galaviz	16	Autopsy	Acute Ethanol Toxicity due to Suffocation due to Positional Asphyxia	Accident
12-07489	Vishon Littleton	0	Autopsy	Positional Asphyxia due to Seizure Disorder due to Prematurity	Accident
12-07539	Angel Matthew Roman	0	Autopsy	Intrauterine Asphyxiation due to Placental Abruption due to Maternal Methamphetamine Use	Accident
12-07677	Daniel Harrison Townsend	17	External Exam	Closed head injury due to Motorcycle roll-over	Accident
12-07708	William Mootz	17	Autopsy	Drowning due to Blunt force injury of head	Accident
12-07814	James Nathan Adkins-Albright	0	Autopsy	Placental Abruption due to Methamphetamine Intoxication	Accident
12-07909	Fetus White	0	Autopsy	Intrauterine Fetal Demise due to Acute Chorioamnionitis and Funisitis	Natural
12-07981	Rafael Rodrigues	18	Autopsy	Methadone Intoxication	Accident
12-08198	Scarlett Christensen	1	Autopsy	Anoxic Encephalopathy due to Drowning	Accident
12-08244	Mason Strauso	1	Autopsy	Aspiration Pneumonitis due to Viral Pneumonitis (Adenovirus)	Natural
12-08329	Kelin Soto Cerros	0	Autopsy	Suffocation due to Prone Sleeping on Soft Bedding due to Bed Sharing and Co-Sleeping	Accident
12-08371	Baby Boy Wickard	0	Autopsy	Prematurity due to Premature Rupture of Membranes due to Chorioamnionitis and Funisitis	Natural
12-08590	David Michael Hampton Holloway	0	Autopsy	Undetermined	Undetermined
12-08832	Baby Girl Villalobos	0	Autopsy	Intrauterine Fetal Demise due to Chorioamnionitis and Funisitis	Natural
12-08838	Minion Kentrell Jackson	13	Autopsy	Carbon Monoxide Intoxication due to Smoke Inhalation due to House Fire	Accident
12-09068	Tyler Nathan Burhans	18	Autopsy	Acute Oxycodone and Methadone Toxicity	Accident
12-09400	Baby Girl Burke	0	Autopsy	Intrauterine Fetal Demise	Natural
12-09572	Baby Boy Swanson	0	Autopsy	Intrauterine Fetal Demise	Natural
12-09617	Marlei Mahuiztl	16	External Exam	Multiple Blunt Force Motor Vehicle Trauma	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
12-09699	Justice Chance Schilz	0	Autopsy	Osteogenesis Imperfecta Type II due to Congenital Abnormalities, Prematurity, Placental Abruption, and Maternal Methamphetamine Use	Accident
12-09820	Demari Simms	3	External Exam	Hypoxic brain injury due to Cardiopulmonary arrest due to Status asthmaticus	Natural
12-09899	Sabrina Cagauan	0	Autopsy	Mechanical Asphyxia	Accident
12-09962	Baby Girl Nunley	0	Autopsy	Prematurity due to Placental Abruption due to Maternal Methamphetamine and Cocaine Intoxication	Accident
12-09963	Erica Rodriguez Reynolds	17	Autopsy	Undetermined Causes due to Intrauterine Pregnancy, Antithrombin III Deficiency	Undetermined
12-09995	Alexander Renteria	0	Autopsy	Seizure Disorder due to Fever (103.8) due to Prematurity	Natural
12-10127	Cheyenne Hughes	16	Autopsy	Multiple Drug (Amphetamine, Bupropion, and Venlafaxine) Intoxication	Suicide
12-10133	Seth Kaimana Pj Gonsalves	12	External Exam	Asphyxia due to Hanging	Suicide
12-10292	Isabelle Vorrett	0	Autopsy	Intra-Uterine Demise, Black American Female Fetus (Etiology Unknown)	Natural
12-10400	James Hughes	1	Autopsy	Congenital Heart Defect due to Complications of Prematurity	Natural
12-10467	Ethan Cline	16	Autopsy	Multiple Drug (Heroin and Alprazolam) Intoxication	Accident
12-10468	Wyatt Jefferson Hamilton	0	Autopsy	Hypoxic encephalopathy due to Positional Asphyxia	Accident
12-10470	Ryleigh Barbour	0	Autopsy	Prematurity	Natural
12-10592	Leonardo Lopez	0	Autopsy	Positional Asphyxia	Accident
12-10635	Darius Dquan Winbush	18	External Exam	Contact perforating gunshot wound of head	Suicide
12-10792	Eric Lamont Patraw-Bosley	0	Autopsy	Chorioamnionitis and Funisitis	Natural
12-10829	Asher Young	1	Autopsy	Acute Bronchopneumonia due to Adenovirus Influenza	Natural
12-10925	Roderick Arrington Jr.	7	Autopsy	Blunt Head Trauma due to Assault	Homicide
12-10952	Izabella Marie Brown	2	Autopsy	Asphyxiation due to Choking due to Foreign Body (Plastic Toy) Lodged in Laryngeal Airway	Accident
12-11081	Destiny Marie Bada	3	Autopsy	Viral Myocarditis	Natural
12-11172	Eddie Ruiz	16	External Exam	Multiple blunt force motor vehicle trauma	Accident
12-11195	Ivan Salcido	8	Autopsy	Bronchopneumonia and Streptococcal Septicemia	Natural
12-11501	Savannah Gibbs	11	Autopsy	Left tension pneumothorax due to Dislodgement of indwelling tracheostomy tube, and aspiration of blood, right lung due to Upper respiratory hemorrhage from tracheostomy tube due to Intrauterine hypoxic event with subsequent cerebral palsy	Natural
12-11538	Joshua T. Lockwood	17	Autopsy	Hypoxic-Ischemic Encephalopathy due to Cardiopulmonary Arrest due to Acute Morphine Toxicity	Accident
12-11765	Jade Morris	10	Autopsy	Multiple stab and incised wounds	Homicide
12-11918	Levi Thomas	9	Autopsy	Ligature Hanging	Accident
13-00013	Vanessa Lara	11	Autopsy	Cardiac Tamponade due to Hemopericardium due to Aortic Laceration due to Blunt Chest Trauma	Accident
13-00018	Baby Boy Neathory	0	Autopsy	Asphyxiation due to Abruptio Placenta due to Maternal Methamphetamine Intoxication	Accident
13-00051	Jesse Hill	18	External Exam	Multiple Injuries due to Motor Vehicle Striking Pedestrian	Accident
13-00139	Kylie McGahan	1	Autopsy	Compression Asphyxia due to Wedging	Accident
13-00143	Estevan Ramirez	16	Autopsy	Crushing Torso Injuries due to Crane Accident	Accident
13-00387	Haji Mohamud	14	Autopsy	Gunshot Wound of the Head	Homicide
13-00464	Emily Kay	3	Autopsy	Multiple Injuries due to Motor Vehicle Accident	Accident
13-00506	Tristan Verne Ables	17	External Exam	Blunt force injuries of head and torso due to Positional asphyxia	Accident
13-00519	Sullivan Bradley Mainor	9	Autopsy	Asphyxia due to Neck Compression by Elastic Band	Accident
13-00708	Justin Espino	0	Autopsy	Infectious (Staphylococcus aureus) Pneumonitis due to Infectious (Influenza A) Pneumonitis	Natural

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
13-00719	Maximilian Michael Walters	5	Autopsy	Gunshot Wound of the Head	Homicide
13-00948	Alisha Grace Ford	0	Autopsy	Suffocation due to Unsafe Sleeping Position and Arrangement due to Enlarged Heart (Per Clinical Record), Early Acute Bronchopneumonia	Accident
13-01003	Baileigh Potlock	0	Autopsy	Cardiac Tamponade due to Right Atrial Perforation by Intravenous Catheter	Accident
13-01083	Lilliana Marie Garnica	4	Autopsy	Organizing Bronchopneumonia with Empyema due to Cleft Lip, Congenital Malformation, Midline Maxillary Structure due to Cerebral Edema, Congenital Malformation, Brain	Natural
13-01425	Francisco Manuel Molina-Padilla	15	Autopsy	Hemorrhagic Shock due to Splenectomy due to Persistent Thrombocytopenia due to Pro-B-Cell Acute Lymphoblastic Leukemia (In Remission, Status Post Chemotherapy) with Persistent Thrombocytopenia, and Renal Failure	Accident
13-01466	David Leu	10	Autopsy	Hypoxic-Ischemic Encephalopathy due to Hanging	Suicide
13-01518	Jayla McCollum	5	Autopsy	Influenza B Pneumonia	Natural
13-01527	Shara Jimenez	0	Autopsy	Intrauterine Fetal Demise due to Acute Chorioamnionitis due to Incompetent Cervical Os	Natural
13-01668	Riley N. Matrix	0	Autopsy	Asphyxia due to Head Dystocia during Breech Presentation Vaginal Delivery of Twin Pregnancy	Natural
13-01733	Miracle Moya Shelley	0	Autopsy	Unbalanced Atrioventricular Septal Defect	Natural
13-01773	Tyler Gardner	0	Autopsy	Positional/Mechanical Asphyxia	Accident
13-02041	Austin Robinson	18	Autopsy	Contact penetrating gunshot wound of head	Suicide
13-02045	Matthew David Hose	16	Autopsy	Severe, Fibrinous Pericarditis due to Organizing Bronchopneumonia due to Clinical History: Crohn's Disease, Lower Gastrointestinal (Colonic) Hemorrhage, Chronic Corticosteroid Therapy	Natural
13-02052	Jose Gael Solis-Soto	9	Autopsy	Transverse Myelitis (Per Neurology Consultation)	Natural
13-02151	Kaleb Osbahr	0	Autopsy	Positional Asphyxia	Accident
13-02172	Michael Enamorado	0	Autopsy	Acute Methamphetamine Intoxication	Accident
13-02173	Jeff Enamorado	0	Autopsy	Acute Methamphetamine Intoxication	Accident
13-02479	Robert Lee Brown	15	External Exam	Multiple blunt force motor vehicle trauma	Accident
13-02560	Landon Mitchell	0	Autopsy	Sudden Infant Death Syndrome (SIDS)	Natural
13-02665	Janya Chinn	0	Autopsy	Non-Accidental Head Trauma due to Blunt Force Injury of Torso	Homicide
13-02732	Alexis Monasterio	17	Autopsy	Multiple Blunt Force Motor Vehicle Trauma	Undetermined
13-03143	Gabriel Alexander Scott-Martinez	0	Autopsy	Anoxic brain injury due to choking on toy	Accident
13-03179	Angela Sandoval	13	External Exam	Multiple blunt force motor vehicle trauma	Accident
13-03181	Lorenzo Eugene Nabors, Jr.	0	Autopsy	Asphyxia in Bedding	Accident
13-03271	Alexis Gomez Bautista	17	External Exam	Blunt force craniocervical and chest trauma due to Pedestrian versus motor vehicle collision	Accident
13-03307	Censere Cenyai-Victoria Mosley-Wedemeyer	6	External Exam	Blunt force injuries of head and torso	Accident
13-03333	Jaycob Eley	0	Autopsy	Asphyxia due to Smothering due to Sleeping Position and Bedding due to Spina Bifida	Accident
13-03378	Christina Tyler Cowan	0	Autopsy	Intrauterine Fetal Demise	Natural
13-03444	Tanner McKay Salisbury	0	Autopsy	Acute Chorioamnionitis and Funisitis	Natural
13-03618	Orlando Cano	18	External Exam	Asphyxia by hanging	Suicide
13-03706	Richard J. Cromwell	0	Autopsy	Blunt force head injuries due to Assault	Homicide
13-03889	Hope Stream Serra	11	Autopsy	Multiple Incised and Stab Wounds, Head, Chest	Homicide
13-03890	Cory Yoon Serra	9	Autopsy	Multiple Stab and Incised Wounds, Neck	Homicide
13-03985	Crystal Nguyen	14	Autopsy	Diphenhydramine Intoxication	Suicide
13-04043	Ty'leea Jones	0	Autopsy	Asphyxia due to Unsafe Sleeping Position	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
13-04217	Baby Boy 'B' Zibulski	0	Autopsy	Extreme Neonatal Prematurity due to Congenital Heart Defect	Natural
13-04231	Quantrell Marshall	0	Autopsy	Bronchopneumonia due to Oxygen-Dependent Respiratory Insufficiency due to Post-Inflammatory Cerebral/Cerebellar Atrophy due to Fetal Cytomegalic Virus Infection	Natural
13-04305	Jacob West	7	Autopsy	Acute Carbon Monoxide Toxicity due to Thermal Burn Injuries	Accident
13-04311	Connor Brent Hutchings	0	Autopsy	Sepsis due to Pneumonia due to Bacterial Pharyngitis and Viral Bronchiolitis	Natural
13-04414	Jesse Jorge Howell	13	External Exam	Multiple Blunt Force Motor Vehicle Trauma due to Thermal Injuries	Accident
13-04415	Justin Joaquin Howell	9	External Exam	Multiple Blunt Force Motor Vehicle Trauma due to Thermal Injuries	Accident
13-04610	Jahonn Williams	17	External Exam	Multiple Blunt Force Motor Vehicle Trauma	Accident
13-04659	Roman Thornton	0	Autopsy	Positional Asphyxia due to Unsafe Prone Sleeping Position	Accident
13-04735	Elisheba Genesis Villegas	4	Autopsy	Incarcerated Internal Hernia of Transverse Colon due to Post-Surgical Scar Adhesions due to Remote Neonatal Cholecystectomy	Accident
13-04775	Marcos Vincente Arenas	15	Autopsy	Multiple blunt force injuries due to Pedestrian versus motor vehicle collision	Homicide
13-04786	Kaylee Ann Frausto	0	Autopsy	Intrauterine Fetal Demise due to Placental Abruption due to Maternal Methamphetamine Intoxication	Accident
13-04806	Vanniesa Caroline Fernandez	18	Autopsy	Multiple Stab Wounds of the Posterior Head and Neck due to Blunt Force Injury of Head and Gunshot Wound of Chest	Homicide
13-04929	Eduardo Ochoa-Vasquez	0	Autopsy	Asphyxia due to Overlay	Accident
13-05126	Bentley Olsen	1	Autopsy	Abusive Head Trauma	Homicide
13-05128	Andrew James Sasse	17	Autopsy	Multiple Injuries due to Fall from Height	Accident
13-05179	Louie Larsen Harper	0	Autopsy	Congenital Fatty Acid Oxidation Disorder	Natural
13-05288	Elizabeth Gomez	17	Autopsy	Multiple Shotgun Wounds	Homicide
13-05307	Morgan Zibulski	0	Autopsy	Complications of Extreme Neonatal Prematurity	Natural
13-05350	Mason Chamberlain	14	External Exam	Hanging	Suicide
13-05395	Brooklyn Mohler	13	Autopsy	Gunshot Wound of the Torso	Homicide
13-05465	Khayden Quisano	3	Autopsy	Acute traumatic brain injury due to Blunt force injury of head	Undetermined
13-05529	Mikael Jose Luis Medrano	13	Autopsy	Complications of resuscitated cardiopulmonary arrest due to Drowning	Accident
13-05638	Donivan Russell Martin	16	External Exam	Drowning (delayed, per medical record) due to Fetal alcohol syndrome, various emotional disorders, marked developmental abnormalities of joints and bone	Accident
13-05689	Quiesear Mykeisha Sky Williams-Caraway	1	Autopsy	Non-accidental blunt force head trauma	Homicide
13-05958	Tierra Bentley	17	Autopsy	Bronchial Asthma	Natural
13-06049	Emma Morse-Muldrow	0	Autopsy	Suffocation due to Positional Asphyxia due to Congenital Cardiac Malformation due to Down's Syndrome	Accident
13-06320	Baby Girl Drayton	0	Autopsy	Acute Chorioamnionitis and Funisitis	Natural
13-06423	Tyree Poole	0	Autopsy	Intrauterine Fetal Demise	Natural
13-06501	Krymson Clark	1	Autopsy	Drowning	Accident
13-06676	Shane Wilson	13	External Exam	Hanging	Suicide
13-06720	Jonathon Ryan Lowe	18	Autopsy	Diabetic Ketoacidosis	Natural
13-06895	Reesa Kammerman	16	External Exam	Closed head injury and blunt chest trauma	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
13-06921	Ramon Morales Serrano	9	Autopsy	Sepsis due to Peritonitis due to Acute Appendicitis complicated by Rupture	Natural
13-06980	Yahir Ambriz	0	Autopsy	Suffocation due to Prone Sleeping on Soft Bedding due to Bed Sharing and Co-Sleeping	Accident
13-06983	Mihail Giorgio Donato	0	External Exam	Severe hypoxic ischemic encephalopathy due to Intraventricular hemorrhage due to In utero traumatic head injury due to Prematurity	Accident
13-07170	Caleb Glover, Jr.	0	Autopsy	Suffocation due to Prone Sleeping on Soft Bedding due to Bed Sharing and Co-Sleeping	Accident
13-07209	William Smith	14	Autopsy	Hypertrophic Cardiomyopathy	Natural
13-07233	Naomi Demint	0	Autopsy	Undetermined	Undetermined
13-07294	Jaqueline Ramirez-Gamboa	18	Autopsy	Undetermined	Undetermined
13-07317	Angel Velasquez	18	External Exam	Multiple blunt force injury due to Motor vehicle collision	Accident
13-07513	Jazzlynn Steven	0	Autopsy	Congenital heart disease (double inlet left ventricle, hypoplastic right ventricle, transposition of great arteries)	Natural
13-07601	Jaylin Lewis	17	Autopsy	Gunshot wound of the left arm and torso	Homicide
13-07677	Daniell Burrola, Jr.	0	Autopsy	Sudden Infant Death Syndrome (SIDS)	Natural
13-07739	Dejarenac Keith	0	Autopsy	Group B Streptococcus Sepsis due to Group B Streptococcus Pneumonia	Natural
13-07806	Gianna Barrios	0	Autopsy	Positional Asphyxia due to Upside Down in Bedside Trash Container due to Fall From Bed	Accident
13-07889	Jozreall McQueen	3	Autopsy	Drowning	Accident
13-07937	Anderson Thomas Waterman	0	Autopsy	Sudden Infant Death Syndrome	Natural
13-08010	Christopher Richard	17	Autopsy	Gunshot Wound of the Head	Undetermined
13-08081	Kyle Nicholas Ditto	17	Autopsy	Acute Oxycodone, Hydrocodone, and Cocaine Toxicity	Accident
13-08101	Ooanina Ann Campbell	0	Autopsy	Intrauterine Fetal Demise	Natural
13-08132	Jerzee Hartt	0	Autopsy	Positional asphyxia	Accident
13-08233	Kaiden Blane Chamberlain	0	Autopsy	Blunt Force Inflicted Injuries	Homicide
13-08239	Julies Martinez	0	Autopsy	Acute chorioamnionitis	Natural
13-08544	Anthony Newton, II	0	Autopsy	Intrauterine fetal demise	Natural
13-08885	Cesar Navarro	9	Autopsy	Penetrating stab wound of chest	Homicide
13-09014	Joshua Newton	14	Autopsy	25B-NBOMe Intoxication due to Chronic Alcoholism	Accident
13-09098	Liam Gifford	3	Autopsy	Anoxic encephalopathy due to Drowning	Accident
13-09174	Brendan Rocheleau	17	External Exam	Multiple injuries due to Motorcycle accident	Accident
13-09183	Justin Valenzuela	15	Autopsy	Intraoral penetrating gunshot wound of head	Suicide
13-09271	Jordan Brock, Jr.	0	Autopsy	Undetermined	Undetermined
13-09499	Marilyn Lynn Johnson	0	Autopsy	Acute Chorioamnionitis with Abruptio Placenta due to Maternal Ingestion of Methamphetamine	Accident
13-09621	Alala Wesley	0	Autopsy	Viral Pneumonia (NOS) due to Congenital Heart Disease	Natural
13-09636	Collin Belcastro	16	External Exam	Loose contact perforating gunshot wound of head	Suicide
13-09752	Khloe Ann Vidal	2	Autopsy	Drowning	Accident
13-09780	Julian Wilson	1	Autopsy	Exsanguination due to Multiple esophageal lacerations and gastric irritation due to ingestion of foreign object (camera battery) due to Collapsed left lung	Accident
13-09822	Jakaylen Pacondo	3	Autopsy	Complications of Menkes' Disease	Natural
13-09875	Riley Baker	18	External Exam	Gunshot wound of the head	Suicide
13-09933	Casey Lee Cash	15	External Exam	Hanging	Suicide
13-09957	Alfredo Ortiz	4	Autopsy	Asphyxia due to Airway Obstruction by Food due to Down Syndrome	Accident
13-10207	Savannah McInnis	17	External Exam	Atlanto-occipital disarticulation due to Blunt force trauma of head and neck due to Motor vehicle collision due to Multiple blunt force trauma of chest and pelvis	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
13-10317	Yakirah Yaacov	13	Autopsy	Severe Anemia Not Otherwise Specified	Natural
13-10466	David Lewis Shafer	18	External Exam	Gunshot wound of head	Suicide
13-10499	Helen Liu	14	External Exam	Multiple injuries due to Motor vehicle striking pedestrian	Accident
13-10635	Diamond Marie Mims	0	Autopsy	Prematurity due to Placental Abruption due to Methamphetamine Intoxication due to Maternal Methamphetamine Consumption	Accident
13-10689	Jaxon Lyam Thomas Montgomery	0	Autopsy	Intrauterine Fetal Demise associated with Maternal Methamphetamine Abuse	Accident
13-10788	Hudson Crandall	0	Autopsy	Undetermined	Undetermined
13-10896	James Terry IV	0	Autopsy	Positional asphyxia	Accident
13-11136	Shashni Senthikumar	0	External Exam	Blunt force head trauma due to Motor vehicle collision	Accident
13-11255	Duane Herbert Eaglin, Jr.	0	Autopsy	Positional Asphyxia	Accident
13-11481	Mia Meeks	0	Autopsy	Positional Asphyxia due to Pneumonia and Hyperglycemia	Accident
13-11523	Hallee Joy Lamberth	13	External Exam	Contact, perforating gunshot wound of head	Suicide
13-11589	Darrian Mansurail Moosa	0	Autopsy	Blunt Force Injuries	Homicide
13-12020	Alex Cruz Martinez	15	External Exam	Multiple blunt force injuries	Accident
13-12131	Fernando David Beltran	12	External Exam	Multiple Blunt Force Trauma due to Fall	Suicide
13-12133	Brittany Jane Trinidad	15	External Exam	Complications of Hypoxic-Ischemic Encephalopathy due to Cardiopulmonary Arrest due to Ingestion of Tessalon (per clinical history)	Suicide
14-00250	Dalyn Chandler	4	External Exam	Blunt force trauma of head due to Crushing by heavy weight due to Motor vehicle run-over	Accident
14-00328	Ryanne White	5	Autopsy	Congenital Brain Malformations	Natural
14-00417	Corey Dale Wilson	17	External Exam	Gunshot wound of head	Suicide
14-00447	Ryder Brophy	0	Autopsy	Asphyxia in bedding	Accident
14-00656	Juan Sebastian Santa-Rincon	18	Autopsy	Gunshot Wound of the Head	Accident
14-00714	Maximiliano Rene Ibarra-Martinez	4	Autopsy	Smoke inhalation due to Thermal injuries and carbon monoxide intoxication	Accident
14-00862	Andrew Najera	11	Autopsy	Acute Carbon Monoxide Toxicity due to Extensive Thermal Burn Injuries	Accident
14-00863	Jerry Slayden, Jr.	15	Autopsy	Acute Carbon Monoxide Toxicity due to Extensive Thermal Burn Injuries	Accident
14-01159	Haley Marie Grant	0	Autopsy	Asphyxia	Accident
14-01258	NyJile Na'Kel Brown	16	External Exam	Complications of Dandy Walker Syndrome	Natural
14-01298	King Orion Brown	0	Autopsy	Sudden Infant Death while Bed Sharing	Accident
14-01308	Dantae Hamilton	0	Autopsy	Complications of Chromosomal Abnormality, Trisomy 18	Natural
14-01401	Jassien Payamps Colman	0	Autopsy	Inflicted Injuries	Homicide
14-01410	Baby Boy Van Dyke	0	Autopsy	Acute Chorioamnionitis	Natural
14-01416	James Jonathon Keates	0	Autopsy	Congenital heart disease	Natural
14-01611	Taygain Roy Burleigh	13	Autopsy	Gunshot wound of the head	Suicide
14-01690	Aiden James Leach	0	Autopsy	Abusive Head Trauma	Homicide
14-02026	Jayden Leech	0	Autopsy	Positional Asphyxia due to Wedging between Air Mattress and Wall	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
14-02028	Christian Hipsky-Stringer	14	External Exam	Multiple blunt force injuries due to Motorcycle collision	Accident
14-02102	Devin Isaiah Aguilar	0	Autopsy	Abusive Head Trauma	Homicide
14-02367	Noah Lane Allen	3	Autopsy	Drowning	Homicide
14-02492	Ezra Lee Hermosillo	0	Autopsy	Asphyxia due to Congenital Heart Defect and Clinical History of Partially Occlusive Posterior Fossa Dural Sinus Venous Thrombosis	Accident
14-02748	Baby Girl Hill	0	Autopsy	Full Placental Abruption due to Maternal Methamphetamine Abuse	Accident
14-02891	Dylan Ciccalone	0	Autopsy	Asphyxia	Accident
14-03071	Jackson Wyatt Post	0	Autopsy	Positional Asphyxia	Accident
14-03166	Demario Stringer, Jr.	1	Autopsy	Undetermined	Undetermined
14-03316	Victor Osuna-Picos	18	Autopsy	Gunshot Wound of the Head	Suicide
14-03751	Clara Stephanie Castrejon-Jimenez	1	External Exam	Multiple injuries due to Motor vehicle(s) striking pedestrian	Accident
14-03857	Draven Kierstead	0	Autopsy	Abusive Head Trauma	Homicide
14-04018	Trinity Kathleen White	13	Autopsy	Chronic Cor Pulmonale due to Remote Chronic Myocarditis	Natural
14-04192	Baby Boy Koerte	0	Autopsy	Placental Abruption due to Maternal Methamphetamine Use	Accident
14-04245	Edward Joaquin Castro, III	0	Autopsy	Asphyxia in Bedding	Accident
14-04269	Valeria Esparza	10	External Exam	Moebius Syndrome due to Chronic Lung Disease, Seizure Disorder	Natural
14-04380	Emilia Lothringer	0	Autopsy	Undetermined	Undetermined
14-04420	Kion McCullin	0	Autopsy	Undetermined	Undetermined
14-04471	Layana Hester	0	Autopsy	Intrauterine Fetal Demise	Natural
14-04584	Mateo Peredo Yaconis	11	Autopsy	Seizure Disorder, Origin Unidentified	Natural
14-04656	Austin Sonetti	10	External Exam	Anoxic encephalopathy due to Near-drowning	Accident
14-04722	Lucy Raeann Sistrunk	0	Autopsy	Acute Chorioamnionitis	Natural
14-04765	Yendy Lee Davila	0	Autopsy	Placental Abruption due to Maternal Methamphetamine Use	Accident
14-04778	Christopher Randle, Jr.	18	Autopsy	Gunshot wound of the abdomen	Homicide
14-04877	Clayton Wesley Bronson	18	Autopsy	Multiple Gunshot Wounds	Homicide
14-04920	Xavier Jesus Rico	1	Autopsy	Hepatic Laceration with Hemoperitoneum	Undetermined
14-04950	Jet James Thomson	0	Autopsy	Undetermined	Undetermined
14-04974	Angel Leon Campos	17	Autopsy	Gunshot wound of the head	Homicide
14-05144	Connor Robb	2	Autopsy	Glutaric Aciduria Type I [High-Excretor]	Natural
14-05285	Abigail Violeta Lapuz	16	Autopsy	Acute Diphenhydramine Toxicity	Suicide
14-05346	Kimberly Kucera	17	Autopsy	Methamphetamine Intoxication	Accident
14-05428	Samuel Aaron Brosee	14	External Exam	Gunshot wound of the head	Suicide
14-05676	Avah Gonzales	0	Autopsy	Suffocation due to Mechanical Asphyxia	Accident
14-05731	Cruz Anthony Flores	4	Autopsy	Acute Carbon Monoxide Poisoning due to Smoke Inhalation due to Cutaneous Thermal Injuries	Accident
14-05732	Ella Rose Flores	2	Autopsy	Acute Carbon Monoxide Poisoning due to Smoke Inhalation due to Cutaneous Thermal Injuries	Accident
14-06040	Alanis R. Goins	15	External Exam	Multiple injuries due to Motor vehicle accident	Accident
14-06130	Isabelle Nangreave	0	Autopsy	Undetermined	Undetermined

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
14-06134	Jackson Aric Piper	15	Autopsy	Oxycodone Intoxication	Accident
14-06160	Gabriela Caslas	9	External Exam	Multiple blunt force injuries due to Motor vehicle collision	Accident
14-06171	Elena Teresa Rodriguez	0	Autopsy	Suffocation	Accident
14-06225	Tyrell Melton	18	Autopsy	Gunshot wound of the chest	Homicide
14-06285	Aleah Leonguerrero	0	Autopsy	Bronchopneumonia with Psuedomonas septicemia due to Neonatal Sweet's syndrome on immunosuppressant medication	Natural
14-06503	Rhylee Makiyah Brown	0	Autopsy	Asphyxia in Bedding	Accident
14-06572	Nevaeh Meon Malone	7	External Exam	Blunt force injuries of head and extremities due to Being struck by motor vehicle	Accident
14-06788	Joshua Manuel Novelo	16	Autopsy	Gunshot wound of head	Homicide
14-06797	Issachar Akaka	18	Autopsy	Gunshot wound of the torso	Homicide
14-07315	Taylor Jeannette Seagrave-Swanson	17	Autopsy	Multiple Drug Intoxication (Alprazolam, Morphine, Hydromorphone)	Accident
14-07527	Nevaeh Angel Deherrera	0	Autopsy	Chorioamnionitis	Natural
14-07668	Lincoln Michael Grady	0	Autopsy	Undetermined cause	Undetermined
14-07686	Demario Charles Hughes	17	Autopsy	Multiple gunshot wounds	Homicide
14-07860	Isiah Joseph Briscoe	0	Autopsy	Intrauterine Fetal Demise due to Placental Abruption due to Maternal Methamphetamine Intoxication	Accident
14-07864	Gabriel Lopez, Jr.	16	External Exam	Hanging	Suicide
14-07890	Brooke Fischer	15	Autopsy	Salicylate and Opiate Intoxication	Suicide
14-07937	Tyler Kelly Froyd	16	External Exam	Hanging	Suicide
14-08044	Robert Lee-Rudy Peterson	1	Autopsy	Drowning	Accident
14-08276	Levi Harvey Wilson	0	Autopsy	Suffocation	Undetermined
14-08419	Troy Karl Nielson	18	External Exam	Hanging	Suicide
14-08459	Parker Diamond-Nguyen	2	Autopsy	Asphyxia due to Chronic Anoxic Encephalopathy following Neonatal Respiratory Arrest	Accident
14-08534	Lokelani Morton-Speer	0	Autopsy	Acute Methadone Toxicity due to Bronchopneumonia	Homicide
14-08911	Sadie Flores	6	Autopsy	Cerebral Palsy	Natural
14-08931	Jose Manuel Duran-Hernandez	16	Autopsy	Multiple gunshot wounds	Homicide
14-09384	Naima Archie Abdurrahim	2	Autopsy	Viral respiratory infection (Adenovirus and Rhinovirus/Enterovirus) due to Clinical history of asthma	Natural
14-09602	Michelle Momox-Casells	1	Autopsy	Descarboethoxyloxadine Intoxication	Homicide
14-09729	David Castro	18	Autopsy	Acute methamphetamine toxicity due to Drowning and asthma	Accident
14-09874	Baby Boy Murray	0	Autopsy	Intrauterine fetal demise due to Acute chorioamnionitis	Natural
14-09906	Dustin Deon Weston	2	Autopsy	Undetermined	Undetermined
14-09976	Rajuanay Lasherie Davis	18	Autopsy	Multiple Blunt Force Injuries due to Motor Vehicle Accident	Homicide
14-09977	Drayson Tese	1	Autopsy	Multiple Blunt Force Trauma	Homicide
14-10000	Kade Kryska	1	Autopsy	Blunt force head trauma	Homicide

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
14-10076	Elena Rivera	3	Autopsy	Multiple blunt force trauma due to Motor vehicle collision	Accident
14-10199	Malachai Melvin Joshua Long	1	Autopsy	Multiple blunt force trauma	Homicide
14-10324	Michael Vaughn	16	Autopsy	Blunt head trauma due to Skateboard accident	Accident
14-10418	Levi Jonathan Canopen	0	Autopsy	Asphyxia due to Suffocation	Accident
14-10428	Alden Shi	2	External Exam	Blunt force injuries of the head due to Motor vehicle accident	Accident
14-10469	Anastaja Weeks	1	Autopsy	Sepsis and Peritonitis due to Duodenal Transection due to Blunt Force Injury of Torso	Homicide
14-10710	Baby Girl Diaz	0	Autopsy	Intrauterine Fetal Demise due to Maternal Acute Chorioamnionitis	Natural
14-10711	Hadriel Fawkes Darnell	1	Autopsy	Cardiac Dysrhythmia due to Long QT Syndrome [Not Otherwise Specified]	Natural
14-10806	Nicole Guardado-Bonilla	1	Autopsy	Coagulase Positive Staphylococcus Pneumonia due to Persistent Vegetative State due to Hypoxic-Ischemic Encephalopathy associated with Choking on Food	Accident
14-10826	Guadalupe Rodriguez	17	External Exam	Multiple blunt force motor vehicle trauma	Accident
14-10929	Raymond Rodriguez Gonzalez	0	Autopsy	Blunt Trauma of Abdomen and Thorax	Homicide
14-10937	Roland Pleasant	18	Autopsy	Gunshot wound of back	Homicide
14-10958	Zara Antoinette Shiel	1	Autopsy	Undetermined	Undetermined
14-10961	Natalya Gorgeous Mitchell	0	Autopsy	Undetermined	Undetermined
14-11111	Melia Jade Decierdo	0	Autopsy	Atrial Septal Defect	Natural
14-11152	John Richard Keel	18	Autopsy	Quetiapine Intoxication	Suicide
14-11234	Esey Asmelash	7	Autopsy	Drowning	Accident
14-11294	Adelynn Kistner	0	Autopsy	Severe Hypoxic Ischemic Encephalopathy due to Air Embolism due to Atrial Septostomy Procedure and Right and Left Heart Catheterization	Accident
14-11301	Victor Coronado	16	External Exam	Hanging	Suicide
14-11452	Kingston Ficarrotta	0	Autopsy	Undetermined	Undetermined
14-11529	Vincent A. Arceo	18	External Exam	Hanging	Suicide
14-11570	James Alexander Loreto	18	External Exam	Hanging	Suicide
14-11649	Heber A. Valdivia Castro	17	External Exam	Blunt injuries of head and chest	Accident
14-11717	Maraveal Smith	3	Autopsy	Anomalous Origin of the Left Main Coronary Artery	Natural
14-11777	Markell Wilson	16	Autopsy	Seizure Disorder due to Cerebral Palsy due to Prematurity with Intraventricular Cerebral Hemorrhage due to Maternal Blunt Force Abdominal Trauma due to Motor Vehicle Collision	Accident
14-11899	Hunter Noble	0	Autopsy	Suffocation	Accident
14-12061	Jeffrey Patrick Peeples	0	Autopsy	Intrauterine Asphyxiation due to Undetermined Etiology	Undetermined
14-12095	DelVonte Jenkins	14	Autopsy	Gunshot wound of the chest	Homicide
14-12208	Evangeline Margaret Michael Gee	0	Autopsy	Undetermined	Undetermined
14-12237	Leliani Faith Woods	0	Autopsy	Abruptio Placentae due to Retroplacental Hemorrhages due to Maternal Blunt Force Trauma due to Motor Vehicle Collision	Accident
14-12369	Ethan James Browhaw	0	Autopsy	Suffocation in Adult Bedding while Co-Sleeping	Accident
14-12388	Melanie Teresa Gossit	0	Autopsy	Asphyxia due to Viral Respiratory Infection	Accident
14-12393	Aralejo Jo Ballance	0	Autopsy	Complications of Non-Accidental Injury	Homicide

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
14-12501	Roy Junior Anderson	0	Autopsy	Intrauterine Fetal Demise due to Placental Abruption due to Maternal Methamphetamine Use	Accident
15-00010	Keno John, Jr.	0	Autopsy	Undetermined	Undetermined
15-00084	Katelynn Milling	10	Autopsy	Polymicrobial Sepsis due to Seizure Disorder due to Hydranencephaly	Natural
15-00428	Kameron Watts	3	Autopsy	Influenza A Viral Infection	Natural
15-00430	Myra Angelina Agudo	9	Autopsy	Dilated Cardiomyopathy due to Hypothyroidism and Seizure Disorder [Not Otherwise Specified]	Natural
15-00524	Hussein Abdelgill	18	Autopsy	Gunshot Wound Of Head	Homicide
15-00609	Raiko Marquez-Miranda	18	Autopsy	Undetermined	Undetermined
15-00699	Donald Hemmings, III	0	Autopsy	Undetermined	Undetermined
15-00839	Kali Nobles	0	Autopsy	Group A Streptococcus (Streptococcus pyogenes) Sepsis	Natural
15-00973	Amaya Mech	0	Autopsy	Asphyxia	Accident
15-01011	Sahar Malikyar	18	External Exam	Multiple Drug (Oxycodone and Acetaminophen) and Alcohol Intoxication due to Anorexia/Underweight	Suicide
15-01051	Adrian Cruz	2	Autopsy	Bronchopneumonia due to Periventricular Leukomalacia and Cerebral Palsy due to Premature Rupture of Membranes	Natural
15-01309	Antonio Vidal Rubio	15	Autopsy	Gunshot wound of the head due to Gunshot wound of the face	Suicide
15-01310	Jacob Kelly Sanchez	17	External Exam	Multiple blunt force trauma due to Motor vehicle collision	Accident
15-01443	Braxton Hyde	0	Autopsy	Complications of birth asphyxia due to Placental abruption due to Maternal methamphetamine use	Accident
15-01448	Cameron Demaranville	13	External Exam	Multiple injuries due to Bicycle accident	Accident
15-01662	Christian Jason Lavoie	16	Autopsy	Acute oxycodone toxicity	Accident
15-01737	Jim Alexander Leyton	16	Autopsy	Stab wound of the chest	Homicide
15-01783	Aaron Balderrama	1	Autopsy	Acute Laryngotracheobronchitis (Croup)	Natural
15-02050	Andrew Steven Torres	17	External Exam	Hanging	Suicide
15-02071	Baby Boy Hall	0	Autopsy	Intrauterine Fetal Demise due to Chorioamnionitis and Funisitis	Natural
15-02116	Ryder James Josef Potts	0	Autopsy	Congenital Heart Defect	Natural
15-02175	Carla Jamerson	14	External Exam	Hanging	Suicide
15-02194	Lela Provencio	0	Autopsy	Intrauterine Fetal Demise due to Chorioamnionitis and Deciduitis	Natural
15-02300	Matthew Catlett	8	Autopsy	Blunt force and compression injuries due to Mechanical compression	Accident
15-02301	Beau Michael Barnes	16	Autopsy	Ruptured berry aneurysm	Natural
15-02310	Yvonne Rose Reyes	18	Autopsy	Gunshot wounds of the chest	Homicide
15-02353	Gabriel Rene Thomas	18	External Exam	Multiple blunt force injuries due to Motor vehicle collision	Accident
15-02354	Kamesha J'Nyah Gilmore	17	External Exam	Multiple blunt force injuries due to Motor vehicle collision	Accident
15-02388	Jacob Allen Gudge	18	Autopsy	Multiple Drug (Heroin, Methadone, and Alprazolam) Intoxication	Accident
15-02420	Thalia Vida Gardner	0	Autopsy	Undetermined	Undetermined
15-02517	Cameron Montijo	0	Autopsy	Suffocation due to Bed Clothes	Accident
15-02880	Aaron Mayoyo	18	Autopsy	Gunshot wound of the head	Suicide
15-02904	Aubrey Schultz	0	Autopsy	Asphyxia due to Suffocation in excess bedding	Accident
15-02958	Cynthia Perez	17	Autopsy	Sudden Unexpected Death in Epilepsy	Natural
15-03040	Charlotte Kemerer	0	Autopsy	Complications of anoxic encephalopathy due to Submersion in water	Accident

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Dates of death from Jan 1, 2011 to May 5, 2017

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
15-03231	Arys Thoring Moorhead	11	External Exam	Multiple blunt force injuries	Accident
15-03336	Kliona Lemoa	5	Autopsy	Drowning	Accident
15-03338	Alyssa Aisa	6	External Exam	Multiple blunt force motor vehicle versus pedestrian trauma	Accident
15-03405	Srirachat Ganpet	16	Autopsy	Drowning	Accident
15-03424	Bessie Lachaux	3	Autopsy	Undetermined	Undetermined
15-03434	Kaylee Angulo	1	External Exam	Multiple blunt force motor vehicle versus pedestrian trauma	Accident
15-03486	Emily Mooren	18	External Exam	Gunshot wound of head	Suicide
15-03513	Jermiya Thomas	3	Autopsy	Thermal burns due to Vehicle fire	Accident
15-03514	Kendrick Jerome Thompson-Chism	1	Autopsy	Thermal burns due to Vehicle fire	Accident
15-03588	Taylor Nicole Elaine Gensmer	18	Autopsy	Asphyxia due to Layered Plastic and Cloth Apparatus Over Head due to Hydrocodone and Acetaminophen Intoxication	Suicide
15-03683	Male Peoples	0	Autopsy	Intrauterine Fetal Demise	Undetermined
15-03706	Alex Godinez	1	Autopsy	Asphyxia due to Obstruction of airway due to Foreign body aspiration	Accident
15-03758	Baby Boy Miranda	0	Autopsy	Chorioamnionitis	Natural
15-03968	Desiree Jones	0	Autopsy	Subarachnoid Hemorrhage	Undetermined
15-04047	Brian Edward Shorey	17	Autopsy	Gunshot wound of head	Suicide
15-04087	Abel Samuel Henry	4	Autopsy	Drowning	Accident
15-04151	Aliyah Schlade	0	Autopsy	Asphyxia due to Suffocation	Accident
15-04207	Andru Keith	0	Autopsy	Undetermined	Undetermined
15-04445	Dax McCuiston	18	Autopsy	Combined Drug (Methadone and Alprazolam) Intoxication	Accident
15-04491	Isabel Castillo	1	Autopsy	Asphyxia due to Compression by Furniture	Accident
15-04517	Megan Buckley	14	External Exam	Multiple Blunt Force Injuries due to Jump from Height	Suicide
15-04698	Anastasia Sattiewhite	0	Autopsy	Suffocation in Bedding	Accident
15-04705	Thomas Jones, Jr.	0	Autopsy	Intrauterine Fetal Demise due to Abruptio placentae due to Acute Chorioamnionitis	Natural
15-04734	Asantae Johnson	13	Autopsy	Gunshot Wound of the Head	Suicide
15-05220	Cortez Bernard Bowen, Jr.	3	Autopsy	Drowning	Accident
15-05435	Austen Hays Russell	9	External Exam	Multiple blunt force motor vehicle versus pedestrian trauma	Accident
15-05517	Jarrod Moon	14	Autopsy	Dilated Cardiomyopathy due to Synthetic Cannabinoid Intoxication	Accident
15-05610	Israel Carrillo	12	Autopsy	Complications of gunshot wound of head	Homicide
15-05616	Jameson Kawika Pasigan	18	Autopsy	Drowning	Accident
15-05672	Ciera-Broox Janae Jackson	18	External Exam	Multiple blunt force injuries	Accident
15-05673	Dyionte Cromwell	14	External Exam	Multiple blunt force motor vehicle versus pedestrian trauma	Accident
15-05841	DeAngelo Mantilla	18	Autopsy	Multiple blunt force motor vehicle versus pedestrian trauma	Accident
15-05884	Jori Andrew Skaw	15	External Exam	Delayed complications of drowning	Accident
15-05912	Jesse Richard Espinoza	18	External Exam	Multiple blunt force motor vehicle trauma	Accident
15-06039	Caiden David Walsh	4	Autopsy	Drowning	Accident
15-06172	Jaxson Neal Wimberly	0	Autopsy	Asphyxia due to Suffocation	Accident

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Dates of death from Jan 1, 2011 to May 5, 2017

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
15-06187	Tiger Luis Williams	16	External Exam	Multiple blunt force motor vehicle versus bicycle trauma	Accident
15-06251	Levi Logan Welty	0	Autopsy	Asphyxia due to Co-sleeping	Accident
15-06339	Raquel Wilson	16	Autopsy	Glioblastoma multiforme	Natural
15-06367	Jakailoe Krystai Sam	0	Autopsy	Asphyxia due to Suffocation	Accident
15-06405	Rhea Janolino	17	External Exam	Multiple blunt force trauma due to Motor vehicle collision	Accident
15-06455	Romeo Vargas	0	Autopsy	Extreme prematurity due to Placental abruption due to Maternal blunt force injuries due to motor vehicle versus pedestrian trauma	Accident
15-06605	Troyneil Jermone Johnson, Jr.	17	Autopsy	Drowning	Accident
15-06725	Baby boy Spann	0	Autopsy	Intrauterine Fetal Death (Stillbirth) due to Undetermined Etiology due to Maternal Methamphetamine Intoxication	Accident
15-06753	Derrick Carter, Jr.	0	Autopsy	Intrauterine Fetal Death due to Intrauterine Infection [Not Otherwise Specified]	Natural
15-06906	Adrian Michael Sloan	0	Autopsy	Asphyxia	Accident
15-07217	Dakwan Bohannon, Jr.	0	Autopsy	Asphyxia due to Suffocation	Accident
15-07226	Bella Leona Ortiz	0	Autopsy	Extreme prematurity due to Acute chorioamnionitis	Natural
15-07361	Jose B. Marin	17	Autopsy	Hypoxic-Ischemic Encephalopathy due to Near Drowning	Accident
15-07472	Juan Enrique Corrales	16	Autopsy	Opiate and Cocaine Intoxication	Accident
15-07486	Alan Andrew O'Riley	18	External Exam	Perforating gunshot wound of the chest	Suicide
15-07498	Javelon Wiltoughby	16	Autopsy	Gunshot Wound of the Neck and Chest	Homicide
15-07598	Julius Unga-Guzman	4	Autopsy	Cardiac tamponade due to Hemopericardium due to Rupture of homograft patch of aortic arch reconstruction	Accident
15-07605	Jamiyah Taniece Walker	0	Autopsy	Suffocation	Accident
15-07607	Melanie Valerie Macaluso	0	Autopsy	Positional Asphyxia	Accident
15-07687	Jessica Henderson	0	Autopsy	Asphyxiation	Homicide
15-07720	Burke Honor Hall	2	Autopsy	Drowning	Accident
15-07759	Brandon Blackman	18	Autopsy	Anoxic Encephalopathy due to Resuscitated cardiopulmonary arrest due to Acute asthma exacerbation due to Opiate intoxication	Accident
15-07768	Reeana Lavender	8	Autopsy	Acute Pneumonia	Natural
15-07789	Lowella Abiah Mariel Pritchard	18	External Exam	Hanging	Suicide
15-07846	Ismael Torres	2	Autopsy	Near Drowning	Accident
15-07880	Donya Badiepour	16	Autopsy	Blunt Force Head Trauma due to Fall	Accident
15-07886	Trent Stotsor	3	Autopsy	Blunt Force Injuries	Homicide
15-08026	Anthony Sosa	3	Autopsy	Anoxic Encephalopathy due to Resuscitated Cardiopulmonary Arrest due to Near Drowning	Accident
15-08103	Greyson Hoof	12	Autopsy	Gunshot Wound of Head	Accident
15-08364	Kamari Stephens	1	Autopsy	Dilated Cardiomyopathy	Natural
15-08424	Abigail Olivia McDonald	1	Autopsy	Oxycodone Intoxication	Undetermined
15-08524	Aiden Thomas Riach	0	Autopsy	Sepsis (E. coli) due to Prolonged Rupture of Membranes	Natural
15-08534	Seth Franz	4	Autopsy	Hyperthermia	Accident
15-08698	Daniel Benavides	17	External Exam	Multiple blunt force injuries due to Being struck by motor vehicle	Accident
15-08815	Geovany Garcia	17	Autopsy	Multiple Gunshot Wounds	Homicide

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
15-08866	Menaal Babar Khara	0	Autopsy	Hypoxic-Ischemic Encephalopathy due to Probable Leigh Disease	Natural
15-08876	Dylan L. Eckholt	2	Autopsy	Drowning	Accident
15-08929	Cody Drisko	17	Autopsy	Combined Drug Intoxication (Heroin, Diazepam)	Accident
15-08992	Alex Mateo-Barnes	0	Autopsy	Intrauterine Fetal Demise	Undetermined
15-08999	Davion Sims	18	Autopsy	Diabetic Ketoacidosis	Natural
15-09024	Beatrice Rosales	2	Autopsy	Congenital Developmental Anomaly, Possibly Septo-Optic Dysplasia	Natural
15-09037	Eduardo Eliazar Alvarez	15	Autopsy	Myocarditis due to Cardiomegaly with Left Ventricular Hypertrophy	Natural
15-09105	Jason Hariyn Mitchell	0	Autopsy	Stillborn male fetus	Natural
15-09150	Isabella Risewick	0	Autopsy	Birth Injuries due to Emergency Cesarean Section	Accident
15-09209	Kishaun Campbell	15	Autopsy	Acute Oxycodone and Hydrocodone Toxicity	Accident
15-09468	Makari Gaston-Myles	0	Autopsy	Undetermined	Undetermined
15-09738	Lex Donoso	8	Autopsy	Gunshot wounds of the head	Homicide
15-09857	Lincoln Kruz Garcia	3	Autopsy	Dilated Cardiomyopathy	Natural
15-09929	Athena Mae Wharton	0	Autopsy	Undetermined	Undetermined
15-09983	Clayton James Singleton	8	Autopsy	Gunshot Wound of the Head	Suicide
15-10046	Nathan Andrews	17	Autopsy	Cardiac Arrhythmia due to Steatohepatitis of the Liver	Natural
15-10211	Arelly Arzate-Lujan	17	Autopsy	Gunshot Wound of the Head	Homicide
15-10216	Marshawn Washington	2	Autopsy	Pneumonia due to Ventilator-Dependent Respiratory Failure due to Hypoxic-Ischemic Encephalopathy following Overlay due to Seizure Disorder	Accident
15-10338	Evangeline Lee-Dawn Reddin	0	Autopsy	Respiratory Compromise due to Facial Teratoma due to Viral Infection	Natural
15-10353	Scott J. Hill, II	10	External Exam	Asphyxia due to Compression of chest by all terrain vehicle	Accident
15-10423	Damian Elijah Kioser	1	Autopsy	Asphyxia due to Suffocation due to Seizure Disorder	Accident
15-10453	Tyra Grover	14	External Exam	Multiple injuries due to Motor vehicle accident	Accident
15-10527	Tiyvone Taylor Mills	16	Autopsy	Gunshot wound of back	Homicide
15-10543	Prince Raymone Hines-Shine	0	Autopsy	Undetermined	Undetermined
15-10738	TayVyon Howard	14	External Exam	Blunt Force Motor Vehicle versus Pedestrian Trauma	Accident
15-10785	Brycen Abernathy	0	Autopsy	Asphyxia	Accident
15-10893	William Hampton	16	Autopsy	Asphyxia	Suicide
15-10913	Isaac Sanchez	0	Autopsy	Pulmonary Immaturity due to Prematurity at Birth due to Patent Ductus Arteriosus	Natural
15-10953	Natilee May Patterson	17	Autopsy	Gunshot wound of the head	Suicide
15-11050	Saul Emiliano Reynoso, Jr.	1	Autopsy	Kawasaki Disease due to Bicuspid Aortic Valve	Natural
15-11367	Dakota Saizwedel	14	Autopsy	Hypoxic Brain Injury due to Cardiopulmonary Arrest due to Opiate Intoxication	Accident
15-11400	Michael Onate	2	Autopsy	Hemoperitoneum with Extensive Diffused Retroperitoneal Hemorrhage due to Blunt Force Injury of Abdomen/Torso due to Acute Mild Traumatic Brain Injury due to Blunt Force Injury of Head	Homicide
15-11443	Taylor Brantley	16	Autopsy	Gunshot wound of the chest	Homicide
15-11445	Dylan Cutler	2	Autopsy	Near drowning	Accident
15-11586	Alyvynn Parker	0	Autopsy	Hypoxic Brain Injury due to Wedging in Bassinet due to Exsanguination due to Central Venous Catheter	Accident
15-11594	Bobbie Grayson	16	External Exam	Multiple blunt force injuries due to Being struck by motor vehicle	Accident

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
15-11640	Ariann James	0	Autopsy	Asphyxia due to Suffocation	Accident
15-11647	Luis Ruiz	18	External Exam	Multiple blunt force injuries due to Motor vehicle collision	Accident
15-11673	Mary Elizabeth Lilly	16	External Exam	Blunt force motor vehicle versus pedestrian trauma	Accident
15-11910	Brandon Gundaker	15	Autopsy	Contact Gunshot Wound of Head	Suicide
15-12079	Adaline Winner	0	Autopsy	Asphyxia due to Patent Ductus Arteriosus	Accident
15-12184	Devonta Lewis, Jr.	0	Autopsy	Multiple Blunt Force Injuries	Homicide
15-12192	Damian Felscher	2	Autopsy	Acute Morphine Toxicity	Undetermined
15-12256	Deonae Booth	15	External Exam	Multiple blunt force trauma due to Motor vehicle collision	Accident
15-12416	Evan Hemsley	13	Autopsy	Cecal Volvulus due to Joubert Syndrome and Malnutrition	Undetermined
15-12545	Vicente Meza	0	Autopsy	Undetermined	Undetermined
15-12587	Wyatt Voerding	0	Autopsy	Undetermined	Undetermined
15-12692	Manquise Leshon Adams	17	Autopsy	Gunshot wound of head and neck	Homicide
15-12703	Ma'Liyah Collins	3	Autopsy	Multiple Blunt Force Injuries of Torso	Homicide
16-00059	Tristin Magness	12	Autopsy	Drowning due to Seizure Disorder	Accident
16-00103	Alycia Luna Jones	0	Autopsy	Cardiomegaly with Left Ventricular Hypertrophy	Natural
16-00249	Faith Seaman	0	Autopsy	Undetermined	Undetermined
16-00772	Jaaliyah Smith	0	Autopsy	Undetermined	Undetermined
16-00864	Felipe Garcia	17	External Exam	Gunshot wound of head	Suicide
16-01000	Kishawn Washington	18	Autopsy	Gunshot wound of chest	Homicide
16-01291	Romeo A Brayton	0	Autopsy	Blunt Force Injuries of Head	Homicide
16-01334	Queen Irene Eve Chouteau Mitchell	0	Autopsy	Sudden Infant Death while Bed Sharing	Undetermined
16-01394	Evelyn Groen	2	External Exam	Blunt force head trauma due to Pedestrian struck by motor vehicle	Accident
16-01399	Riley Turner	14	External Exam	Hanging	Suicide
16-01494	Maxine Zepeda	12	Autopsy	Influenza A H1N1 Infection	Natural
16-01585	Gregory White	13	Autopsy	Gunshot wound of the head	Suicide
16-01616	Sincere Manuel	12	External Exam	Gunshot wound of the head	Suicide
16-01620	Kendall Brown	0	Autopsy	Blunt Force Motor Vehicle Trauma	Accident
16-02030	Itiel Martin-Sanchez	4	Autopsy	Fulminant Viral Myocarditis	Natural
16-02088	Brooklyn Palmore	0	Autopsy	Undetermined cause	Undetermined
16-02274	Andrew Robert Bross	15	Autopsy	Dilated Cardiomyopathy due to Congenital Atresia of Right Coronary Artery	Natural
16-02609	Deandre Shelby, Jr.	0	Autopsy	Undetermined	Undetermined
16-02690	Julian Manuel Ventura	0	Autopsy	Blunt Force Injuries due to Maternal Motor Vehicle Accident	Accident
16-02722	Aziah Lopez	13	External Exam	Blunt force motor vehicle trauma	Accident
16-02773	Daisy Baltazar	18	External Exam	Hanging	Suicide
16-02916	Chandriana Gordon	17	External Exam	Hanging	Suicide
16-03371	Didier Alexander Diaz-Reyes	0	Autopsy	Undetermined	Undetermined

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
16-03460	Kawehi Isabel	12	Autopsy	Cardiac Arrhythmia due to Small Coronary Arteries	Natural
16-03556	Ethan Walker	17	Autopsy	Multiple gunshot wounds	Homicide
16-03637	Contessa Langston	11	Autopsy	Neurofibromatosis Type 1	Natural
16-03639	Anthony David Santos	3	Autopsy	Anoxic encephalopathy due to Prolonged water submersion	Accident
16-03720	Liam Colford	2	External Exam	Multiple blunt force injuries	Accident
16-03820	Jose Maria Covarrubias, Jr.	2	External Exam	Blunt force head trauma due to Pedestrian versus motor vehicle collision	Accident
16-03944	Issalah Abrego	14	Autopsy	Anomalous Origin of the Left Coronary Artery due to Obesity	Natural
16-04014	Zamiya Fennell-Parks	0	Autopsy	Undetermined	Undetermined
16-04065	Aaron Jordan	18	Autopsy	Gunshot wound of the head	Homicide
16-04080	David Gasper	0	Autopsy	Suffocation in Adult Bedding	Accident
16-04091	Sasha Pocasangre-Gutierrez	0	Autopsy	Multiple Congenital Malformations	Natural
16-04092	Jonathan Lopez	1	Autopsy	Blunt Force Head Trauma	Homicide
16-04094	Angelo Barboza	15	Autopsy	Multiple gunshot wounds	Homicide
16-04117	John Poaks, III	0	Autopsy	Acute Streptococcus Pneumoniae Pneumonia Complicating Viral Respiratory Infection due to Preterm Birth	Natural
16-04144	Benjamin Andre Solay	17	Autopsy	Multiple gunshot wounds	Homicide
16-04351	Angel Rose Perez	0	Autopsy	Intrauterine Fetal Demise due to Preeclampsia and Maternal Methamphetamine Use	Accident
16-04488	Jayde Bauer	0	Autopsy	Sudden Infant Death Syndrome	Natural
16-04624	Ariana Angel Aguilar-Rios	0	Autopsy	Undetermined	Undetermined
16-04642	Ezekiel Hooper	0	Autopsy	Asphyxiation due to Wedging Under Edge of Bed	Accident
16-04759	Booker Lewis, III	3	Autopsy	Undetermined	Undetermined
16-04760	Sukhjeevan Sodhi	13	External Exam	Shotgun wound of the head	Suicide
16-04801	Abigail White	0	Autopsy	Undetermined	Undetermined
16-04854	Marshaun Jackson	17	Autopsy	Drowning	Accident
16-04901	Jhronne Maddox	17	Autopsy	Gunshot wound of the back	Homicide
16-04923	Noah Flores	17	Autopsy	Anomalous Origin of the Left Main Coronary Artery	Natural
16-04980	Alina Barron	0	Autopsy	Undetermined	Undetermined
16-05119	Logan Brett Leone	2	Autopsy	Near drowning	Accident
16-05233	Connor Burkund	0	Autopsy	Undetermined	Undetermined
16-05361	Joshua Nunez	17	Autopsy	Gunshot wound of head	Homicide
16-05408	Alayzah Marcus	12	Autopsy	Asthma	Natural
16-05528	Marc Alegria	7	Autopsy	Blunt Head Trauma due to Fall from Height	Accident
16-05597	Zaldyn Lambey	0	Autopsy	Undetermined	Undetermined
16-05749	McKensie Maria Young	0	Autopsy	Undetermined	Undetermined
16-05798	David Tonini	18	Autopsy	Diphenhydramine Intoxication	Suicide
16-06209	Gianni Corsentino	18	Autopsy	Multiple gunshot wounds	Homicide
16-06243	Hunter Araujo	0	Autopsy	Univentricular Heart of Right Ventricular Type with Common Inlet	Natural
16-06282	Kayden Parker Kodrea	0	Autopsy	Chorioamnionitis	Natural
16-06295	Kingston Mejia	0	Autopsy	Suffocation due to Bed Clothes	Accident
16-06348	Anhurak Jason Dej-Oudom	9	Autopsy	Gunshot wound to the head	Homicide

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
16-06349	Dalavanh Ariel Dej-Oudom	15	Autopsy	Gunshot wound to the head	Homicide
16-06350	Xonajuk J.J. Dej-Oudom	14	Autopsy	Gunshot wound to the head	Homicide
16-06357	Tovah Day	0	Autopsy	Asphyxia	Accident
16-06403	Abygaile Bennett	3	Autopsy	Blunt chest trauma due to Assault due to Chronic physical abuse	Homicide
16-06440	Baby Boy Villasenor	0	Autopsy	Intrauterine Fetal Demise	Natural
16-06494	Jael McKnight	6	Autopsy	Drowning due to Lymphatic Myocarditis	Accident
16-06506	Demonie Denise Palm	3	Autopsy	Drowning	Accident
16-06531	Baby Girl Salazar	0	Autopsy	Birth Asphyxia due to Neglect of Care of Newborn	Homicide
16-06728	Noah James Cruz-Angulo	0	Autopsy	Undetermined	Undetermined
16-06733	Robert Joseph Bustos, II	17	Autopsy	Multiple gunshot wounds	Homicide
16-06770	Aubree Marie Jarus	0	Autopsy	Undetermined	Undetermined
16-06903	Nicholas Randolph Eaton	17	Autopsy	Acute Escitalopram Intoxication	Suicide
16-06908	Parker Powell	3	Autopsy	Drowning	Accident
16-07262	Jax Ewing	0	Autopsy	Undetermined	Undetermined
16-07272	Anthony Ross	3	Autopsy	Drowning	Accident
16-07280	Miguel Lumbieras, Jr.	15	Autopsy	Complications of Severe Obstructive Hydrocephalus due to Congenital Aqueductal Atresia	Natural
16-07325	Fernando Coronel	0	Autopsy	Undetermined	Undetermined
16-07399	Stephen Striker	18	External Exam	Multiple blunt force trauma due to Motor vehicle collision	Accident
16-07422	Baby Boy Smith	0	Autopsy	Congenital Anomalies due to Consanguinity	Natural
16-07472	McKenzie Marie Cauley	14	Autopsy	Gunshot wound of the chest	Suicide
16-07618	Henry Martinez	0	Autopsy	Blunt Force Injuries of Head and Neck due to Blunt Force Injuries of Torso	Homicide
16-07644	Zuri Irene Bahr	0	Autopsy	Intrauterine Fetal Demise due to Maternal Eclampsia	Natural
16-07649	Joseph Mason III	0	Autopsy	Intrauterine Fetal Demise due to Placental Malperfusion [Placental Insufficiency] due to Maternal Lupus Erythematosus [Not Otherwise Specified] and Acute and Chronic Maternal Narcotism	Accident
16-07705	Malachi Wilson	0	Autopsy	Periventricular-Intraventricular Hemorrhage due to Extreme Prematurity due to Placenta Previa due to Chronic Maternal Narcotism	Undetermined
16-07771	Ryleigh Island	9	Autopsy	Combined Hydrocodone and Oxycodone Intoxication due to Coagulase Positive Staphylococcus Pneumonia and Sepsis	Homicide
16-07783	Andrew Singer	1	External Exam	Blunt force injury of head due to Motor vehicle collision	Accident
16-07860	Brad Eugene Adams, Jr.	0	Autopsy	Intrauterine Fetal Demise due to Chorioamnionitis and Funisitis	Natural
16-07880	Lysanias Santos	0	Autopsy	Sudden Infant Death Syndrome	Natural
16-08050	Derion Jayvon Stevensons	9	Autopsy	Blunt force injuries of head and neck due to Canine attack	Accident
16-08064	Joseph Perkins	0	Autopsy	Abruptio Placentae due to Acute Chorioamnionitis	Natural
16-08144	Gabriela Hansen	15	Autopsy	Hypoxic Encephalopathy due to Acute Anaphylaxis due to Medication allergy (Ampicillin)	Accident
16-08220	Arya Carroll	0	Autopsy	Pending toxicology, microscopic, neuropathology consultation due to ****REMINDER - CHILD DEATH / NOTIFY CAIR TEAM*****	Pending
16-08326	Gabriella Delafuente	15	External Exam	Multiple blunt force trauma due to Motor vehicle collision	Accident
16-08375	Ashley Peters	16	Autopsy	Combined Alprazolam and Morphine Intoxication	Suicide
16-08412	Grace Davis	6	Autopsy	Drowning	Accident
16-08454	Malaya Jai Boudoin	0	Autopsy	Undetermined	Undetermined

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Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
16-08530	Maria Kruger	13	Autopsy	Multiple Blunt Force Injuries	Suicide
16-08549	Jasper Walker Mills	1	Autopsy	Blunt Force Injuries	Homicide
16-08568	Baby Boy Merrill	0	Autopsy	Stillborn Male Fetus due to Abruption Placentae due to Maternal Methamphetamine Intoxication	Accident
16-08670	Timothy Steerman, Jr.	18	Autopsy	Heroin, Fentanyl, Hydromorphone, Alprazolam and Gabapentin Intoxication	Accident
16-08696	Mia Resendiz	1	Autopsy	Drowning	Accident
16-08851	Dayvion Marques Andrews	0	Autopsy	Positional Asphyxia	Accident
16-09021	Baby Boy Saner	0	Autopsy	Fetal demise, intrauterine	Natural
16-09200	Hunter Cassity	17	Autopsy	Asphyxiation	Suicide
16-09212	Shane Edward Sanders	16	External Exam	Multiple blunt force injuries	Accident
16-09230	Evalani-Judith Zamora	0	Autopsy	Undetermined Cause	Undetermined
16-09249	Caylynn Rupe	0	Autopsy	Undetermined Cause	Undetermined
16-09318	Kenedy Vizuet-Diaz	17	Autopsy	Combined Acetylsalicylic Acid, Alprazolam, and Diphenhydramine Intoxication	Suicide
16-09490	Neil Hinson Hutton	0	Autopsy	Multicystic Hypoplastic Renal Dysplasia due to Intrauterine Growth Restriction due to Placental Infarction due to Maternal Cocaine Ingestion	Accident
16-09571	Samantha Schiers	17	Autopsy	Penetrating gunshot wound of the head	Suicide
16-09591	Lucas Tetreault	0	Autopsy	Undetermined	Undetermined
16-09766	Izayah Pelaez-Daniel	0	Autopsy	Blunt Force Head Trauma	Homicide
16-09890	Jonathan Lance Dodge	0	Autopsy	Asphyxia due to Pneumonia	Accident
16-09927	Alexander Reyes	12	External Exam	Gunshot wound of head	Suicide
16-09968	Lyriq Elaine Clayton	1	Autopsy	Scalding burns with thermal injury	Homicide
16-10000	Louie Lopez Bailon	10	External Exam	Blunt force head trauma due to Pedestrian versus motor vehicle collision	Accident
16-10048	Gabriela Cruz-Martinez	14	External Exam	Hanging	Suicide
16-10094	Jasmine Sherfield	2	Autopsy	Pending toxicology, microscopic, medical records, neuropathology, cultures, serology due to ****REMINDER - CHILD DEATH / NOTIFY CAIR TEAM*****	Pending
16-10123	Nicholas Herrera	0	Autopsy	Undetermined cause	Undetermined
16-10303	Harley Berge	0	Autopsy	Complications of delivery	Accident
16-10345	Ryan Galofaro	0	Autopsy	Biliary Cirrhosis due to Extrahepatic Biliary Atresia due to Chronic Neonatal Lung Injury (Bronchopulmonary Dysplasia)	Natural
16-10405	Donald Dixon, Jr.	18	External Exam	Multiple blunt force trauma due to Motor vehicle collision	Accident
16-10416	Lacey Batdorf	2	Autopsy	Streptococcus pyogenes septicemia due to Parainfluenza viral infection and failure to thrive	Natural
16-10437	Noe Axel Mosqueda de la Pena	16	External Exam	Blunt force head trauma	Accident
16-10500	Richard Findley, Jr.	7	Autopsy	Blunt Force Abdominal Trauma	Homicide
16-10657	Trenell McMahan	17	Autopsy	Congenital Polymicrogyria due to Early Bronchopneumonia and Dehydration	Undetermined
16-10668	Kali Ka'lique Penn	0	Autopsy	Undetermined	Undetermined
16-10670	Nico Stachle	0	Autopsy	Undetermined	Undetermined
16-10743	Germany Hunt-Combs	0	Autopsy	Positional Asphyxia	Accident
16-10817	De'lor Shelton	0	Autopsy	Intrauterine demise due to Compression of decedent's umbilical cord by her twin sibling's umbilical cord due to Complications of twin pregnancy	Natural
16-10969	Noel Diaz	0	Autopsy	Positional Asphyxiation due to Unsafe Sleeping Position, Unsafe Sleep Environment	Accident
16-10973	Lia R. Te'o	0	Autopsy	Positional Asphyxia	Accident

May 5, 2017

22 of 24

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4:01:51 PM

LVRJ069



CLARK COUNTY CORONER / MEDICAL EXAMINER

Under 18 Exams

May 5, 2017
23 of 24

Dates of death from Jan 1, 2011 to May 5, 2017

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
16-11232	Baby Girl Beutler	0	Autopsy	Intrauterine Fetal Demise due to Chorioamnionitis	Natural
16-11286	Mairyn Mayer	12	Autopsy	Septic Shock due to Pseudomonas Aeruginosa Septicemia due to B-Cell Lymphocytic Leukemia/Lymphoma	Natural
16-11359	Jaxson Jesse-Lee Llal-Garza	0	Autopsy	Pending toxicology, micros, further studies due to ****REMINDER - Child Death / notify CAIR TEAM	Pending
16-11490	Leona Sylejmani	0	Autopsy	Undetermined	Undetermined
16-11582	Fabricio Patti	13	Autopsy	Gunshot wounds of the head and torso	Homicide
16-11671	Jannelly Hipolita Rivera	6	External Exam	Inhalation of smoke and soot due to House fire due to Carbon monoxide intoxication due to house fire	Accident
16-11722	Maliq Simmons	0	Autopsy	Pending toxicology, microscopic, further studies, and neuropathology due to ****REMINDER - CHILD DEATH / NOTIFY CAIR TEAM*****	Pending
16-11758	Adalynn Cox	3	Autopsy	Thermal and Inhalational Injuries	Undetermined
16-11800	Gianna Lidia Gaines	0	Autopsy	Intrauterine Fetal Demise	Undetermined
16-11850	Fetus DeCamp	0	Autopsy	Intrauterine Fetal Demise	Natural
16-11867	Kyrrie Livingston	0	Autopsy	Suffocation due to Face Down in Adult Bed	Accident
16-12282	Julian Nakai Dominguez	0	Autopsy	Asphyxia due to Suffocation	Accident
16-12390	Ommelsha Harris	1	Autopsy	Viral Infection [NOS]	Natural
16-12416	Paris Anderson	9	Autopsy	Complications of Lennox-Gastaut Syndrome	Natural
16-12488	Richard Ares	18	Autopsy	Gunshot wound of the chest	Homicide
16-12510	Baby Girl Vera	0	Autopsy	Spontaneous Abortion due to Chorioamnionitis due to Funisitis	Natural
17-00333	Richard Paredes-Corona	17	External Exam	Gunshot wound to the head	Suicide
17-00579	Richard J. Nelson	18	Autopsy	Multiple gunshot wounds	Homicide
17-00743	Myle Bennett	0	Autopsy	Pending toxicology, micros, cultures, mayo	Pending
17-00763	Kaysha Ray	8	Autopsy	Carbon monoxide poisoning due to Cutaneous thermal burn injuries	Undetermined
17-00902	Claraines Juan	0	Autopsy	Intrauterine Fetal Death due to Intrauterine Asphyxia of Unknown Etiology due to Twin Gestation	Natural
17-00903	Yordani Corona, Jr.	0	Autopsy	Intrauterine Fetal Death due to Intrauterine Asphyxia of Unknown Etiology due to Twin Gestation	Natural
17-01073	Jazaya Williams	15	External Exam	Blunt Force Head Trauma	Accident
17-01113	Fallon Woodman	0	Autopsy	Undetermined	Undetermined
17-01151	Chiamaka Ogbonnaya	0	Autopsy	Pending further studies due to ****REMINDER - CHILD DEATH / NOTIFY CAIR TEAM*****	Pending
17-01274	Victor Angel Bautista	16	External Exam	Hanging	Suicide
17-01322	Olivia Blaine Chapman	0	Autopsy	Undetermined	Undetermined
17-01535	Gage Doucet	0	Autopsy	Blunt head trauma due to Assault	Homicide
17-01599	Jazmin Honorato-Espana	11	External Exam	Multiple blunt force trauma due to Pedestrian versus motor vehicle collision	Accident
17-01620	Jaelan Jonson Fajardo	16	External Exam	Blunt force injuries	Accident
17-01742	David Espinoza	18	Autopsy	Multiple gunshot wounds	Homicide
17-01901	Lorenzo Ivan Hardison	18	Autopsy	Gunshot wound of head	Homicide
17-01934	Calvin Chavis	0	Autopsy	Intrauterine Fetal Demise	Natural
17-01951	Baby Boy Ross	0	Autopsy	Intrauterine Fetal Demise	Natural
17-01986	Mia Sativa Leyba	0	Autopsy	Suffocation	Accident
17-02017	Tiris Coleman, Jr.	17	Autopsy	Gunshot wound of the neck	Homicide
17-02235	Kaleb Parker	0	Autopsy	Pending micros, further studies due to **DO NOT RELEASE COD/MOD until CAIR Team is notified **	Pending
17-02308	Harmony Ferguson	0	Autopsy	Congenital Diaphragmatic Hernia due to Extreme Prematurity	Natural

May 5, 2017

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4:01:51 PM

LVRJ070



CLARK COUNTY CORONER / MEDICAL EXAMINER

Under 18 Exams

May 5, 2017
24 of 24

Dates of death from Jan 1, 2011 to May 5, 2017

Case Number	Decedent Name	Decedent Age (Years)	Exam Type	Cause of Death	Manner of Death
17-02731	Baby Boy Satterwhite	0	Autopsy	Intrauterine Fetal Demise associated with Maternal Methamphetamine Abuse	Accident
17-02781	Uriel Heczko	2	Autopsy	**Pending further studies, tox, neuro path* due to **REMINDER_ Child Death Notify CAIR Team**	Unknown
17-02971	Nicholas Caples	18	Autopsy	Gunshot wound of chest	Homicide
17-02974	Kalob Michael Meyer	17	External Exam	Mechanical asphyxia due to Being trapped under truck due to Multiple blunt force injuries of torso	Accident
17-03133	Ashaun Eaton	0	Autopsy	Intrauterine Fetal Demise due to Abruptio Placentae due to Maternal Fall	Accident
17-03240	Adalynn Ramirez	2	Autopsy	Pending further studies due to ****DO NOT release COD/MOD until CAIR Team notified****	Pending
17-03505	Marcus Cleveland Thomas, Jr.	0	Autopsy	Multiple gunshot wounds	Homicide
17-03506	Andrew Cano-Robles	1	Autopsy	Pending toxicology, micros, further studies, CX, neuro due to **DO NOT RELEASE COD/MOD until CAIR TEAM is NOTIFIED**	Pending
17-03519	Isaiah Vega	0	Autopsy	Undetermined	Undetermined
17-03618	Diamond Thompson	1	Autopsy	Pending toxicology, micros, neuropathology, medical records, cultures due to **DO NOT release COD/MOD until CAIR team is notified**	Pending
17-03966	Nevaeh Stefano	0	Autopsy	Intrauterine Fetal Demise due to Abruptio Placentae due to Maternal Methamphetamine Intoxication	Accident
17-03980	Laron Winfield	5	Autopsy	Pending toxicology, further studies, micros, review of medical records due to **DO NOT RELEASE COD/MOD until CAIR Team notified**	Pending
17-04165	Dante Ford	8	Autopsy	Pending toxicology, micros, further studies due to **DO NOT RELEASE COD/MOD until CAIR Team notified**	Pending
17-04172	Aubrey Arieth Aguilar	0	Autopsy	Pending Toxicology, Microscopic	Pending
17-04420	Aaron D. Jones	13	Autopsy	Pending further investigation	Pending
17-04624	Jeremiah Smith	0	Autopsy	Pending toxicology, microscopic, and further studies	Pending
17-04732	Enrique Barranco-Medina	2	Autopsy	Pending toxicology	Pending

EXHIBIT 6



From: **Laura Rehfeldt** <Laura.Rehfeldt@clarkcountynyda.com>

Date: Wed, May 31, 2017 at 5:09 PM

Subject: RE: OPEN RECORDS REQUEST

To: Arthur Kane <akane@reviewjournal.com>

Cc: Karisa King <kking@reviewjournal.com>, Brian Joseph <bjoseph@reviewjournal.com>, Nicole Charlton <Nicole.Charlton@clarkcountynv.gov>, "fud@clarkcountynv.gov" <fud@clarkcountynv.gov>

Dear Art,

We are in receipt of your records request. Due to the magnitude of the request and the review involved, we will be unable to have the records available by the end of the fifth business day. Each record has to be reviewed individually by experienced personnel, and, of course, those subject to privilege will not be disclosed. Additionally, it will take time to redact content of the records that are not subject to privilege. Because of the detail involved in this request, we are unable to determine at this time when they will be ready. As we progress, we will have a better idea of the timeframe. We will keep you updated as to the timeframe and the charges.

If there are reports that you would like reviewed ahead of the others, let us know what they are and we will address those first. Additionally, any releases you get from families will expedite the process.

Thanks,

Laura

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountynv.gov

Clark County District Attorney | Civil Division

500 S. Grand Central Parkway, Las Vegas, NV 89106

T: [702-455-4761](tel:7024554761) | F: [702-382-5178](tel:7023825178)

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From: Arthur Kane [<mailto:akane@reviewjournal.com>]

Sent: Friday, May 26, 2017 4:37 PM

To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountynv.gov>; Nicole Charlton <Nicole.Charlton@clarkcountynv.gov>;
fud@clarkcountynv.gov

Cc: Karisa King <kking@reviewjournal.com>; Brian Joseph <bjoseph@reviewjournal.com>

Subject: OPEN RECORDS REQUEST

This is a request under state open records laws.

I am seeking the entire autopsies of these specific deaths detailed in the attachment. As Laura Rehfeldt suggested in her letter of May 25, 2017, the coroner will provide autopsies if we identify particular cases. These are the cases we would like autopsies for.

I understand there may be some redaction. Please justify the legal reason for any of the redactions on the specific reports as we reserve the right to challenge those redactions.

As you know, state law requires a response to open records requests within five business days. Please call or email if you have questions or there will be a cost for the documents.

Thanks,

art

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane


Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

EXHIBIT 7



From: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>
Date: Tue, Jun 13, 2017 at 7:11 AM
Subject: RE: OPEN RECORDS REQUEST
To: Arthur Kane <akane@reviewjournal.com>
Cc: Brian Joseph <bjoseph@reviewjournal.com>

Thanks Art. We'll look at these first.

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountyda.com

Clark County District Attorney | Civil Division

500 S. Grand Central Parkway, Las Vegas, NV 89106

T: [702-455-4761](tel:702-455-4761) | F: [702-382-5178](tel:702-382-5178)

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From: Arthur Kane [mailto:akane@reviewjournal.com]
Sent: Monday, June 12, 2017 9:49 AM
To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>

Cc: Brian Joseph <bjoseph@reviewjournal.com>
Subject: Re: OPEN RECORDS REQUEST

Laura, you had asked if we can prioritize cases that we want redacted autopsies for. We were able to do that last week so if we can get these first that would be great.

Decedent Name
Abygaile Bennett
Aiden James Leach
Anhurak Jason Dej-
Oudom
Aralee Jo Ballance
Cesar Navarro
Cory Yoon Serra
Dalavanh Ariel Dej-
Oudom
Draven Kierstead
Hope Stream Serra
Jade Morris
Karla Martinez
Lex Donoso
Malachai Melvin
Joshua Long
Richard J. Cromwell
Romelo A Brayton
Xonajuk J.J. Dej-
Oudom

On Wed, May 31, 2017 at 5:09 PM, Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com> wrote:

Dear Art,

We are in receipt of your records request. Due to the magnitude of the request and the review involved, we will be unable to have the records available by the end of the fifth business day. Each record has to be reviewed individually by experienced personnel, and, of course, those subject to privilege will not be disclosed. Additionally, it will take time to redact content of the records that are not subject to privilege. Because of the detail involved in this request, we are unable to determine at this time when they will be ready. As we progress, we will have a better idea of the timeframe. We will keep you updated as to the timeframe and the charges.

If there are reports that you would like reviewed ahead of the others, let us know what they are and we will address those first. Additionally, any releases you get from families will expedite the process.

Thanks,

Laura

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountyda.com

Clark County District Attorney | Civil Division

500 S. Grand Central Parkway, Las Vegas, NV 89106

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From: Arthur Kane [mailto:akane@reviewjournal.com]

Sent: Friday, May 26, 2017 4:37 PM

To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>; Nicole Charlton <Nicole.Charlton@clarkcountynv.gov>; fud@clarkcountynv.gov

Cc: Karisa King <kking@reviewjournal.com>; Brian Joseph <bjoseph@reviewjournal.com>

Subject: OPEN RECORDS REQUEST

This is a request understate open records laws.

I am seeking the entire autopsies of these specific deaths detailed in the attachment. As Laura Rehfeldt suggested in her letter of May 25, 2017, the coroner will provide autopsies if we identify particular cases. These are the cases we would like autopsies for.

I understand there may be some some redaction. Please justify the legal reason for any of the redactions on the specific reports as we reserve the right to challenge those redactions.

As you know, state law requires a response to open records requests within five business days. Please call or email if you have questions or there will be a cost for the documents.

Thanks,

art

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurmkane

--

Thanks,

Arthur Kane


Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurmkane

EXHIBIT 8



From: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>
Date: Sun, Jul 9, 2017 at 10:40 AM
Subject: RE: OPEN RECORDS REQUEST
To: Arthur Kane <akane@reviewjournal.com>

Art,

We are making progress. We have researched the cases going back to January 1, 2012 and identified those that are not child death review committee cases and subject to privilege under NRS 432B.407. The cases listed below are not child death review committee cases. We are commencing the redaction process with respect to these cases. I will check with the Coroner tomorrow with respect to a time frame, but I would think the redaction process and delivery to you could occur within the next 30 days. Again, I will verify tomorrow.

Christopher Schmerber

Sierra May Tate

Chad Lee Moutray

Fetus Salgado

Fetus White

Baby Boy Wickard

Baby Girl Villalovos

Baby Girl Burke

Baby Boy Swanson
Isabelle Verrett
Lilliana Marie Garnica
Shara Jimenez
Matthew David Hose
Christina Tyler Cowan
Tanner McKay Salisbury
Baby Girl Drayton
Tyree Poole
Fetus Caution
Julies Martinez
Anthony Newton, II
Baby Boy Van Dyke
James Jonathon Keates
Iayana Hester
Lucy Raeann Sistrunk
Connor Robb
Gavin Michael Brooks-Yeager
Nevaeh Angel Deherrera
Baby Boy Murray
Kali Nobles
Baby Boy Hall
Lela Provencio

Baby Boy Miranda

Thomas Jones, Jr.

Braxton Bare

Aubrey Caudel

Raquel Wilson

Derreck Carter, Jr.

Bella Leona Ortiz

Jason Harlyn Mitchell

Evangeline Lee-Dawn Reddin

Dylan Cervantes

Noah Flores

Alayzah Marcus

Hunter Araujo

Brad Eugene Adams, Jr.

Baby Boy Saner

Fetus DeCamp

Harmony Ferguson

Thanks,

Laura

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountyda.com

Clark County District Attorney | Civil Division

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From: Arthur Kane [mailto:akane@reviewjournal.com]
Sent: Friday, July 07, 2017 4:19 PM
To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountynvda.com>
Subject: Re: OPEN RECORDS REQUEST

Just checking to see when we should get the redacted autopsies we requested.

Thanks,

art

On Wed, May 31, 2017 at 5:09 PM, Laura Rehfeldt <Laura.Rehfeldt@clarkcountynvda.com> wrote:

Dear Art,

We are in receipt of your records request. Due to the magnitude of the request and the review involved, we will be unable to have the records available by the end of the fifth business day. Each record has to be reviewed individually by experienced personnel, and, of course, those subject to privilege will not be disclosed. Additionally, it will take time to redact content of the records that are not subject to privilege. Because of the detail involved in this request, we are unable to determine at this time when they will be

ready. As we progress, we will have a better idea of the timeframe. We will keep you updated as to the timeframe and the charges.

If there are reports that you would like reviewed ahead of the others, let us know what they are and we will address those first. Additionally, any releases you get from families will expedite the process.

Thanks,

Laura

Laura C. Rehfeldt

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Sent: Friday, May 26, 2017 4:37 PM

To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountynv.gov>; Nicole Charlton <Nicole.Charlton@clarkcountynv.gov>;
fud@clarkcountynv.gov

Cc: Karisa King <kking@reviewjournal.com>; Brian Joseph <bjoseph@reviewjournal.com>
Subject: OPEN RECORDS REQUEST

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art

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@arthurm Kane

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Thanks,

Arthur Kane


Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

EXHIBIT 9



From: Laura Rehfeldt <Laura.Rehfeldt@clarkcountydade.com>
Date: Tue, Jul 11, 2017 at 6:21 PM
Subject: RE: OPEN RECORDS REQUEST
To: Arthur Kane <akane@reviewjournal.com>

Art,

Just to follow up, I confirmed that we should be able to complete the redaction of the reports listed in my previous email in the next thirty days.

To this point, a significant amount of work has been performed. Several hours have been expended in compiling the reports, setting redaction parameters and commencing redaction. However, the County does not intend to charge the Review Journal for the extraordinary use of its personnel under NRS 239.055 for this preliminary work. That being said, due to the time, manpower, level of detail involved, and the necessity for experienced personnel in redacting documents, we will be requesting payment for further redaction.

It is anticipated that redaction of these reports will take 10-12 hours. An attorney and the Director of the Coroner's Office will be performing the redaction. While the hourly cost of these employees is about \$75 per hour, we are willing to offer the Review Journal a lower rate of \$45 per hour. As soon as you let me know that the Review Journal is committed to these fees, we will move forward with the redaction process. We can even provide you with redacted documents as we complete them.

Attached please find samples of redacted autopsy reports. The language that is redacted consists of information that is medical, relates to the status of the decedent's health (or the mother of a baby), could be marked with stigmata or considered an invasion of privacy by the family. With respect to the autopsy reports of children decedents, most of the redacted information is related to medical or health related. Statements of diagnosis or opinion that are medical or health related that go to the cause of death are not redacted. Note that there is not much more information in the redacted documents than in the spreadsheets the Coroner's Office provided you.

Again, once I hear from you that the RJ is committed to the fees, we will continue with the redaction of the reports listed in my previous email. We will not move forward with the redaction until I hear from you about the fees.

Thanks,

Laura

From: Laura Rehfeldt
Sent: Sunday, July 09, 2017 10:40 AM
To: 'Arthur Kane' <akane@reviewjournal.com>
Subject: RE: OPEN RECORDS REQUEST

Art,

We are making progress. We have researched the cases going back to January 1, 2012 and identified those that are not child death review committee cases and subject to privilege under NRS 432B.407. The cases listed below are not child death review committee cases. We are commencing the redaction process with respect to these cases. I will check with the Coroner tomorrow with respect to a time frame, but I would think the redaction process and delivery to you could occur within the next 30 days. Again, I will verify tomorrow.

Christopher Schmerber
Sierra May Tate
Chad Lee Moutray
Fetus Salgado
Fetus White
Baby Boy Wickard
Baby Girl Villalovos
Baby Girl Burke
Baby Boy Swanson
Isabelle Verrett
Lilliana Marie Garnica
Shara Jimenez
Matthew David Hose
Christina Tyler Cowan
Tanner McKay Salisbury
Baby Girl Drayton
Tyree Poole
Fetus Caution
Julies Martinez
Anthony Newton, II
Baby Boy Van Dyke
James Jonathon Keates
Iayana Hester

Lucy Raeann Sistrunk
Connor Robb
Gavin Michael Brooks-Yeager
Nevaeh Angel Deherrera
Baby Boy Murray
Kali Nobles
Baby Boy Hall
Lela Provencio
Baby Boy Miranda
Thomas Jones, Jr.
Braxton Bare
Aubrey Caudel
Raquel Wilson
Derreck Carter, Jr.
Bella Leona Ortiz
Jason Harlyn Mitchell
Evangeline Lee-Dawn Reddin
Dylan Cervantes
Noah Flores
Alayzah Marcus
Hunter Araujo
Brad Eugene Adams, Jr.
Baby Boy Saner

Fetus DeCamp

Harmony Ferguson

Thanks,

Laura

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountyda.com

Clark County District Attorney | Civil Division

500 S. Grand Central Parkway, Las Vegas, NV 89106

T: [702-455-4761](tel:702-455-4761) | F: [702-382-5178](tel:702-382-5178)

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From: Arthur Kane [<mailto:akane@reviewjournal.com>]
Sent: Friday, July 07, 2017 4:19 PM
To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountyda.com>
Subject: Re: OPEN RECORDS REQUEST

Just checking to see when we should get the redacted autopsies we requested.

Thanks,

art

On Wed, May 31, 2017 at 5:09 PM, Laura Rehfeldt <Laura.Rehfeldt@clarkcountynvda.com> wrote:

Dear Art,

We are in receipt of your records request. Due to the magnitude of the request and the review involved, we will be unable to have the records available by the end of the fifth business day. Each record has to be reviewed individually by experienced personnel, and, of course, those subject to privilege will not be disclosed. Additionally, it will take time to redact content of the records that are not subject to privilege. Because of the detail involved in this request, we are unable to determine at this time when they will be ready. As we progress, we will have a better idea of the timeframe. We will keep you updated as to the timeframe and the charges.

If there are reports that you would like reviewed ahead of the others, let us know what they are and we will address those first. Additionally, any releases you get from families will expedite the process.

Thanks,

Laura

Laura C. Rehfeldt

Deputy District Attorney | Senior Attorney

Laura.Rehfeldt@clarkcountynvda.com

Clark County District Attorney | Civil Division

500 S. Grand Central Parkway, Las Vegas, NV 89106

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From: Arthur Kane [mailto:akane@reviewjournal.com]
Sent: Friday, May 26, 2017 4:37 PM
To: Laura Rehfeldt <Laura.Rehfeldt@clarkcountynyda.com>; Nicole Charlton <Nicole.Charlton@clarkcountynv.gov>;
fud@clarkcountynv.gov
Cc: Karisa King <kking@reviewjournal.com>; Brian Joseph <bjoseph@reviewjournal.com>
Subject: OPEN RECORDS REQUEST

This is a request understate open records laws.

I am seeking the entire autopsies of these specific deaths detailed in the attachment. As Laura Rehfeldt suggested in her letter of May 25, 2017, the coroner will provide autopsies if we identify particular cases. These are the cases we would like autopsies for.

I understand there may be some some redaction. Please justify the legal reason for any of the redactions on the specific reports as we reserve the right to challenge those redactions.

As you know, state law requires a response to open records requests within five business days. Please call or email if you have questions or there will be a cost for the documents.

Thanks,

art

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

--

Thanks,

Arthur Kane

Investigative Reporter

Las Vegas Review-Journal

702-383-0286

@arthurm Kane

Clark County Coroner
1704 Pinto Lane
Las Vegas, NV 89106
(702) 465-3210



AUTOPSY REPORT

Case Number: 12-05016

May 30, 2012

AUTOPSY REPORT

PATHOLOGICAL EXAMINATION ON THE BODY OF

FETUS SALGADO

PATHOLOGIC DIAGNOSES

- I. Extreme prematurity.
 - A. 18-week-old fetus.
 - B. Immature organs, per histology.
 - C. Eye lids fused.
- II. [REDACTED]
- III. Methamphetamine intoxication.
 - A. Maternal methamphetamine use.

OPINION

CAUSE OF DEATH: This approximately 18-week-old stillborn male, fetus Salgado, died of extreme prematurity due to placental abruption due to maternal methamphetamine use.

MANNER OF DEATH: ACCIDENT.

SUMMARY

According to Investigations his mother arrived by private vehicle on 05/28/12 at approximately 1728 hours.

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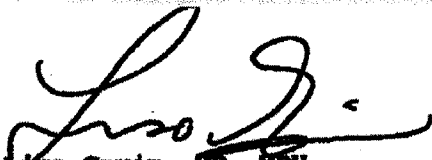
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AUTOPSY REPORT

Case Number: 12-05016

The fetus is slightly macerated with some decompositional fluid internally. All the body organs were in their usual and anatomic positions. No evidence of injury was identified on internal examination.


Lisa Gavin, MD, MPH
Medical Examiner
Clark County Coroner
Las Vegas, NV

LG/rls/amu

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AUTOPSY REPORT

Case Number: 12-05016

May 30, 2012

POSTMORTEM EXAMINATION ON THE BODY OF

Fetus Salgado

PEDIATRIC POSTMORTEM EXAMINATION

An autopsy examination is performed on the body of Salgado, Fetus at the Clark County Coroner's Office, on the 30th day of May 2012, commencing at 0850 hours.

The body is received within a sealed body bag (seal #789825), which is opened on 05/30/12 at 0720 hours by J.H. #287. The body is identified by a Clark County Coroner/Medical Examiner "toe tag", which accompanies the body, and includes: Clark County Coroner Case 12-05016; Name: Salgado, Fetus; Date of Death: 05/29/12; Time of Death: 1026 hours; CCCO Investigator: #209.

EXTERNAL EXAMINATION (EXCLUDING INJURIES)



The body is received unclad.

There are no accompanying personal effects.

The body is pink with minimal maceration of the head and back.

The body is cold (refrigerated). Rigor mortis is not present. Livor mortis is not identifiable.



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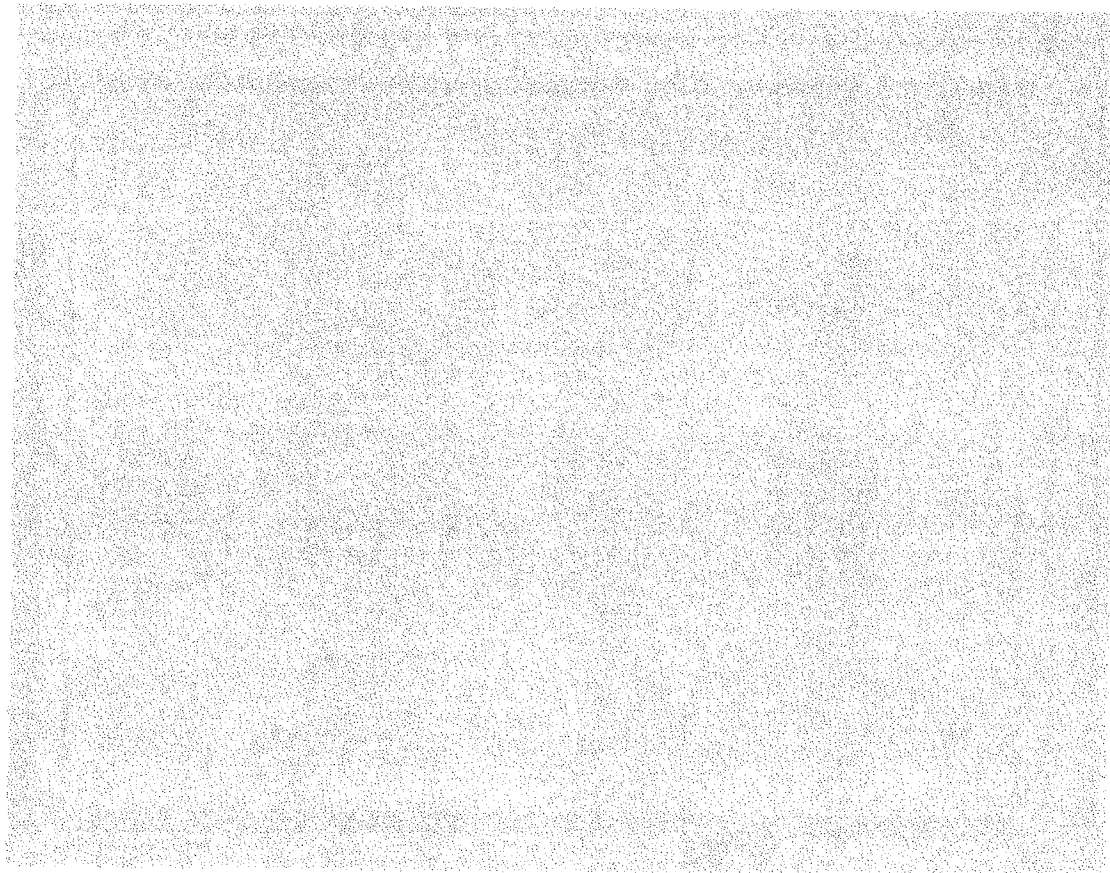
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AUTOPSY REPORT

Case Number: 12-05016

PAGE TWO



No identifying marks or scars are readily apparent.

There is no evidence of medical intervention.

EVIDENCE OF INJURY

No injuries are identified on external and internal examination.

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AUTOPSY REPORT

Case Number: 12-05016

PAGE THREE

INTERNAL EXAMINATION (EXCLUDING INJURIES)

BODY CAVITIES:



HEAD (CENTRAL NERVOUS SYSTEM):



NECK AND PHARYNX:



CARDIOVASCULAR SYSTEM:



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AUTOPSY REPORT

Case Number: 12-05016

PAGE FOUR

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RESPIRATORY SYSTEM:

[REDACTED]

LIVER AND BILIARY SYSTEM:

[REDACTED]

ALIMENTARY TRACT:

[REDACTED]

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AUTOPSY REPORT

Case Number: 12-05016

PAGE FIVE

[REDACTED]

GENITOURINARY TRACT:

[REDACTED]

[REDACTED]

RETICULOENDOTHELIAL SYSTEM:

[REDACTED]

[REDACTED]

ENDOCRINE SYSTEM:

[REDACTED]

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AUTOPSY REPORT

Case Number: 12-05016

PAGE SIX

MUSCULOSKELETAL SYSTEM:

[REDACTED]

OTHER EXAMINATION:

PLACENTA:

[REDACTED]

[REDACTED]

MICROSCOPIC EXAMINATION

[REDACTED]

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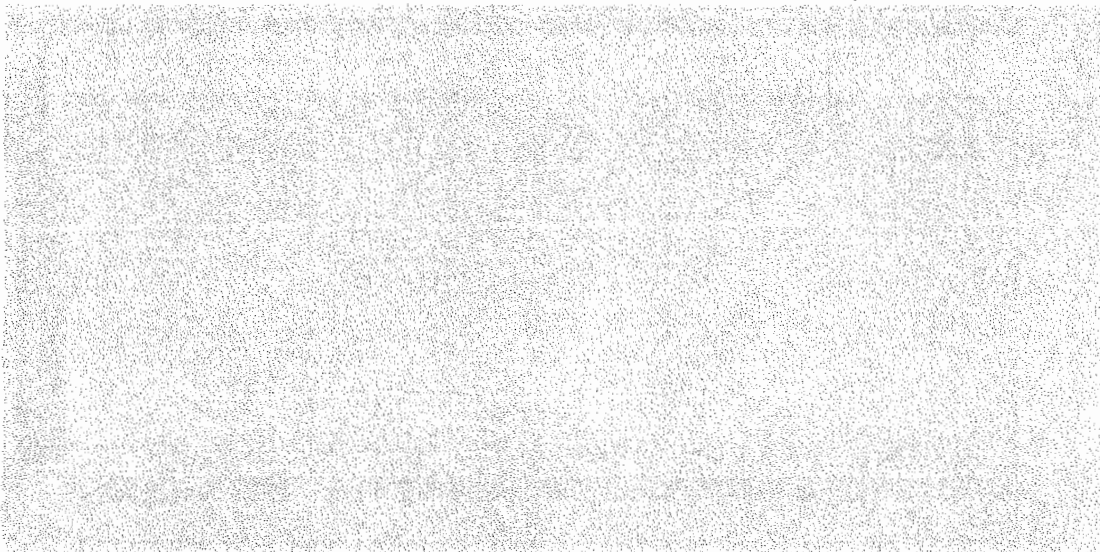
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AUTOPSY REPORT

Case Number: 12-05016

PAGE SEVEN



RADIOGRAPHS



SPECIMENS OBTAINED

TOXICOLOGY: Cavity fluid, liver and brain are obtained.

TISSUE: Representative sections of all of the major organs are retained.

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AUTOPSY REPORT

Case Number: 12-07909

September 1, 2012

AUTOPSY REPORT

PATHOLOGICAL EXAMINATION ON THE BODY OF

FETUS WHITE

PATHOLOGIC DIAGNOSES

- I. Intrauterine fetal demise - stillborn male fetus.
- II. Acute chorioamnionitis and funisitis, per pathology report/medical records.
- III. Moderate decomposition.

OPINION

CAUSE OF DEATH: This 20 - 22 week old male stillborn died of intrauterine fetal demise due to acute chorioamnionitis and funisitis.

MANNER OF DEATH: NATURAL.

COMMENT

Given the body weight and length, the estimated gestation age of this stillborn male fetus was 20 to 22 weeks.

Review of the medical records indicated that the mother had delivered vaginally, at home and "did not know" she was pregnant. The placenta was examined and found to be immature. Acute chorioamnionitis and funisitis along with vasculitis were identified. It appeared that no organism was cultured.

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AUTOPSY REPORT

Case Number: 12-07909

A handwritten signature in black ink, appearing to read "Lisa Gavin".

Lisa Gavin, MD, MPH
Medical Examiner
Clark County Coroner
Las Vegas, NV

LG/jph/amu

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AUTOPSY REPORT

Case Number: 12-07909

ADDENDUM

A handwritten signature in black ink, appearing to read "Lisa Gavin".

Lisa Gavin, MD, MPH
Medical Examiner
Clark County Coroner
Las Vegas, NV

LG/jph/amu

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AUTOPSY REPORT

Case Number: 12-07909

September 1, 2012

POSTMORTEM EXAMINATION ON THE BODY OF

Fetus White

PEDIATRIC POSTMORTEM EXAMINATION

An autopsy examination is performed on the body of tentatively identified as White, Fetus at the Clark County Coroner's Office, on the 1st day of September, 2012, commencing at 1045 hours.

The body is identified by a Clark County Coroner/Medical Examiner "toe tag", associated with the body which contains the: Clark County Coroner Case 12-7909; Name: White, Fetus; Date of Death: 07/14/2012; Time of Death: 1156 hours; CCCO Investigator: JD#257.

EXTERNAL EXAMINATION (EXCLUDING INJURIES)

The body is received clad in a plaid bonnet.

Personal effects accompanying the body are a plaid blanket and a plaid crocheted patch.

Evidence of postmortem change includes a brown-yellow discoloration of the body with drying of the skin.

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AUTOPSY REPORT

Case Number: 12-07909

PAGE TWO

The body is cold (refrigerated). Rigor mortis is receded. Livor mortis is not appreciated due to decomposition.

Identifying marks or scars:

No identifying marks or scars are readily apparent.

Medical intervention:

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AUTOPSY REPORT

Case Number: 12-07909

PAGE THREE

EVIDENCE OF INJURY

No injuries are identified on external and internal examination.

INTERNAL EXAMINATION (EXCLUDING INJURIES)

BODY CAVITIES:



HEAD (CENTRAL NERVOUS SYSTEM):



NECK AND PHARYNX:



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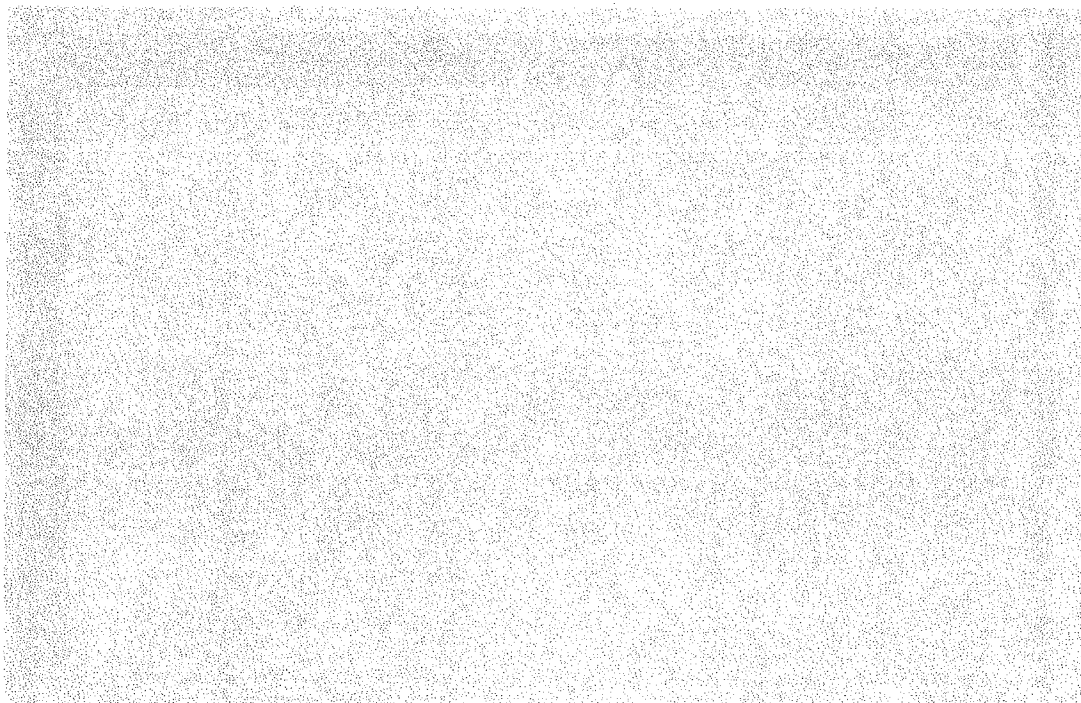


AUTOPSY REPORT

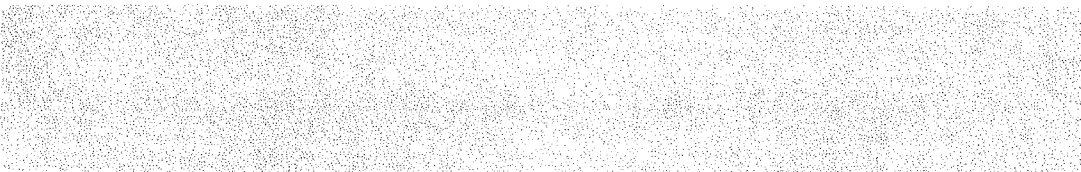
Case Number: 12-07909

PAGE FOUR

CARDIOVASCULAR SYSTEM:



RESPIRATORY SYSTEM:



LIVER AND BILIARY SYSTEM:



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AUTOPSY REPORT

Case Number: 12-07909

PAGE FIVE

ALIMENTARY TRACT:



GENITOURINARY TRACT:



RETICULOENDOTHELIAL SYSTEM:



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