

Exhibit A

Clark County Office of the Coroner/Medical Examiner's
Answer Against Emergency Petition for Writ of
Prohibition or in the Alternative Mandamus

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2
3 THE LAS VEGAS REVIEW-)
4 JOURNAL AND THE ASSOCIATED)
5 PRESS,)

6 Petitioners,)

7 vs.)

8 THE EIGHTH JUDICIAL DISTRICT)
9 COURT OF THE STATE OF)
10 NEVADA, IN AND FOR THE)
11 COUNTY OF CLARK, AND THE)
12 HONORABLE RICHARD SCOTTI,)
13 DISTRICT JUDGE,)

14 Respondent.)

15 VERONICA HARTFIELD, A)
16 NEVADA RESIDENT AND THE)
17 ESTATE OF CHARLESTON)
18 HARTFIELD and OFFICE OF THE)
19 CLARK COUNTY)
20 CORONER/EXAMINER,)

21 Real Parties in)
22 Interest,)
23)
24)
25)
26)
27)
28)

No. 75073

Electronically Filed
Feb 14 2018 02:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

District Court No. A-18-768781-C

29 **CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER'S**
30 **ANSWER AGAINST EMERGENCY PETITION FOR WRIT OF**
31 **PROHIBITION OR IN THE ALTERNATIVE MANDAMUS**

32 STEVEN B. WOLFSON
33 DISTRICT ATTORNEY
34 LAURA C. REHFELDT
35 Deputy District Attorney
36 State Bar No. 005101
37 500 South Grand Central Pkwy.
38 Las Vegas, Nevada 89155-2215
39 Attorney for Respondent, Clark County
40 Coroner Medical Examiner

STATEMENT OF FACTS

After the 1 October tragedy, the Coroner received numerous requests under Nevada Public Records Law for the 1 October autopsy reports from many media outlets, including the Las Vegas Review Journal ("LVRJ") and the Associated Press ("AP"). PA064;069. The LVRJ made its request on October 3, 2017 for the inspection of all autopsies from the 1 October tragedy, including the victims and the shooter. PA064-065, 129. On October 9, 2017, the Coroner responded against disclosure by asserting a legal analysis based on Donrey of Nev. v. Bradshaw, 106 Nev. 630, 798 P.2d 144 (1990), unwarranted invasion of privacy and AB 57, which in 2017 amended to NRS 259.045 and NRS 244.163. AP 130-133.

On November 7, 2018, the AP made its request for all of the autopsies from the 1 October shooting. PA069-070, 073-076. The Coroner denied access to the records and argued the balancing test and grounds set forth in Donrey of Nev. v. Bradshaw, 106 Nev. 630, 798 P.2d 144 (1990) and Reno Newspapers v. Gibbons, 127 Nev. 873, 266 P.3d 623 (2011), HIPAA, state laws relating to subject matter contained in the autopsy records, AB57/259.045 and privacy interests. PA 080.

On November 16, 2018, the LVRJ and the AP filed a Petition for Writ of Mandamus for Access to Autopsy Reports of 1 October Deaths in the Eighth Judicial District Court, Case No. A-17-764842 against the Coroner. The Coroner argued against disclosure based on law and policy set forth in NRS Chapter 239

1 and Nevada case law, including, AB 57/NRS 259.045, the basis articulated in
2 Bradshaw, HIPAA, state laws relating to the subject matter of autopsy reports, as
3 well as privacy interests.¹ PA 030-148.
4

5 On January 30, 2018, the LVRJ and the AP's Petition was heard by Judge
6 Timothy Williams. From the bench, Judge Williams' ruling, in part, directed the
7 Coroner to immediately make autopsy reports of the victims with only the names
8 and identifying information redacted. PA 187-191. This ruling was documented
9 in a written order noticed on February 6, 2018. PA 205-217.
10

11 On January 31, 2018, in compliance with the ruling of the District Court in
12 Case No. A-17-76482, copies of the autopsy reports of all the 1 October victims
13 were released, via email, to counsel for the LVRJ and AP. PA 219. Names and
14 identifying information of the victims consisting of Coroner case number, age and
15 race were redacted. PA 001, 219. Subsequently, the Clark County Office of
16 Communications released the redacted autopsy reports to other media outlets. PA
17 219.
18
19

20 On February 2, 2018, Veronica Hartfield and the Estate of Charleston
21 Hartfield, filed a Complaint for Declaratory and Injunctive Relief and an
22

23
24 ¹ The Coroner has made similar arguments in the case of *Las Vegas Review*
25 *Journal v. Clark County Office of the Coroner/Medical Examiner*, Case No. A-17-
26 758501-W. That case involves a public records request for autopsy records of
27 juveniles from 2012-2017 and is currently on appeal before the Nevada Supreme
28 Court, Case No. 74604.

1 Application for Temporary Restraining Order against the RJ and the AP. Mrs.
2 Hartfield requested that the autopsy report of 1 October victim, Charleston
3 Hartfield be retracted and that the RJ and the AP be prohibited from any further
4 dissemination of that report. PA 008-023. The Coroner filed a Response in Non-
5 Opposition to the Petition filed by Mrs. Hartfield. PA 029-219. After hearing the
6 matter on February 9, 2018, Judge Scotti ruled that the autopsy report of Mr.
7 Hartfield be returned and that the RJ and AP be precluded from publishing or
8 reporting on it. PA 356-363.

11 CORONER'S STATEMENT

12 The Coroner objected to the RJ and the AP's request for autopsy reports
13 under Nevada Public Records law in Case No. A-17-764842. The Coroner
14 asserted arguments based on law and policy against public disclosure of autopsy
15 reports. The Coroner's arguments against disclosure were based on the balancing
16 test and grounds set forth in Donrey of Nev. v. Bradshaw, 106 Nev. 630, 798 P.2d
17 144 (1990) and Reno Newspapers v. Gibbons, 127 Nev. 873, 266 P.3d 623 (2011),
18 HIPAA, state laws relating to subject matter contained in the autopsy records,
19 AB57/259.045 and privacy interests. These arguments are set forth in the
20 Coroner's responding brief in that case and were addressed at oral argument. PA
21 030-148; 150-203. The day after the hearing, the Coroner complied with District
22
23
24
25
26
27
28

1 Court Judge Williams' ruling and provided the redacted autopsy reports of the 1
2 October victims.

3
4 The Coroner asserted similar arguments in support of non-disclosure of
5 autopsy reports under Nevada Public Records Law in the case of *Las Vegas Review*
6 *Journal v. Clark County Office of the Coroner/Medical Examiner*, Eighth Judicial
7 District Court Case No. A-17-758501-W. In that case, the district court ordered
8 the release of autopsy records of children from 2012-217. That case is currently
9 pending before the Nevada Supreme Court, Case No. 74604.

11 In the present case, initially filed by Mrs. Hartfield in district court, the
12 Coroner submitted a Response in Non-Opposition to Mrs. Hartfield's position. PA
13 029-219. The Coroner does not oppose the arguments of Mrs. Hartfield. With
14 respect to the District Court Judge Scotti's ruling, the Coroner does not challenge
15 the court order.
16

17
18 / / /

19 / / /

20 / / /

21 / / /

22 / / /

23 / / /

24 / / /

25 / / /

26 / / /


1 **CONCLUSION**

2 Based on the foregoing, the Coroner respectfully submits its Answer Against
3 the Emergency Petition for Writ of Prohibition or In the Alternative Mandamus.
4

5 DATED this 14th day of February, 2018.

6 STEVEN B. WOLFSON
7 DISTRICT ATTORNEY

8 By:


9 LAURA C. REHFELDT
10 Deputy District Attorney
11 State Bar No. 005101
12 500 South Grand Central Pkwy.
13 Las Vegas, Nevada 89155-2215
14 Attorney for Clark County
15 Coroner Medical Examiner
16
17
18
19
20
21
22
23
24
25
26
27

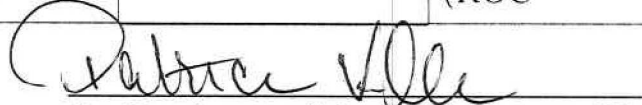
CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of February, 2018, I submitted the foregoing **CLARK COUNTY OFFICE OF THE CORONER/MEDICAL ANSWER AGAINST EMERGENCY PETITION FOR WRIT OF PROHIBITION OR IN THE ALTERNATIVE MANDAMUS** for filing via the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

ATTORNEYS OF RECORD	PARTIES REPRESENTED	SERVICE METHOD
Anthony P. Sgro Sgro & Roger 720 S. Seventh Street, 3 rd Fl. Las Vegas, NV 89101 tsgro@sgroandroger.com	<i>Counsel for Veronica Hartfield and the Estate of Charleston Hartfield</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)
David Roger Las Vegas Police Protective Association 9330 W. Lake Mead Blvd., Suite 200 Las Vegas, NV 89134 droger@lvppa.com	<i>Counsel for Veronica Hartfield and the Estate of Charleston Hartfield</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)
Margaret A. McLetchie, Esq., Alina M. Shell, Esq. McLetchie Shell LLC 701 East Bridger Avenue #520 Las Vegas, NV 89101 alina@nvlitigation.com maggie@nvlitigation.com	<i>Petitioner</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)

1 Honorable Judge Richard F. Scotti
2 Eight Judicial District Court,
Department II
3 200 Lewis Avenue, Eleventh Fl.
Las Vegas, NV 89101
4 dept02lc@clarkcountycourts.us

☒ Electronic Service
☐ Fax Service
☐ Mail Service
☐ Personal Service
(ROC

5 

6 An Employee of the Clark County District
7 Attorney's Office – Civil Division
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE LAS VEGAS REVIEW-JOURNAL AND)
THE ASSOCIATED PRESS,)

Petitioners,)

vs.)

THE EIGHTH JUDICIAL DISTRICT COURT)
OF THE STATE OF NEVADA, IN AND FOR)
THE COUNTY OF CLARK, AND THE)
HONORABLE RICHARD SCOTTI,)
DISTRICT JUDGE,)

Respondent.)

VERONICA HARTFIELD, A NEVADA)
RESIDENT AND THE ESTATE OF)
CHARLESTON HARTFIELD and OFFICE OF)
THE CLARK COUNTY)
CORONER/EXAMINER,)

Real Parties in Interest,)

No. 75073

Electronically Filed
Feb 16 2018 02:41 p.m.

Elizabeth A. Brown
District Court No. A-18-768781-C
Clerk of Supreme Court

**CLARK COUNTY OFFICE OF THE CORONER/MEDICAL EXAMINER'S
RESPONSE TO BRIEF OF AMICI CURIAE THE REPORTERS
COMMITTEE FOR FREEDOM OF THE PRESS
AND THE NEVADA PRESS ASSOCIATION**

STEVEN B. WOLFSON
DISTRICT ATTORNEY
LAURA C. REHFELDT
Deputy District Attorney
State Bar No. 005101
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215
Attorney for Respondent, Clark County
Coroner Medical Examiner

The Clark County Office of the Coroner/Medical Examiner hereby adopts its Answer filed Against Emergency Petition for Writ of Prohibition or in the Alternative Mandamus on February 14, 2018 (“Coroner’s Answer”) as its Response to the Brief of Amici Curiae The Reporters Committee for Freedom of the Press and the Nevada Press Association. The Coroner’s Answer is attached hereto as Exhibit “A”, and by this reference incorporated herein.

DATED this 16th day of February, 2018.

STEVEN B. WOLFSON
DISTRICT ATTORNEY

By: /s/ Laura C. Rehfeldt
LAURA C. REHFELDT
Deputy District Attorney
State Bar No. 005101
500 South Grand Central Pkwy.
Las Vegas, Nevada 89155-2215
Attorney for Respondent, Clark County
Coroner Medical Examiner

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of February, 2018, I submitted the foregoing **CLARK COUNTY OFFICE OF THE CORONER/MEDICAL ANSWER AGAINST EMERGENCY PETITION FOR WRIT OF**

PROHIBITION OR IN THE ALTERNATIVE MANDAMUS for filing via the Court's eFlex electronic filing system. Electronic notification will be sent to the following:

ATTORNEYS OF RECORD	PARTIES REPRESENTED	SERVICE METHOD
Anthony P. Sgro Sgro & Roger 720 S. Seventh Street, 3 rd Fl. Las Vegas, NV 89101 tsgro@sgroandroger.com	<i>Counsel for Veronica Hartfield and the Estate of Charleston Hartfield</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)
David Roger Las Vegas Police Protective Association 9330 W. Lake Mead Blvd., Suite 200 Las Vegas, NV 89134 droger@lvppa.com	<i>Counsel for Veronica Hartfield and the Estate of Charleston Hartfield</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)
Margaret A. McLetchie, Esq., Alina M. Shell, Esq. McLetchie Shell LLC 701 East Bridger Avenue #520 Las Vegas, NV 89101 alina@nvlitigation.com maggie@nvlitigation.com	<i>Petitioner</i>	<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)
Honorable Judge Richard F. Scotti Eight Judicial District Court, Department II 200 Lewis Avenue, Eleventh Fl. Las Vegas, NV 89101 dept02lc@clarkcountycourts.us		<input checked="" type="checkbox"/> Electronic Service <input type="checkbox"/> Fax Service <input type="checkbox"/> Mail Service <input type="checkbox"/> Personal Service (ROC)

/s/ Afeni Banks

An Employee of the Clark County District
Attorney's Office – Civil Division