

EXHIBIT 2

NEVADA DEPARTMENT OF PUBLIC SAFETY
CRIMINAL HISTORY RECORDS REPOSITORY
APPLICANT FINGERPRINT RESPONSE

PERSONAL IDENTIFICATION

XXX
XXX
XXX, NV 00000

REFERENCE

ACCOUNT NUMBER: PID021

DATE FINGERPRINTED: 2017/12/26

APCN:
PS0747396A

NAME:
FINLEY, EDWARD TARROBAGO

DOB: 1981/08/26
OCA: PS0747396A

STATE POSITIVE

A TECHNICAL FINGERPRINT SEARCH OF THE ABOVE INDIVIDUAL'S FINGERPRINTS WAS PERFORMED THROUGH THE WESTERN IDENTIFICATION NETWORK AUTOMATED BIOMETRIC IDENTIFICATION SYSTEM (WIN-ABIS) AND/OR THE FBI NEXT GENERATION IDENTIFICATION NGI.

PURSUANT TO NRS 179A.100, THE SEARCH DISCLOSED A MATCHING CRIMINAL HISTORY RECORD.

IF YOU HAVE RECEIVED THIS RESPONSE ELECTRONICALLY BY JLCIENT, A COPY OF THE PERSON'S CRIMINAL HISTORY RECORD WILL BE FORTHCOMING VIA U.S. MAIL.

THE INFORMATION CONTAINED IN THIS DOCUMENT IS PROVIDED FOR IN ACCORDANCE WITH THE PROVISIONS OF NEVADA REVISED STATUTE (NRS) 179A.100 -179A.210. THIS RESPONSE IS BASED ON THOSE RECORDS, DATABASES, AND DOCUMENTS AVAILABLE TO THE NEVADA CRIMINAL HISTORY RECORDS REPOSITORY, RECORDS AND IDENTIFICATION BUREAU AT THE TIME THE BACKGROUND CHECK WAS PERFORMED.

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IF YOU FEEL THIS INFORMATION REPORTED TO YOU IS IN ERROR PLEASE CONTACT THE DPS RECORDS, COMMUNICATIONS AND COMPLIANCE DIVISION AT 775 684-6262. REVISED 07142017

A check of the State of Nevada Sex Offender Registry database indicates the applicant is not a registered sex offender as of 2018/02/08 pursuant to NRS 179A.100.

DATE REPORT GENERATED: 2018/02/08

NEVADA DEPARTMENT OF PUBLIC SAFETY
RECORDS AND IDENTIFICATION BUREAU

DATE:

February 08, 2018
I HEREBY CERTIFY THAT THIS IS A TRUE & ACCURATE COPY & THAT THE ORIGINAL DOCUMENT IS CONTAINED IN THE FILES OF THE NEVADA DEPARTMENT OF PUBLIC SAFETY, RECORDS, COMMUNICATIONS AND COMPLIANCE DIVISION.

BY:

[Signature]

ORIG: CHR1317G2 jbbates CJIS:SQCH 02/08/2018-09:54:07
RESP: ARREST (NV003D5DA893) CJIS:SQCH 02/08/2018-09:54:07

THE FOLLOWING FROM NCJIS CRIMINAL JUSTICE IS A RESULT OF YOUR SQCH INQUIRY ON:

NAM/ FINLEY, EDWARD TAROBAGO
DOB/ 19810826 RNG/ 1 (Aug 26, 1980 - Aug 26, 1982)
SOC/ 621094995 PCN/

NCJIS BASE RECORD

BIN/ 1000020942

NAME: FINLEY, EDWARD TAROBAGO
DOB : 08/26/1981 SOC: 621094995
RACE: WHITE SEX: M HEIGHT: 509 WEIGHT: 190
HAIR: BLACK EYES: BROWN
ALIAS NAMES:
FINLEY, EDWARD T
FINLEY, EDWARD
SCARS, MARKS, TATTOOS: DESCRIPTION:
SC RF ARM 2" LONG
TAT R ARM "MICHELLE"
SC R EYE 4 IN SCAR
TAT UR ARM MICHELLE
POB: AZ

ADDRESS: 11000 S EASTERN 2525
HENDERSON, NV
PHONE NUMBER: (702)768-6415

EMPLOYER: MERCK MEDCO

SID: NV04054863 FBI: 148466EC4
MULTI-STATE RECORD
FINGERPRINTS ARE AVAILABLE.

=====

CRIMINAL HISTORY RECORD PCN/22195214
FINGERPRINT BASED RECORD

ARREST DATE: 02/09/2005 AGENCY: LAS VEGAS METROPOLITAN POLICE
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: LICENSE PLATE LAMPS REQUIRED MISDEMEANOR
NEVADA STATUTE NRS 484.551
NO DISPOSITION RECORD ON FILE

CHARGE 2: BASIC SPEED MISDEMEANOR
NEVADA STATUTE NRS 484.361
NO DISPOSITION RECORD ON FILE

ARRESTED: LAS VEGAS METROPOLITAN POLICE ORI: NV0020100
LOCAL NUMBER: 1581787

RECORD CREATED: 02/09/2005 21:49:23 LAST UPDATED: 02/09/2005 21:50:09
***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/75674621
FINGERPRINT BASED RECORD

ARREST DATE: 11/20/2004 AGENCY: HENDERSON POLICE DEPARTMENT
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: CONTEMPT OF COURT MISDEMEANOR
NEVADA STATUTE NRS 266.570
NO DISPOSITION RECORD ON FILE

ARRESTED: HENDERSON POLICE DEPARTMENT ORI: NV0020300
LOCAL NUMBER: B1000406643
BOOKED: HENDERSON POLICE DEPARTMENT ORI: NV0020300
PALM PRINTS AVAILABLE
OTHER NUMBER: 1581787 HENDERSON POLICE DEPARTMENT

DATE: February 08, 2018
I HEREBY CERTIFY THAT THIS IS A TRUE
& ACCURATE COPY & THAT THE ORIGINAL
DOCUMENT IS CONTAINED IN THE FILES
OF THE NEVADA DEPARTMENT OF PUBLIC
SAFETY, RECORDS, COMMUNICATIONS
AND COMPLIANCE DIVISION.
BY: [Signature]

RECORD CREATED: 11/20/2004 07:07:51 LAST UPDATED: 11/20/2004 07:09:09
***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/21753213
FINGERPRINT BASED RECORD

ARREST DATE: 08/30/2004 AGENCY: LAS VEGAS METROPOLITAN POLICE
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: KIDNAP 1ST DEGREE FELONY
NEVADA STATUTE NRS 200.310
NO DISPOSITION RECORD ON FILE

CHARGE 2: BATTERY DOMESTIC VIOLENCE W/1 PRIOR MISDEMEANOR
NEVADA STATUTE NRS 200.4812A
NO DISPOSITION RECORD ON FILE

ARRESTED: LAS VEGAS METROPOLITAN POLICE ORI: NV0020100
LOCAL NUMBER: 1581787

RECORD CREATED: 08/31/2004 00:17:24 LAST UPDATED: 08/31/2004 00:18:09
***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/21656248
FINGERPRINT BASED RECORD

ARREST DATE: 07/25/2004 AGENCY: LAS VEGAS METROPOLITAN POLICE
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: BATTERY/DOMESTIC VIOLENCE MISDEMEANOR
NEVADA STATUTE NRS 200.485

DISPOSITION DATE: 09/17/2004 DISPOSITION: GLTY AT TRIAL/FOUND GLTY
CHARGE: BATTERY/DOMESTIC VIOLENCE MISDEMEANOR
NEVADA STATUTE NRS 200.485 OFFENSE CODE: 02138
CASE #: 04M17355X

NAME USED: FINLEY, EDWARD TAROBAGO

SENTENCE DATE: 09/17/2004 FACILITY:
CREDIT FOR TIME SERVED: YEARS: MOS: DAYS: 002 HOURS:
COMMUNITY SERVICE: DAYS: HOURS: 048
SUSPENDED SENTENCE: NO
FINE AMOUNT: \$340.00 FINE EXCUSED: \$340.00
SCHOOL: NO
COUNSELING: NO
SPECIAL CONDITIONS: YES

ARRESTED: LAS VEGAS METROPOLITAN POLICE ORI: NV0020100
LOCAL NUMBER: 1581787

RECORD CREATED: 07/26/2004 17:22:53 LAST UPDATED: 07/26/2004 17:24:09
***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/21062351
FINGERPRINT BASED RECORD

ARREST DATE: 12/19/2003 AGENCY: LAS VEGAS METROPOLITAN POLICE
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: BASIC SPEED 1 10 OVER LIMIT MISDEMEANOR
NEVADA STATUTE NRS 484.361
NO DISPOSITION RECORD ON FILE

ARRESTED: LAS VEGAS METROPOLITAN POLICE ORI: NV0020100
LOCAL NUMBER: 1581787
BOOKED: CLARK COUNTY DETENTION CENTER ORI: NV0020135

RECORD CREATED: 12/19/2003 04:43:03 LAST UPDATED: 12/19/2003 04:44:00
***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/75569038

DATE: February 28, 2018
I HEREBY CERTIFY THAT THIS IS A TRUE
& ACCURATE COPY & THAT THE ORIGINAL
DOCUMENT IS CONTAINED IN THE FILES
OF THE NEVADA DEPARTMENT OF PUBLIC
SAFETY, RECORDS, COMMUNICATIONS
AND COMPLIANCE DIVISION.
BY: [Signature]

FINGERPRINT BASED RECORD

ARREST DATE: 05/28/2003 AGENCY: HENDERSON POLICE DEPARTMENT
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: BATTERY/DOMESTIC VIOLENCE MISDEMEANOR
NEVADA STATUTE NRS 200.485
NO DISPOSITION RECORD ON FILE

ARRESTED: HENDERSON POLICE DEPARTMENT ORI: NV0020300
LOCAL NUMBER: A00065275
BOOKED: HENDERSON POLICE DEPARTMENT ORI: NV0020300

RECORD CREATED: 07/11/2007 09:06:35 LAST UPDATED: 07/11/2007 09:06:58
***** END OF CRIMINAL HISTORY RECORD *****

CRIMINAL HISTORY RECORD PCN/70502297
FINGERPRINT BASED RECORD

ARREST DATE: 06/09/2001 AGENCY: NORTH LAS VEGAS POLICE DEPTEN
NAME USED: FINLEY, EDWARD TAROBAGO

CHARGE 1: PETIT LARCENY MISDEMEANOR
NEVADA STATUTE NRS 205.240
NO DISPOSITION RECORD ON FILE


ARRESTED: NORTH LAS VEGAS POLICE DEPTEN ORI: NV0020200
LOCAL NUMBER: 81145
PHOTOGRAPH AVAILABLE PALM PRINTS AVAILABLE
RECORD CREATED: 06/15/2001 10:51:20 LAST UPDATED: 09/27/2002 19:50:14
***** END OF CRIMINAL HISTORY RECORD *****

WHEN AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE NEVADA CRIMINAL
HISTORY RECORDS REPOSITORY.

IF FINGERPRINTS DID NOT ACCOMPANY THIS INQUIRY, THE NEVADA CRIMINAL HISTORY
RECORDS REPOSITORY IS UNABLE TO GUARANTEE THAT THIS MATERIAL CONCERNS THE
INDIVIDUAL IN WHOM YOU ARE INTERESTED.

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IS PROVIDED FOR OFFICIAL USE AND MAY ONLY BE USED FOR THE PURPOSE REQUESTED.
NEVADA AGENCIES - REFER TO NRS CHAPTER 179A.

DATE: February 08, 2018
I HEREBY CERTIFY THAT THIS IS A TRUE
& ACCURATE COPY & THAT THE ORIGINAL
DOCUMENT IS CONTAINED IN THE FILES
OF THE NEVADA DEPARTMENT OF PUBLIC
SAFETY RECORDS, COMMUNICATIONS
AND COMPLIANCE DIVISION.
By: *Shree Patel*



1 **ORDR**

2 **DISTRICT COURT**

3 **CLARK COUNTY, NEVADA**

4
5 **In the Matter of Application of EDWARD**
6 **TARROBAGO FINLEY,**

Case No. A-18-771524-S
Dept. No. XXII

7 **Social Security #: XXX-XX-4995**

8 **DOB: 08/26/1981**

9 **For an Order to Seal Records.**

10 **ORDER RE: PETITION TO SEAL RECORDS**

11 These matters concerning:

- 12 1. Petitioner EDWARD TARROBAGO FINLEY'S Petition to Seal Records filed
13 March 21, 2018;
- 14 2. CITY OF HENDERSON'S Motion to Oppose Petitioner's Request to Seal Records
15 filed June 13, 2018; and
- 16 3. STATE OF NEVADA'S Opposition to Petition to Seal Records filed July 2, 2018,
17 all came on for hearing on the 19th day of July 2018 at the hour of 9:00 a.m. before Department
18 XXII of the Eighth Judicial District Court, in and for Clark County, Nevada, with JUDGE SUSAN
19 H. JOHNSON presiding; Petitioner EDWARD TARRABAGO FINLEY personally attended, and
20 appeared by and through his attorney, CHRISTOPHER B. PHILLIPS, ESQ. of THE WRIGHT
21 LAW GROUP; CITY OF HENDERSON appeared by and through its attorney, MARC M.
22 SCHIFALACQUA, ESQ., Senior Assistant City Attorney; and STATE OF NEVADA appeared by
23 and through its attorney, BRUCE NELSON, ESQ., Deputy City Attorney. Having reviewed the
24 papers and pleadings on file herein, heard oral arguments of the lawyers and taken this matter under
25 advisement, this Court makes the following Findings of Fact and Conclusions of Law:
- 26
27
28

FINDINGS OF FACT AND PROCEDURAL HISTORY

1
2 1. EDWARD TARRABAGO FINLEY petitions this Court to seal certain criminal
3 records, which include, but are not limited to the following:

- 4 a. Date of Arrest: 02/09/2005
5 Arresting Agency: Las Vegas Metropolitan Police Department (LVMPD)
6 Citation/Charge: Probation Violation, Kidnap, Warrant BW 1-3407161B
7 Case No.: Does Not Appear on NV Dept. of Public Safety
8 Criminal History; No additional information available
 On LVMPD Records Check
9 Final Disposition: No Disposition Record on LVMPD Records Check
10 b. Date of Arrest: 12/27/2004
11 Arresting Agency: LVMPD
12 Citation/Charge: Assault with a Deadly Weapon
13 Case No.: Does Not Appear on NV Dept. of Public Safety
 Criminal History; no additional information available
 On LVMPD Records Check
14 Final Disposition: No Disposition Record on LVMPD Records Check
15 c. Date of Arrest: 12/27/2004
16 Arresting Agency: LVMPD
17 Citation/Charge: Kidnap 2nd Degree
18 Case No.: Does Not Appear on NV Dept. of Public Safety
 Criminal History; No additional information available
 on LVMPD Records Check
19 Final Disposition: No Disposition Record on LVMPD Records Check
20 d. Date of Arrest: 09/02/2004
21 Arresting Agency: LVMPD
22 Citation/Charge: Assault with Deadly Weapon, DKT-04F15288X
23 Case No.: Does Not Appear on NV Dept. of Public Safety
 Criminal History; No case number provided on
 LVMPD Records Check
24 Final Disposition: LVMPD Records Check indicates 12M-48M
25 NSP/SS/4Y Probation¹

26 ¹According to the Judgment of Conviction filed December 14, 2004 in State v. Finley, Case No. C204855 in
27 Department XVI of the Eighth Judicial District Court, in and for Clark County, Nevada, MR. FINLEY pled guilty to
28 committing the crimes set forth in d., e. and f. The sentences were suspended and MR. FINLEY received probation for
an indefinite period not to exceed four (4) years. See Exhibit 2 attached to CITY OF HENDERSON'S motion.
According to this Court's record, MR. FINLEY was honorably discharged from probation on or about December 31,
2007.

1 e. Date of Arrest: 08/30/2004
2 Arresting Agency: LVMPD
3 Citation/Charge: Kidnap 1st Degree, NRS 200.310
4 Case No.: Not Available on NV Dept. of Public Safety Criminal
5 History
6 Final Disposition: LVMPD Records Check indicates 12M-48M
7 NSP/SS/4Y Probation
8
9 f. Date of Arrest: 08/30/2004
10 Arresting Agency: LVMPD
11 Citation/Charge: Battery/Domestic Violence with one (1) prior,
12 NRS 200.4812A
13 Case No.: Not Available on NV Dept. of Public Safety Criminal
14 History
15 Final Disposition: LVMPD Records Check indicates 6M CCDC/SS/2Y
16 Probation concurrent with CT1 & CT2 (see e. and f.)
17
18 g. Date of Arrest: 07/25/2004
19 Arresting Agency: LVMPD
20 Citation/Charge: Battery Domestic Violence, NRS 200.485²
21 Case No.: 04M17355X
22 Final Disposition: Guilty-Credit for time served 2 days; 48 hours
23 Community service, \$340.00 fine
24
25 h. Date of Arrest: 05/28/2003
26 Arresting Agency: Henderson Police Department
27 Citation/Charge: Battery/Domestic Violence, NRS 200.485
28 Case No.: Not Available on NV Dept. of Public Safety Criminal
History³
Final Disposition: No Disposition on Record

See Petition to Seal Records filed March 21, 2018, pp. 1-6.

2. CITY OF HENDERSON opposes the Petition to Seal Records upon the basis MR. FINLEY was convicted of committing the crime of "Battery Constituting Domestic Violence," in violation of NRS 200.485 on or about 2003, and then, just one year later, in 2004, he was convicted of committing two Category B Felonies (i.e. Count 1 – Second Degree Kidnapping, and Count 2 –

²MR. FINLEY only identified "NRS 485" in his Petition; presumably, such is a typographical error in the omission of the full statute.

³The case number is Henderson Municipal Court 03CR00496—"Battery Constituting Domestic Violence." While MR. FINLEY indicates "No Disposition on Record" within his Petition, CITY OF HENDERSON notes Petitioner was convicted of committing "Battery Constituting Domestic Violence" in the Henderson Municipal Court on or about 2003. See CITY OF HENDERSON'S Motion to Oppose Petitioner's Request to Seal Records filed June 13, 2018, p.3.

1 Assault with a Deadly Weapon) and a misdemeanor, Battery Constituting Domestic Violence, in
2 violation of NRS 200.310, 200.320, 200.471, 200.481, 200.485 and 33.018. In CITY OF
3 HENDERSON'S view, NRS 179.245 does not permit a sealing of criminal cases dealing with
4 battery constituting domestic violence where the defendant is charged or convicted of any offense,
5 other than minor traffic infractions, within seven (7) years from the date of release from actual
6 custody or when the person is no longer under a suspended sentence, whichever occurs later.
7
8 STATE OF NEVADA opposes as Petitioner did not provide several documents within his petition,
9 and consequently, it was unable to determine whether it would stipulate to the sealing of the
10 records.⁴ Petitioner FINLEY disagrees with CITY OF HENDERSON'S construction or
11 interpretation of NRS 179.245; in his view, the intent of NRS 179.245 is to allow a sealing of
12 defendant's criminal records if he remains trouble free for the prescribed waiting period following
13 his most recent arrest. In this case, there is no question MR. FINLEY has been "trouble-free" for a
14 period of approximately thirteen (13) years or since his 2005 arrest for probation violation.
15

16 CONCLUSIONS OF LAW

17 1. There is no question the construction of a statute is a question of law. Beazer Homes
18 Nevada, Inc. v. District Court, 120 Nev. 575, 579 97 P.3d 1132 (2004). Words in a statute will be
19 given their plain meaning unless such an approach would violate the spirit of the act. Berkson v.
20 LePome, 126 Nev.492, 497, 245 P.3d 560, 563 (2010), *citing* V & S Railway v. White Pine County,
21 125 Nev. 233, 239, 211 P.3d 879, 882 (2009). Notably, "[t]he preeminent canon of statutory
22 interpretation requires [this Court] to 'presume that [the] legislature says in a statute what it means
23 and it means in a statute what it says there.'" Building Energetix Corporation v. EHE, LP, 129 Nev.
24 78, 83, 294 P.3d 1228, 1232 (2013), *quoting* BedRoc Limited, LLC v. United States, 541 U.S. 176,
25
26

27
28 ⁴As the parties' focus was upon the crimes involving domestic violence in 2003 and 2004, this Court limits its decision as it relates to Petitioner's request to seal those criminal records.

1 183, 124 S.Ct. 1587, 158 L.Ed.2d 338 (2004), *in turn, quoting Connecticut National Bank v.*
2 *Germain*, 503 U.S. 249, 253-254, 112 S.Ct. 1146, 117 L.Ed.2d 117 391 (1992). Further, a statute
3 will be construed in order to give meaning to its entirety, and this Court “will read each sentence,
4 phrase, and word to render it meaningful within the context of the purpose of the legislation.”
5 *Berkson*, 126 Nev. at 497, 245 P.3d at 563-564, *quoting Harris Associates v. Clark County School*
6 *District*, 119 Nev. 638, 642, 81 P.3d 532, 534 (2003), *in turn, quoting Coast Hotels v. State Labor*
7 *Commission*, 117 Nev. 835, 841, 34 P.3d 546, 550 (2001).

9 2. A statute is ambiguous if it is capable of being understood in two or more senses by
10 reasonably well-informed persons. *D.R. Horton, Inc. v. District Court*, 123 Nev. 468, 476, 168 P.3d
11 731 (2007), *citing McKay v. Board of Supervisors*, 103 Nev. 644, 648, 730 P.2d 438, 441 (1986).
12 When construing an ambiguous statute, “[t]he meaning of the words used [in the statute] may be
13 determined by examining the context and the spirit of the law or the causes which induced the
14 legislature to enact it.” *Id.*, 123 Nev. at 476, *quoting McKay*, 102 Nev. 650-651, 730 P.2d at 443.
15 Moreover, this Court reads legislative enactments as a whole in order to understand the Nevada
16 Legislature’s intent. *Id.*, 123 Nev. at 476-477, *citing Diamond v. Swick*, 117 Nev. 671, 676, 28 P.3d
17 1087, 1090 (1991). However, “no part of a statute [may] be rendered meaningless and its language
18 ‘should not be read to produce absurd or unreasonable results.’” *Id.*, *quoting Harris Associates*, 119
19 Nev. at 642, 81 P.3d at 534, *in turn quoting Glover v. Concerned Citizens for Fuji Park*, 118 Nev.
20 488, 492, 50 P.3d 546, 548 (2002), *overruled in part on other grounds by Garvin v. District Court*,
21 118 Nev. 749, 59 P.3d 1180 (2002).

24 3. With the aforementioned in mind, this Court turns to the particular statute at hand,
25 NRS 179.245, which states in salient part:

26 1. Except as otherwise provided in subsection 5 and NRS 176A.265, 176A.295,
27 179.259, NRS 453.3365 and 458.330, a person may petition the court in which the person
28 was convicted for the sealing of all records relating to a conviction of:

1 (a) A category A or B felony after 15 years from the date of release from
2 actual custody or discharge from parole or probation, whichever occurs later;

3 (e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony,
4 a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which
5 constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7
6 years from the date of release from actual custody or from the date when the person is
7 no longer under a suspended sentence, whichever occurs later; ...

8 4. If, after the hearing, the court finds that, in the period prescribed in subsection
9 1, the petitioner has not been charged with any offense for which the charges are pending or
10 convicted of any offense, except for minor moving or standing traffic violations, the court
11 may order sealed all records of the conviction which are in the custody of any agency of
12 criminal justice or any public or private agency, company, official or other custodian of
13 records in the State of Nevada,

14 4. In their arguments, the parties have advanced two different interpretations of the NRS
15 179.245. As noted above, MR. FINLEY proposes the statute allows a sealing of defendant's
16 criminal records if he remains trouble free for the prescribed waiting period following his most
17 recent arrest which occurred in 2005. CITY OF HENDERSON argues NRS 179.245 does not
18 permit a sealing of criminal cases dealing with battery constituting domestic violence where the
19 defendant is charged or convicted of any offense, other than minor traffic violations, within seven
20 (7) years from the date of release from actual custody or when the person is no longer under a
21 suspended sentence, whichever occurs later.

22 5. In this Court's view, NRS 179.245 is not ambiguous, and must be construed as
23 written. NRS 179.245(4) specifically states this Court "may," or has the discretion to grant or deny
24 a petition filed pursuant to NRS 179.245 if it finds the petitioner has been arrested for nothing
25 greater than minor traffic violations "in" the prescribed times set forth in NRS 179.245(1) following
26 the particular convictions identified in subsections (a) through (f). In this case, MR. FINLEY was
27 charged or arrested for committing "Battery Constituting Domestic Violence," a non-felony, in
28 violation of NRS 33.018 on May 28, 2003. Ultimately, he was convicted of committing such
offense in the Henderson Municipal Court. In order for him to be eligible to have his 2003 arrest

1 and conviction sealed, MR. FINLEY could not have been charged or convicted of *any* offense,
2 except for minor moving or standing traffic violations within the seven (7) years following the his
3 release from custody or when he is no longer under a suspended sentence. *See* NRS 179.245(1)(e)
4 and 179.245(4). As set forth in his Petition, MR. FINLEY was arrested in or about July and August
5 2004 for committing the crimes of second degree kidnapping, assault with a deadly weapon and
6 battery constituting domestic violence. Ultimately, he was convicted of those crimes, to wit: Second
7 Degree Kidnapping, Assault with a Deadly Weapon (both Category B felonies) and Battery
8 Constituting Domestic Violence (Misdemeanor) in violation of NRS 200.310, 200.320, 200.471,
9 200.481, 200.485 and 33.018 in December 2004. Furthermore, MR. FINLEY was arrested for
10 committing a violation of his probation in 2005. Such offenses fell within the seven (7) year period
11 prescribed by NRS 179.245(1)(e). Accordingly, as he committed offenses within seven (7) years
12 following his release from custody, MR. FINLEY failed to invoke this Court's discretionary power
13 under NRS 179.245(4) to seal his criminal records relating to the 2003 conviction for Battery
14 Constituting Domestic Violence. This Court, therefore, grants CITY OF HENDERSON'S motion,
15 and denies MR. FINLEY'S Petition to Seal Records as it applies to the 2003 conviction.

16
17
18 6. Notwithstanding the aforementioned, for two reasons, this Court also has no
19 discretionary power under NRS 179.245(4) to seal MR. FINLEY'S criminal records relating to the
20 category B felonies for which he was convicted and received probation in December 2004. *First*, as
21 noted above, in 2005, MR. FINLEY was arrested for committing a violation of his probation,
22 although such was thereafter reinstated. As he was arrested for such offense within fifteen (15)
23 years, or the period prescribed by NRS 179.245(1)(a), MR. FINLEY is no longer eligible to seek a
24 sealing of his records. *Second*, MR. FINLEY did not receive a discharge from probation until
25 December 2007, whereby, in any event, he would not be eligible to seek a sealing of such criminal
26 records until December 2022. Likewise, for the same reasons it has no discretion to seal the 2003
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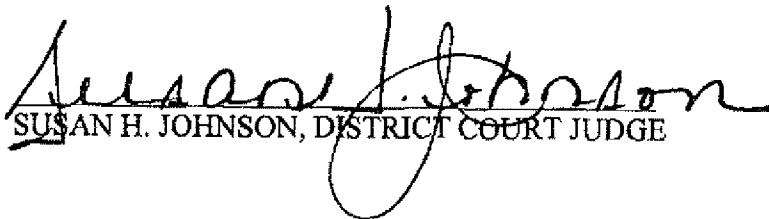
1 charge and conviction for Battery Constituting Domestic Violence (misdemeanor), this Court will
2 not entertain a sealing of the 2004 misdemeanor conviction.

3 Accordingly, based upon the foregoing Findings of Fact and Conclusions of Law,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** CITY OF HENDERSON'S
5 Motion to Oppose Petitioner's Request to Seal Records filed June 13, 2018 is granted;
6

7 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** Petitioner EDWARD
8 TARROBAGO FINLEY'S Petition to Seal Records filed March 21, 2018 is denied as it applies to
9 the charge, Battery Constituting Domestic Violence, a misdemeanor, for which Defendant was
10 convicted in the Henderson Municipal Court in 2003, and the two Category B felonies and Battery
11 Constituting Domestic Violence, a misdemeanor, for which Defendant was convicted by Department
12 XVI of the Eighth Judicial District Court, in and for Clark County, Nevada in 2004.
13

14 DATED this 19th day of July 2018.

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17 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of July 2018, I electronically served (E-served), placed within the attorneys' folders located on the first floor of the Regional Justice Center or mailed a true and correct copy of the foregoing to the following counsel of record and first-class postage was fully prepaid thereon:

JOHN HENRY WRIGHT, ESQ.
CHRISTOPHER B. PHILLIPS, ESQ.
THE WRIGHT LAW GROUP, P.C.
2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
Chris@wrightlawgroupnv.com

MICHAEL OH, ESQ., INTERIM HENDERSON CITY ATTORNEY
MARC M. SCHIFALACQUA, ESQ., SENIOR ASST. CITY ATTORNEY
243 Water Street, MSC 711
Henderson, Nevada 89009-5050

STEVEN B. WOLFSON, ESQ., CLARK COUNTY DISTRICT ATTORNEY
BRUCE NELSON, ESQ., DEPUTY DISTRICT ATTORNEY
200 Lewis Avenue
Las Vegas, Nevada 89155-2212


Laura Banks, Judicial Executive Assistant

EXHIBIT 1



SCOPE II - R211 - Dissemination - Custom

I HEREBY CERTIFY that this is a full true and correct copy of the original on file with the Las Vegas Metropolitan Police Department, except for the information that is privileged and confidential by law.

SCOPE RESPONSE

PERSON BASE RECORD

ID #: 1581787

NAM: FINLEY, EDWARD TAROBAGO DOB: 8/26/1981

SEX: M RAC: B HGT: 509 WGT: 195 HAIR: BLK EYE: BRO

AGE: 36 BIRTH CITY: GLENDALE STATE: AZ COUNTRY:

ADR: RS

6241 WHISPERING SANDS DR

LAS VEGAS NV 89131

AGY: LAS VEGAS METRO PD

EFFECTIVE DATE: 12/23/2004

SPC #: SPC

AGY: NORTH LAS VEGAS PD

DATE: 6/10/2001

CONVICTED PERSON

REGISTRATION (LAS VEGAS METRO PD)

REGISTERED:	STATUS:	OFFENSE:	OFFENSE DESCRIPTION:	YEAR:	STATE:	TEMP. REG. EXP.:
12/27/2004	REGISTERED	99999 OTHER	ASSAULT WDW #204855 - FELONY	2004	NV	
TIER LEVEL:	VERIFICATION DATE:					

ENTERING AGENCY: LAS VEGAS METRO PD CREATED BY: MIGRATION FROM LEGACY SCOPE 12/27/2004 00:00:00 LAST MODIFIED BY: MIGRATION FROM LEGACY SCOPE 05/18/2013 15:44:20

REGISTERED:	STATUS:	OFFENSE:	OFFENSE DESCRIPTION:	YEAR:	STATE:	TEMP. REG. EXP.:
12/27/2004	REGISTERED	99999 OTHER	KIDNAP 2ND DEG #204855 - FELONY	2004	NV	
TIER LEVEL:	VERIFICATION DATE:					

ENTERING AGENCY: LAS VEGAS METRO PD CREATED BY: MIGRATION FROM LEGACY SCOPE 12/27/2004 00:00:00 LAST MODIFIED BY: MIGRATION FROM LEGACY SCOPE 05/18/2013 15:44:20

CRIMINAL HISTORY

ARREST DATE: 2/9/2005

AGY: DPS PAROLE & PROBATION

PCN#:

BK#: -

RN#:	CHARGE:	TYPE:	FAIL TO:	OFF:	99999 OTHER () NO LIC PLT LIGHT, WARRANT, BW-1-3407161-B, COUNTS:	EVT#:
10	2	UNK	APPEAR	MPD	1	UNKNOWN
CREATED: 2/9/2005 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT						

RN#:	CHARGE:	TYPE:	FAIL TO:	OFF:	99999 OTHER () BASIC SPEED, WARRANT, BW-1-3407161-A, COUNTS:	EVT#:
11	1	UNK	APPEAR	MPD	1	UNKNOWN
CREATED: 2/9/2005 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT						

RN#: 7 CHARGE: 3 TYPE: UNK OFF: 99999 OTHER () PROB VIOL KIDNAP, WARRANT, DKT-C204855X, MPD COUNTS: 1 EVT#: 040830-0952
CREATED: 2/9/2005 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT

ARREST DATE: 11/19/2004

AGY: LAS VEGAS METRO PD

PCN#:

BK#: -

RN#:	CHARGE:	TYPE:	FAIL TO:	OFF:	99999 OTHER () NO LIC PLT LIGHT, WARRANT, BW-1-3407161-B, COUNTS:	EVT#:
10	2	UNK	APPEAR	MPD	1	UNKNOWN
CREATED: 11/19/2004 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT						

RN#:	CHARGE:	TYPE:	FAIL TO:	OFF:	99999 OTHER () BASIC SPEED, WARRANT, BW-1-3407161-A, COUNTS:	EVT#:
11	1	UNK	APPEAR	MPD	1	UNKNOWN
CREATED: 11/19/2004 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT						

ARREST DATE: 9/2/2004

AGY: LAS VEGAS METRO PD

PCN#:

BK#: -

RN#: 9 CHARGE: 1 TYPE: RMDR OFF: 99999 OTHER () ASSLT W/DEAD WEAP, WARRANT, DKT-04F15288X, MPD COUNTS: 1 EVT#: 040830-0952
CCN: C204855X UNKNOWN CREATED: 9/2/2004 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT

PER NEVADA REVISED STATUTES, LAS VEGAS METRO PD IS AUTHORIZED TO RELEASE OUR AGENCY'S CRIMINAL HISTORY INFORMATION ONLY. FOR OTHER AGENCY INFORMATION, CONTACT THE AGENCY DIRECTLY - OR - FOR COMPLETE BACKGROUND CHECKS, CONTACT THE STATE OF NEVADA REPOSITORY.

THE USE AND DISSEMINATION OF THIS RECORD IS REGULATED BY LAW. SECONDARY DISSEMINATION OF ANY KIND IS PROHIBITED AND COULD SUBJECT THE OFFENDER TO CRIMINAL AND CIVIL LIABILITY.

LAS VEGAS METRO PD RUTH DASIS/R14972D 01/25/2018 12:00:14

RELEASE TO: WRIGHT LAW GROUP FOR EDWARD T FINLEY

1/25/2018

I HEREBY CERTIFY that this is a full true and correct copy of the original on file with the Las Vegas Metropolitan Police Department, except for the information that is privileged and confidential by law.

FINAL DISPO DATE: 11/18/2004
CCN: C204855X

FINAL OFF: 99999 OTHER () ASSLT W/DEAD WEAP
FINE EXCUSE RESTITUTION
\$ \$ \$

DISPO: FINAL
UPDATED: 5/18/2013

MIN YRS MOS DAYS HRS
TERM OF SENTENCE
CREDIT TIME SERVED
LEGACY DISPO: CT2 - 12M-48M NSP /SS/ 4Y PROB

COMMUNITY SERVICE
PROBATION

ARREST DATE: 8/30/2004
RN#: 7 CHARGE: 2 TYPE: UNK OFF: 99999 OTHER () KIDNAP 1ST DEG
CCN: C204855X UNKNOWN
FINAL DISPO DATE: 11/18/2004
CCN: C204855X

AGY: LAS VEGAS METRO PD
PCN#: BK#: -
COUNTS: 1
EVT#: 040830-0952
JUV/CERT/ADULT: ADULT

FINAL DISPO DATE: 11/18/2004
CCN: C204855X

FINAL OFF: 99999 OTHER () KIDNAP 2ND DEG
FINE EXCUSE RESTITUTION
\$ \$ \$

DISPO: FINAL
UPDATED: 5/18/2013

MIN YRS MOS DAYS HRS
TERM OF SENTENCE
CREDIT TIME SERVED
LEGACY DISPO: CT1 AMEND - 48M-120M NSP /SS/ 4Y PROB

COMMUNITY SERVICE
PROBATION

ARREST DATE: 8/30/2004
RN#: 8 CHARGE: 1 TYPE: UNK OFF: 99999 OTHER () BATT DV W/1 PRIOR
CCN: C204855X UNKNOWN
FINAL DISPO DATE: 11/18/2004
CCN: C204855X

AGY: LAS VEGAS METRO PD
PCN#: BK#: -
COUNTS: 1
EVT#: 040830-0952
JUV/CERT/ADULT: ADULT

FINAL DISPO DATE: 11/18/2004
CCN: C204855X

FINAL OFF: 99999 OTHER () BATT DV W/1 PRIOR
FINE EXCUSE RESTITUTION
\$ \$ \$

DISPO: FINAL
UPDATED: 5/18/2013

MIN YRS MOS DAYS HRS
TERM OF SENTENCE
CREDIT TIME SERVED
LEGACY DISPO: CT3 MISD 6M CCDC/SS/2Y PROB CONCUR W/CT1 & CT2

COMMUNITY SERVICE
PROBATION

ARREST DATE: 7/25/2004
RN#: 6 CHARGE: 1 TYPE: UNK OFF: 99999 OTHER () BATT DV NO PRIOR CONVICT
CCN: 04M17355X UNKNOWN
FINAL DISPO DATE: 9/17/2004
CCN: 04M17355X

AGY: LAS VEGAS METRO PD
PCN#: BK#: -
COUNTS: 1
EVT#: 040725-1488
JUV/CERT/ADULT: ADULT

FINAL DISPO DATE: 9/17/2004
CCN: 04M17355X

FINAL OFF: 99999 OTHER () BATT DV NO PRIOR CONVICT
FINE EXCUSE RESTITUTION
\$ \$ \$

DISPO: FINAL
UPDATED: 5/18/2013

MIN YRS MOS DAYS HRS
TERM OF SENTENCE
CREDIT TIME SERVED
LEGACY DISPO: 2D CCDC-CTS/\$340 FINE-EXCUSED/48M CS-CTS/COUNSEL

COMMUNITY SERVICE
PROBATION

ARREST DATE: 12/19/2003
RN#: 5 CHARGE: 1 TYPE: UNK FAIL TO: OFF: 99999 OTHER () BASIC SPEED, WARRANT, BW-1-3138899-A
CCN: 1-3138899-A UNKNOWN APPEAR MPD STATUS: CONTINUED
JUV/CERT/ADULT: ADULT
FINAL DISPO DATE: 12/19/2003
CCN: 1-3138899-A

AGY: LAS VEGAS METRO PD
PCN#: BK#: -
COUNTS: 1
EVT#: UNKNOWN
CREATED: 12/19/2003
UPDATED: 5/18/2013

FINAL DISPO DATE: 12/19/2003
CCN: 1-3138899-A

FINAL OFF: 99999 OTHER () BASIC SPEED
FINE EXCUSE RESTITUTION

DISPO: UNKNOWN
UPDATED: 5/18/2013

PER NEVADA REVISED STATUTES, LAS VEGAS METRO PD IS AUTHORIZED TO RELEASE OUR AGENCY'S CRIMINAL HISTORY INFORMATION ONLY. FOR OTHER AGENCY INFORMATION, CONTACT THE AGENCY DIRECTLY - OR - FOR COMPLETE BACKGROUND CHECKS, CONTACT THE STATE OF NEVADA REPOSITORY.

THE USE AND DISSEMINATION OF THIS RECORD IS REGULATED BY LAW. SECONDARY DISSEMINATION OF ANY KIND IS PROHIBITED AND COULD SUBJECT THE OFFENDER TO CRIMINAL AND CIVIL LIABILITY.
LAS VEGAS METRO PD /R14972D 01/25/2018 12:00:14

RELEASE TO: WRIGHT LAW GROUP FOR EDWARD T FINLEY

1/25/2018

I HEREBY CERTIFY that this is a full
true and correct copy of the original
on file with the Las Vegas Metropolitan
Police Department, that is privileged and
information that is privileged and
confidential by law.

ENTERING AGENCY: NORTH LAS VEGAS PD CREATED BY: MIGRATION FROM LEGACY SCOPE 06/10/2001 00:00:00 LAST MODIFIED BY: C14623D
10/15/2014 11:10:27

PER NEVADA REVISED STATUTES, LAS VEGAS METRO PD IS AUTHORIZED TO RELEASE OUR AGENCY'S CRIMINAL HISTORY INFORMATION ONLY. FOR OTHER AGENCY INFORMATION, CONTACT THE AGENCY DIRECTLY - OR - FOR COMPLETE BACKGROUND CHECKS, CONTACT THE STATE OF NEVADA REPOSITORY.

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RELEASE TO: WRIGHT LAW GROUP FOR EDWARD T FINLEY

1/25/2018

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

EDWARD TARROBAGO FINLEY,
Appellant
vs.
CITY OF HENDERSON; AND THE STATE
OF NEVADA,
Respondents.

No. 76715

DOCKETING STATEMENT CIVIL APPEALS

Electronically Filed
Sep 11 2018 02:25 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

GENERAL INFORMATION

Appellants must complete this docketing statement in compliance with NRAP 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing presumptive assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment and assignment to the Court of Appeals, and compiling statistical information.

WARNING

This statement must be completed fully, accurately and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal.

A complete list of the documents that must be attached appears as Question 27 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions.

This court has noted that when attorneys do not take seriously their obligations under NRAP 14 to complete the docketing statement properly and conscientiously, they waste the valuable judicial resources of this court, making the imposition of sanctions appropriate. See KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use tab dividers to separate any attached documents.

1. Judicial District Eighth Department XXII
County Clark County Judge Susan H. Johnson
District Ct. Case No. A-18-771524-S

2. Attorney filing this docketing statement:

Attorney Christopher B. Phillips Telephone (702) 405-0001
Firm THE WRIGHT LAW GROUP, P.C.
Address 2340 Paseo Del Prado, Suite D-305
Las Vegas, NV 89102

Client(s) Plaintiff/Appellant Edward Tarrobago Finley

If this is a joint statement by multiple appellants, add the names and addresses of other counsel and the names of their clients on an additional sheet accompanied by a certification that they concur in the filing of this statement.

3. Attorney(s) representing respondents(s):

Attorney Marc Schifalacqua Telephone (702) 267-1370
Firm City of Henderson, Nevada
Address 243 Water Street, MSC 711
Henderson, Nevada 89009-5050

Client(s) City of Henderson

Attorney Bruce Nelson Telephone (702) 671-2500
Firm Office of the District Attorney
Address 200 Lewis Avenue
Las Vegas, Nevada 89155-2212

Client(s) State of Nevada

(List additional counsel on separate sheet if necessary)

4. Nature of disposition below (check all that apply):

- | | |
|---|--|
| <input type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Dismissal: |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Lack of jurisdiction |
| <input type="checkbox"/> Summary judgment | <input type="checkbox"/> Failure to state a claim |
| <input type="checkbox"/> Default judgment | <input type="checkbox"/> Failure to prosecute |
| <input type="checkbox"/> Grant/Denial of NRCP 60(b) relief | <input type="checkbox"/> Other (specify): _____ |
| <input type="checkbox"/> Grant/Denial of injunction | <input type="checkbox"/> Divorce Decree: |
| <input type="checkbox"/> Grant/Denial of declaratory relief | <input type="checkbox"/> Original <input type="checkbox"/> Modification |
| <input type="checkbox"/> Review of agency determination | <input checked="" type="checkbox"/> Other disposition (specify): <u>Order Denying Petit.</u> |

5. Does this appeal raise issues concerning any of the following?

- ☐ Child Custody
- ☐ Venue
- ☐ Termination of parental rights

6. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

None.

7. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (e.g., bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

None.

8. Nature of the action. Briefly describe the nature of the action and the result below:

Appeal from Order Denying Petition to Seal Criminal Records. Appellant EDWARD TARROBAGO FINLEY appeals from the District Court's Order Re: Petition to Seal Records, which was entered on July 19, 2018.

9. Issues on appeal. State concisely the principal issue(s) in this appeal (attach separate sheets as necessary):

The District Court erred in interpreting NRS 179.245. The District Court erred in its interpretation that NRS 179.245 is not ambiguous. The District Court failed to consider the purpose and intent behind allowing defendants the opportunity to seal their records. The District Court erred by failing to consider the absurd result that follows from the District Court's interpretation of NRS 179.245; and the District Court failed to apply the Rule of Lenity by refusing to resolve the ambiguity of NRS 179.245 in favor of Petitioner.

10. Pending proceedings in this court raising the same or similar issues. If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

Petitioner is not aware of any similar cases before this Court.

11. Constitutional issues. If this appeal challenges the constitutionality of a statute, and the state, any state agency, or any officer or employee thereof is not a party to this appeal, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

☒ N/A

☐ Yes

☐ No

If not, explain:

12. Other issues. Does this appeal involve any of the following issues?

☐ Reversal of well-settled Nevada precedent (identify the case(s))

☒ An issue arising under the United States and/or Nevada Constitutions

☒ A substantial issue of first impression

☒ An issue of public policy

☐ An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

☐ A ballot question

If so, explain:

13. Assignment to the Court of Appeals or retention in the Supreme Court. Briefly set forth whether the matter is presumptively retained by the Supreme Court or assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls. If appellant believes that the Supreme Court should retain the case despite its presumptive assignment to the Court of Appeals, identify the specific issue(s) or circumstance(s) that warrant retaining the case, and include an explanation of their importance or significance:

This matter is presumptively retained by the Supreme Court as a matter of first impression.

14. Trial. If this action proceeded to trial, how many days did the trial last? 0 _____

Was it a bench or jury trial? N/A _____

15. Judicial Disqualification. Do you intend to file a motion to disqualify or have a justice recuse him/herself from participation in this appeal? If so, which Justice?
No.

TIMELINESS OF NOTICE OF APPEAL

16. Date of entry of written judgment or order appealed from July 19, 2018

If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

17. Date written notice of entry of judgment or order was served July 19, 2018

Was service by:

☐ Delivery

☒ Mail/electronic/fax

18. If the time for filing the notice of appeal was tolled by a post-judgment motion (NRCP 50(b), 52(b), or 59)

(a) Specify the type of motion, the date and method of service of the motion, and the date of filing.

☐ NRCP 50(b) Date of filing _____

☐ NRCP 52(b) Date of filing _____

☐ NRCP 59 Date of filing _____

NOTE: Motions made pursuant to NRCP 60 or motions for rehearing or reconsideration may toll the time for filing a notice of appeal. See AA Primo Builders v. Washington, 126 Nev. ____, 245 P.3d 1190 (2010).

(b) Date of entry of written order resolving tolling motion _____

(c) Date written notice of entry of order resolving tolling motion was served _____

Was service by:

☐ Delivery

☐ Mail

19. Date notice of appeal filed August 13, 2018

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

20. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(a) or other

NRAP 4(a)(1)

SUBSTANTIVE APPEALABILITY

21. Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

(a)

- | | |
|---|---------------------------------------|
| <input checked="" type="checkbox"/> NRAP 3A(b)(1) | <input type="checkbox"/> NRS 38.205 |
| <input type="checkbox"/> NRAP 3A(b)(2) | <input type="checkbox"/> NRS 233B.150 |
| <input type="checkbox"/> NRAP 3A(b)(3) | <input type="checkbox"/> NRS 703.376 |
| <input type="checkbox"/> Other (specify) _____ | |

(b) Explain how each authority provides a basis for appeal from the judgment or order:
NRAP 3(A)(b)(1) - The District Court entered an order denying Plaintiff's Petition to Seal Records.

22. List all parties involved in the action or consolidated actions in the district court:

(a) Parties:

Edward Tarrobago Finley, Appellant;
City of Henderson, Respondent;
State of Nevada, Respondent.

(b) If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

All parties in District Court are parties in this appeal.

23. Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

Edward Tarrobago Finley v. City of Henderson for Petition to Seal Records - denied 7/19/18.

Edward Tarrobago Finley v. State of Nevada for Petition to Seal Records - denied 7/19/18.

24. Did the judgment or order appealed from adjudicate ALL the claims alleged below and the rights and liabilities of ALL the parties to the action or consolidated actions below?

☒ Yes

☐ No

25. If you answered "No" to question 24, complete the following:

(a) Specify the claims remaining pending below:

N/A

(b) Specify the parties remaining below:
N/A

(c) Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)?

☐ Yes

☒ No

(d) Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment?

☐ Yes

☒ No

26. If you answered "No" to any part of question 25, explain the basis for seeking appellate review (e.g., order is independently appealable under NRAP 3A(b)):

Order is independently appealable under NRAP 3(A)(b)(1).

27. Attach file-stamped copies of the following documents:

- The latest-filed complaint, counterclaims, cross-claims, and third-party claims
- Any tolling motion(s) and order(s) resolving tolling motion(s)
- Orders of NRCP 41(a) dismissals formally resolving each claim, counterclaims, cross-claims and/or third-party claims asserted in the action or consolidated action below, even if not at issue on appeal
- Any other order challenged on appeal
- Notices of entry for each attached order

VERIFICATION

I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief, and that I have attached all required documents to this docketing statement.

Edward Tarrobago Finley

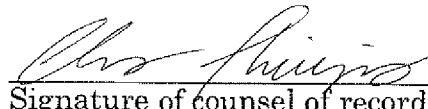
Name of appellant

Christopher B. Phillips, Esq.

Name of counsel of record

September 11, 2018

Date



Signature of counsel of record

State of Nevada, County of Clark

State and county where signed

CERTIFICATE OF SERVICE

I certify that on the 11th day of September, 2018, I served a copy of this completed docketing statement upon all counsel of record:

☒ By personally serving it upon him/her; or

☐ By mailing it by first class mail with sufficient postage prepaid to the following address(es): (NOTE: If all names and addresses cannot fit below, please list names below and attach a separate sheet with the addresses.)

Marc Schifalacqua, Esq.; 243 Water Street, MSC 711, Henderson, Nevada 89009-5050 - for City of Henderson

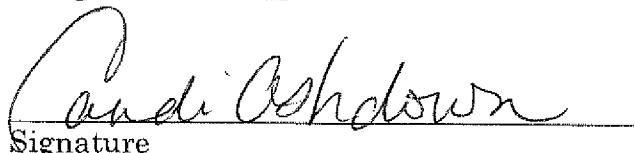
Bruce Nelson, Esq.; 200 Lewis Avenue, Las Vegas, Nevada 89155-2212 - for State of Nevada

Dated this

11th

day of

September, 2018



Signature

Steven D. Grierson

1 JOHN HENRY WRIGHT
Nevada Bar No. 6182
2 CHRISTOPHER B. PHILLIPS
Nevada Bar No. 14600
3 THE WRIGHT LAW GROUP, P.C.
2340 Paseo Del Prado, Suite D-305
4 Las Vegas, Nevada 89102
Telephone: (702) 405-0001
5 Facsimile: (702) 405-8454
Email: john@wrightlawgroupnv.com
6 chris@wrightlawgroupnv.com
Attorneys for Petitioner
7

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 In the Matter of the Application of
11 EDWARD TARROBAGO FINLEY

CASE NO. A-18-771524-S

12 Social Security #: XXX-XX-4995

DEPT. NO. Department 22

14 DOB: 08/26/1981

16 For an Order to Seal Records

17 PETITION TO SEAL RECORDS

18 COMES NOW Petitioner EDWARD TARROBAGO FINLEY("Petitioner") by and
19 through his counsel of record, JOHN HENRY WRIGHT, ESQ. of THE WRIGHT LAW GROUP,
20 P.C., pursuant to the provisions of NRS 179.245, 179.255, 179.265, 179.285 and/or 453.3365 and
21 respectfully represents the following:

22 That the Petitioner has been arrested as follows:

23 Date of Arrest: 02/09/2005

24 Arresting Agency: Las Vegas Metropolitan Police Department

25 Citation: License Plate Lamps Required, NRS 484.551

26 Case No. Not Available on Nevada Department of Public
27 Safety Criminal History

28 Final Disposition: No Disposition Record on File





1 Date of Arrest: 02/09/2005
2 Arresting Agency: Las Vegas Metropolitan Police Department
3 Citation/Charge: Basic Speed, NRS 484.361
4 Case No. Not Available on Nevada Department of Public
5 Final Disposition: No Disposition Record on File
6 * * *

7 Date of Arrest: 02/09/2005
8 Arresting Agency: Las Vegas Metropolitan Police Department
9 Citation/Charge: Probation Violation, Kidnap, Warrant BW -1-
10 3407161B
11 Case No. Does not Appear on Nevada Department of Public
12 Safety Criminal History; No Case No. Provided on
13 Final Disposition: No Disposition Record on File
14 * * *

15 Date of Arrest: 12/27/2004
16 Arresting Agency: Las Vegas Metropolitan Police Department
17 Citation/Charge: Assault with a Deadly Weapon
18 Case No. Does not Appear on Nevada Department of Public
19 Safety Criminal History; No additional information
20 Final Disposition: No Disposition Record on Las Vegas Metro Records
21 Check
22 * * *

23
24 [This space intentionally left blank. Next arrest record continues on following page]
25
26
27
28



Date of Arrest: 12/27/2004
Arresting Agency: Las Vegas Metropolitan Police Department
Citation/Charge: Kidnap 2nd Degree
Case No. Does not Appear on Nevada Department of Public
Safety Criminal History; No additional
information available on Las Vegas Metro
Records Check
Final Disposition: No Disposition Record on Las Vegas Metro
Records Check

* * *

Date of Arrest: 11/19/2004
Arresting Agency: Las Vegas Metropolitan Police Department
Citation/Charge: No License Plate Light, Warrant, BW - 1-
13407161-B
Case No. Does not appear on Nevada Department of Public
Safety Criminal History; No Case No. Provided on
Las Vegas Metro Records Check.
Final Disposition: No Disposition Record on File

* * *

Date of Arrest: 11/19/2004
Arresting Agency: Las Vegas Metropolitan Police Department
Citation/Charge: Basic Speed, Warrant, BW - 1-13407161-A
Case No. Does not appear on Nevada Department of Public
Safety Criminal History; No Case No. Provided on
Las Vegas Metro Records Check.
Final Disposition: No Disposition Record on File

* * *

[This space intentionally left blank. Next arrest record continues on following page]



Date of Arrest: 11/20/2004
Arresting Agency: Henderson Police Department
Citation/Charge: Contempt of Court, NRS 266.570
Case No. Not Available on Nevada Department of Public
Safety Criminal History
Final Disposition: No Disposition Record on File

* * *

Date of Arrest: 09/02/2004
Arresting Agency: Las Vegas Metropolitan Police Department
Citation/Charge: Assault with Deadly Weapon, Warrant, DKT -
04F15288X
Case No. Does not appear on Nevada Department of Public
Safety Criminal History; No Case No. Provided on
Las Vegas Metro Records Check.
Final Disposition: Las Vegas Metro Records Check indicates 12M-
48M NSP/SS/4Y Probation.

* * *

Date of Arrest: 08/30/2004
Arresting Agency: Las Vegas Metropolitan Police Department
Citation/Charge: Kidnap 1st Degree, NRS 200.310
Case No. Not Available on Nevada Department of Public
Safety Criminal History
Final Disposition: Las Vegas Metro Record Check indicates 48M-
120M NSP/SS/4Y Probation.

* * *

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1	Date of Arrest:	08/30/2004
2	Arresting Agency:	Las Vegas Metropolitan Police Department
3	Citation/Charge:	Battery Domestic Violence with one (1) prior, NRS 200.4812A
4	Case No.	Not Available on Nevada Department of Public Safety Criminal History
5	Final Disposition:	Las Vegas Metro Records Check indicates 6M CCDC/SS/2Y Probation concurrent with CT1 & CT2.
6		***
7		
8		
9	Date of Arrest:	07/25/2004
10	Arresting Agency:	Las Vegas Metropolitan Police Department
11	Citation/Charge:	Battery Domestic Violence, NRS 485
12	Case No.	04M17355X
13	Final Disposition:	Guilty - Credit for time served, 2 day; 48 hours community service, \$340.00 fine.
14		***
15		
16	Date of Arrest:	12/19/2003
17	Arresting Agency:	Las Vegas Metropolitan Police Department
18	Citation/Charge:	Basic Speed (10 over limit), NRS 484.361
19	Case No.	Not Available on Nevada Department of Public Safety Criminal History
20	Final Disposition:	No Disposition Record on File
21		***
22		
23	Date of Arrest:	05/28/2003
24	Arresting Agency:	Henderson Police Department
25	Citation/Charge:	Battery/Domestic Violence, NRS 200.485
26	Case No.	Not Available on Nevada Department of Public Safety Criminal History
27	Final Disposition:	No Disposition on Record
28		***



1 Date of Arrest: 06/09/2001
2 Arresting Agency: North Las Vegas Police Department
3 Citation/Charge: Petit Larceny, NRS 205.240
4 Case No. Not Available on Nevada Department of Public
5 Safety Criminal History
6 Final Disposition: No Disposition Record on File

* * *

7 Petitioner's Counsel is also aware that the following case numbers are still showing as
8 active cases in Justice Court: 03W10473X, 04W10020, and 05W01493X. Justice Court has
9 informed Petitioner's Counsel that these cases have been resolved, but are still pending in the
10 clerk's computer system due to an unknown technical error. These case numbers do not appear
11 on Petitioner's Criminal History.

12 That the statutory time periods have been fulfilled and that, in the period prescribed for
13 any convictions, the Petitioner has not been arrested, except for minor moving or standing
14 traffic violations, and that further action will not be brought concerning any arrests resulting in
15 dismissal or acquittal.

16 **WHEREFORE**, Petitioner prays for an Order sealing all records listed above, which
17 are presently in the custody of this Court, of another court in the State of Nevada, or of a public
18 agency, company, or official of the State of Nevada, including but not limited to:

19 Court Clerk
20 Las Vegas Municipal Court
21 Regional Justice Center
22 200 Lewis Avenue
23 Las Vegas, Nevada 89155

24 Office of the Las Vegas City Attorney
25 Regional Justice Center
26 200 Lewis Avenue
27 Las Vegas, Nevada 89155

28 Las Vegas City Marshal
3300 Stewart Avenue
Las Vegas, Nevada 89101

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THE WRIGHT LAW GROUP P.C.
2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
Tel: (702) 405-0001 Fax: (702) 405-8454



- 1 Las Vegas Metropolitan Police Department
- 2 Records Bureau
- 3 400 S. Martin L. King Blvd.
- 4 Las Vegas, Nevada 89106
- 5 Central Repository for Nevada
- 6 Records of Criminal History
- 7 c/o Department of Public Safety
- 8 333 W. Nye Lane, Suite 100
- 9 Carson City, Nevada 89706
- 10 Office of the District Attorney
- 11 Regional Justice Center
- 12 200 Lewis Avenue, 9th Floor
- 13 Las Vegas, Nevada 89155
- 14 Court Clerk
- 15 Las Vegas Justice Court
- 16 Regional Justice Center
- 17 200 Lewis Avenue
- 18 Las Vegas, Nevada 89155
- 19 Office of the District Attorney
- 20 Regional Justice Center
- 21 200 Lewis Avenue, 9th Floor
- 22 Las Vegas, Nevada 89155
- 23 District Court
- 24 Court Clerk
- 25 Regional Justice Center
- 26 200 Lewis Avenue
- 27 Las Vegas, Nevada 89155
- 28 Clark County Detention Center
- 330 S. Casino Center Blvd.
- Las Vegas, Nevada 89101
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1 A certified copy of Petitioner's Las Vegas Metropolitan Police Department Certified
2 Records Check and a Certified Nevada Department of Public Safety Criminal History is
3 attached hereto as Exhibits "1" and "2", respectively.

4 Dated this 20 day of March, 2018

5 THE WRIGHT LAW GROUP, P.C.

6
7 

8 JOHN HENRY WRIGHT, ESQ.
9 Nevada Bar No. 6182
10 CHRISTOPHER B. PHILLIPS, ESQ.
11 Nevada Bar No. 14600
12 2340 Paseo Del Prado, Suite D-305
13 Las Vegas, Nevada 89102
14 Telephone: (702) 405-0001
15 Facsimile: (702) 405-8454
16 Attorneys for Petitioner

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THE WRIGHT LAW GROUP P.C.
2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
Tel: (702) 405-0001 Fax: (702) 405-8454



AFFIDAVIT OF PETITIONER

COUNTY OF CLARK)

) ss:

STATE OF NEVADA)

I, EDWARD TARROBAGO FINLEY, am over the age of 21 and having been duly sworn under oath, do hereby depose and state as follows:

1. Under penalty of perjury, I am the Petitioner in the instant matter.

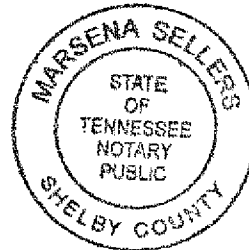
2. I have read the foregoing Petition to Seal Records and know the contents thereof; that the same is true of my own knowledge except as to those matters therein stated on information and belief, and to those matters I believe them to be true.

FURTHER AFFIANT SAYETH NAUGHT.

Edward G. Finley Sr.
EDWARD TARROBAGO FINLEY

Subscribed and sworn before me
this 1st day of March, 2018.

[Signature]
Notary Public for said County and State



My Commission Expires Oct. 17, 2023

