

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77414

MICHAEL LUIS COTA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77415

FILED

JUN 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK 0


ORDER

Cause appearing, the motion to direct the district court clerk to transmit a copy of the presentence investigation reports in these matters (district court case numbers 18-CR-0116 and 18-CR-0084) is granted. NRAP 30(b)(6). The district court clerk shall have 14 days from the date of this order to transmit to the clerk of this court a copy of the presentence investigation reports in a sealed envelope. *See id.*; NRS 176.156(5) (providing that except for specific disclosures authorized by NRS 176.156(1)-(4), a presentence investigation report is “confidential and must not be made a part of any public record”).

Appellant has filed a motion for leave to file a portion of the appendix under seal and for an extension of time to file the appendix. Appellant states that an “unsealed sentencing memorandum is part of the open district court record and is included in the appendix compiled by appellant,” and seeks an order sealing pages 22 through 188 of the

appendix.¹ The motion is denied at this time because it is not accompanied by a copy of the proposed appendix. *See* SRCR 3(2) (indicating that copies of the documents proposed to be filed under seal should be submitted with the motion to seal). Appellant shall have 7 days from the date of this order to submit the appendix. Appellant may renew the motion to seal upon submission of the appendix to this court. The submitted appendix will remain confidential pending this court's ruling on any renewed motion to file a portion of the appendix under seal. Respondent shall have 30 days from the date that appellant's appendix is filed to file and serve the answering brief.²

It is so ORDERED.

 C.J.

cc: John E. Malone
Attorney General/Carson City
Douglas County District Attorney/Minden

¹On the same date, appellant filed a motion to transmit sealed documents, which appears to be in direct conflict with his motion to seal a portion of the appendix. In appellant's motion to transmit sealed documents, appellant states that the only copies of the sentencing memorandum and a motion to strike "believed to exist" are filed under seal in the district court and, thus, cannot be included in the appendix. Due to the apparent conflict, this court takes no action on the motion to transmit sealed documents at this time.

²Respondent's motion for an extension of time to file the answering brief is denied as moot.