

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
APPLICATION OF EDWARD
TARROBAGO FINLEY, FOR AN
ORDER TO SEAL RECORDS.

CASE NO. 76715 Electronically Filed
Nov 07 2018 03:52 p.m.
(Appeal from 8th Judicial District)
Court Case No. A-18-76715-2 (S)
Elizabeth A. Brown
Clerk of Supreme Court

EDWARD TARROBAGO FINLEY,

Appellant,

vs.

CITY OF HENDERSON; AND THE
STATE OF NEVADA,

Respondents.

APPELLANT'S APPENDIX

VOLUME I (AA001-AA085)

JOHN HENRY WRIGHT
Nevada Bar No. 6182
CHRISTOPHER B. PHILLIPS
Nevada Bar No. 14600
THE WRIGHT LAW GROUP, P.C.
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Attorneys for Appellant

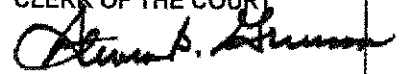
Document Title	Date Filed	Volume	Page No.
Petition to Seal Records	03-21-2018	I	AA001-AA018
Notice of Motion and Motion to Oppose Petitioner's Request to Seal records	06-13-2018	I	AA019-AA030
Opposition to Motion to Oppose Petitioner's Request to Seal Records	06-26-2018	I	AA031-AA042
State's Opposition to Petition to Seal records	07-02-2018	I	AA043-AA045
Response to State's Opposition to Petition to Seal Records	07-09-2018	I	AA046-AA053
Recorder's Transcript of Hearing Re: City of Henderson's Motion to Oppose Petitioner's Request to Seal Records	07-19-2018	I	AA054-AA063
Order Re: Petition to Seal Records	07-19-2018	I	AA064-AA072
Notice of Appeal	08-13-2018	I	AA073-AA085

CERTIFICATE OF SERVICE

1. I the undersigned , declare under penalty of perjury, that I am over the age of eighteen (18) years, and I am not a party to, nor interested in, this action. On November 7, 2018, I caused to be served a true and correct copy of the foregoing APPELLANT’S APPENDIX upon the following:

BY ELECTRONIC SUBMISSION: submitted to the above-entitled Court for electronic filing and service upon the Court’s Service List for the above-referenced case.

/s/ Candi Ashdown
An Employee of The Wright Law Group, P.C.



1 JOHN HENRY WRIGHT
Nevada Bar No. 6182
2 CHRISTOPHER B. PHILLIPS
Nevada Bar No. 14600
3 THE WRIGHT LAW GROUP, P.C.
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4 Las Vegas, Nevada 89102
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5 Facsimile: (702) 405-8454
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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
13 Social Security #: XXX-XX-4995

DEPT. NO. Department 22

14 DOB: 08/26/1981
15

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 Safety Criminal History
6 Final Disposition: No Disposition Record on File
7 * * *

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 Las Vegas Metro Records Check
14 Final Disposition: No Disposition Record on File
15 * * *

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 available on Las Vegas Metro Records Check
21 Final Disposition: No Disposition Record on Las Vegas Metro Records
22 Check
23 * * *

24 [This space intentionally left blank. Next arrest record continues on following page]
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1 Date of Arrest: 12/27/2004
2 Arresting Agency: Las Vegas Metropolitan Police Department
3 Citation/Charge: Kidnap 2nd Degree
4 Case No. Does not Appear on Nevada Department of Public
5 Safety Criminal History; No additional
6 information available on Las Vegas Metro
7 Records Check

8 Final Disposition: No Disposition Record on Las Vegas Metro
9 Records Check

10 * * *

11 Date of Arrest: 11/19/2004
12 Arresting Agency: Las Vegas Metropolitan Police Department
13 Citation/Charge: No License Plate Light, Warrant, BW - 1-
14 13407161-B
15 Case No. Does not appear on Nevada Department of Public
16 Safety Criminal History; No Case No. Provided on
17 Las Vegas Metro Records Check.

18 Final Disposition: No Disposition Record on File

19 * * *

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

26 Final Disposition: No Disposition Record on File

27 * * *

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



1 Date of Arrest: 11/20/2004
2 Arresting Agency: Henderson Police Department
3 Citation/Charge: Contempt of Court, NRS 266.570
4 Case No. Not Available on Nevada Department of Public
5 Safety Criminal History
6 Final Disposition: No Disposition Record on File
7 * * *
8 Date of Arrest: 09/02/2004
9 Arresting Agency: Las Vegas Metropolitan Police Department
10 Citation/Charge: Assault with Deadly Weapon, Warrant, DKT -
11 04F15288X
12 Case No. Does not appear on Nevada Department of Public
13 Safety Criminal History; No Case No. Provided on
14 Las Vegas Metro Records Check.
15 Final Disposition: Las Vegas Metro Records Check indicates 12M-
16 48M NSP/SS/4Y Probation.
17 * * *
18 Date of Arrest: 08/30/2004
19 Arresting Agency: Las Vegas Metropolitan Police Department
20 Citation/Charge: Kidnap 1st Degree, NRS 200.310
21 Case No. Not Available on Nevada Department of Public
22 Safety Criminal History
23 Final Disposition: Las Vegas Metro Record Check indicates 48M-
24 120M NSP/SS/4Y Probation.
25 * * *

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



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



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
Las Vegas Municipal Court
20 Regional Justice Center
200 Lewis Avenue
21 Las Vegas, Nevada 89155

22 Office of the Las Vegas City Attorney
Regional Justice Center
23 200 Lewis Avenue
24 Las Vegas, Nevada 89155

25 Las Vegas City Marshal
3300 Stewart Avenue
26 Las Vegas, Nevada 89101

27 ///

28 ///

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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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 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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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 9th day of March, 2018.

[Signature]
Notary Public for said County and State

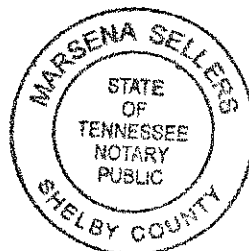


EXHIBIT 1



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#:	CHARGE:	TYPE:	FAIL TO:	OFF:	99999 OTHER () PROB VIOL KIDNAP, WARRANT, DKT-C204855X, MPD COUNTS:	EVT#:
7	3	UNK	APPEAR	MPD	1	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#:	CHARGE:	TYPE:	FAIL TO:	OFF:	99999 OTHER () ASSLT W/DEAD WEAP, WARRANT, DKT-04F15288X, MPD COUNTS:	EVT#:
9	1	TYPE: RMDR	OFF: 99999 OTHER ()	ASSLT W/DEAD WEAP, WARRANT, DKT-04F15288X, MPD	1	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

Appellant's Appendix (AA) 011

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

DISPO: FINAL

UPDATED: 5/18/2013

FINE EXCUSE RESTITUTION
\$ \$ \$

MIN YRS MOS DAYS HRS

TERM OF SENTENCE

CREDIT TIME SERVED NO

LEGACY DISPO: CT2 - 12M-48M NSP /SS/ 4Y PROB

COMMUNITY SERVICE
PROBATION

ARREST DATE: 8/30/2004

AGY: LAS VEGAS METRO PD

PCN#: BK#: -

RN#: 7 CHARGE: 2 TYPE: UNK OFF: 99999 OTHER () KIDNAP 1ST DEG COUNTS: 1 EVT#: 040830-0952
CCN: C204855X UNKNOWN CREATED: 8/30/2004 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT

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

FINAL OFF: 99999 OTHER () KIDNAP 2ND DEG

DISPO: FINAL

UPDATED: 5/18/2013

FINE EXCUSE RESTITUTION
\$ \$ \$

MIN YRS MOS DAYS HRS

TERM OF SENTENCE

CREDIT TIME SERVED NO

LEGACY DISPO: CT1 AMEND - 48M-120M NSP /SS/ 4Y PROB

COMMUNITY SERVICE
PROBATION

RN#: 8 CHARGE: 1 TYPE: UNK OFF: 99999 OTHER () BATT DV W/1 PRIOR COUNTS: 1 EVT#: 040830-0952
CCN: C204855X UNKNOWN CREATED: 8/30/2004 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT

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

FINAL OFF: 99999 OTHER () BATT DV W/1 PRIOR

DISPO: FINAL

UPDATED: 5/18/2013

FINE EXCUSE RESTITUTION
\$ \$ \$

MIN YRS MOS DAYS HRS

TERM OF SENTENCE

CREDIT TIME SERVED NO

LEGACY DISPO: CT3 MISD 6M CCDC/SS/2Y PROB CONCUR W/CT1 & CT2

COMMUNITY SERVICE
PROBATION

ARREST DATE: 7/25/2004

AGY: LAS VEGAS METRO PD

PCN#: BK#: -

RN#: 6 CHARGE: 1 TYPE: UNK OFF: 99999 OTHER () BATT DV NO PRIOR CONVICT COUNTS: 1 EVT#: 040725-1488
CCN: 04M17355X UNKNOWN CREATED: 7/25/2004 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT

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

FINAL OFF: 99999 OTHER () BATT DV NO PRIOR CONVICT

DISPO: FINAL

UPDATED: 5/18/2013

FINE EXCUSE RESTITUTION
\$ \$ \$

MIN YRS MOS DAYS HRS

TERM OF SENTENCE

CREDIT TIME SERVED NO

LEGACY DISPO: 2D CCDC-CT5/\$340 FINE-EXCUSED/48H CS-CTS/COUNSEL

COMMUNITY SERVICE
PROBATION

ARREST DATE: 12/19/2003

AGY: LAS VEGAS METRO PD

PCN#: BK#: -

RN#: 5 CHARGE: 1 TYPE: UNK FAIL TO: OFF: 99999 OTHER () BASIC SPEED, WARRANT, BW-1-3138899-A, COUNTS: 1 EVT#: UNKNOWN
CCN: 1-3138899-A UNKNOWN APPEAR MPD STATUS: CONTINUED CREATED: 12/19/2003 UPDATED: 5/18/2013 JUV/CERT/ADULT: ADULT

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

FINAL OFF: 99999 OTHER () BASIC SPEED

DISPO: UNKNOWN

UPDATED: 5/18/2013

FINE EXCUSE RESTITUTION

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

Appellant's Appendix (AA) 012

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 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.

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

Appellant's Appendix (AA) 013

1/25/2018

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 JLCLIENT, 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.

THIS NOTICE DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF OTHER MATCHING RECORDS CONTAINED IN LOCAL OR FBI CRIMINAL HISTORY RECORD FILES. USE OF THIS INFORMATION IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED PURSUANT TO THE NEVADA REVISED STATUTES. DISSEMINATION TO A SECOND PARTY OR ENTITY IS PROHIBITED.

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:

ORIG: CHR1317G2 jbbates CJIS:SQCH 02/08/2018-09:54:07
RESP: ARREST (NV00305DA893) 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 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]*

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 DEPARTMEN
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 DEPARTMEN 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 *****

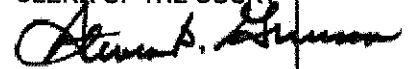
WHEN AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE NEVADA CRIMINAL
HISTORY RECORDS REPOSITORY.

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.

IN REGARDS TO THE ABOVE NAMES SUBJECT, THIS DOES NOT PRECLUDE THE POSSIBLE
EXISTENCE OF ADDITIONAL MATCHED RECORDS IN LOCAL OR FBI IDENTIFICATION
DIVISION FILES WHICH ARE NOT INDEXED BY THE NEVADA STATE CRIMINAL HISTORY
RECORDS REPOSITORY. THE USE OF THIS INFORMATION IS REGULATED BY LAW. IT
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: *[Signature]*



MOT
MICHAEL OH, ESQ.
Interim Henderson City Attorney
Marc M. Schifalacqua, Esq.
Sr. Assistant City Attorney
Nevada State Bar No. 10435
243 Water Street, MSC 711
Henderson, NV 89009-5050
(702) 267-1370

**DISTRICT COURT
COUNTY OF CLARK, NEVADA**

CITY OF HENDERSON,

Plaintiff,

vs.

EDWARD TARROGAGO FINLEY,

Defendant.

Case No. A-18-771524-S

Dept. No.: XXII

Hearing Date:

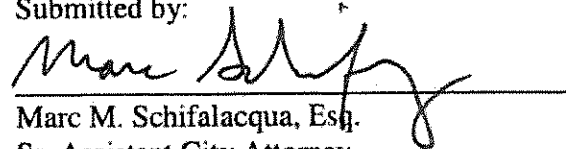
Hearing Time:

**NOTICE OF MOTION AND MOTION TO OPPOSE PETITIONER'S REQUEST
TO SEAL RECORDS**

COMES NOW, the City of Henderson, by and through MARC M. SCHIFALACQUA, Sr.
Assistant City Attorney, and hereby moves this Honorable Court to deny the above referenced
petition for to seal records. This Motion is based upon the papers and pleadings on file herein, and
the arguments of counsel.

Dated this 13 day of June, 2018.

MICHAEL OH, ESQ.
INTERIM CITY ATTORNEY
Submitted by:



Marc M. Schifalacqua, Esq.
Sr. Assistant City Attorney
243 Water Street – MSC 711
Henderson, NV 89009-5050

NOTICE OF MOTION

TO: John Henry Wright, Attorney for Plaintiff;

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing *MOTION TO OPPOSE PETITIONER'S REQUEST TO SEAL RECORDS* on for hearing before the above-entitled Court on the 19 day of JULY, 2018, at 9:00 a.M. in Department Number XXII, or as soon thereafter as counsel can be heard.

Dated this _____ day of June, 2018.

MICHAEL OH, ESQ.
INTERIM CITY ATTORNEY
Submitted by:



Marc M. Schifalacqua, Esq.
Sr. Assistant City Attorney
243 Water Street - MSC 711
Henderson, NV 89009-5050

ARGUMENT

SINCE PETITIONER HAS BEEN CONVICTED OF NEW OFFENSES AFTER PLEADING NOLO CONTENDRE TO BATTERY CONSTITUTING DOMESTIC VIOLENCE, HE IS NOT ELIGIBLE TO SEAL HIS CONVICTION PURSUANT TO NRS 179.245

On March 21, 2018, Edward Tarrobago Finley (hereinafter "Petitioner") filed a Petition to Seal Records. Specifically, Petitioner requests that this Court sign an order sealing from his record any arrest and/or conviction arising under Henderson Municipal Court Case Number 03CR00496 – Battery Constituting Domestic Violence.¹ However, since the Petitioner did not stay out of trouble for the mandatory waiting time pursuant to NRS 179.245(1)(f) for this offense, the City would submit that the Court does not have discretion to seal Case No. 03CR004960 – Battery Constituting Domestic Violence.

NRS 179.245(1)(e) states:

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

NRS 179.245(4) further reads:

If, after the hearing, the court finds that, in the period prescribed in subsection 1, the petitioner has not been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations, the court may order sealed all records of the conviction...

In general, a petitioner must stay trouble free during the waiting periods prescribed in NRS 179.245(1) to be eligible to petition to seal his/her record. If a petitioner has been charged with any offense for which the charges are pending or convicted of any offense during the waiting period, the Court does not have the discretion to seal that particular record. In State of Nevada vs. Cavaricci, 108 Nev. 411 (1992), the State opposed the Petitioner's request to seal various convictions on his

¹ The City takes no position on Petitioner's request to seal Case No. 04CR014547 (Contempt of Court).

1 record, since the request did not comply with NRS 179.245. Specifically, the Defendant continued
2 to commit several crimes without satisfying the requisite waiting period to be trouble free, as
3 delineated in NRS 179.245. The District Court sealed the Petitioner's record over the State's
4 objection. In turn, the State filed a Petition for Writ of Mandamus and the Nevada Supreme Court
5 and overturned the District Court's decision to seal the Petitioner's record.
6

7 The Court held that, "[p]ursuant to NRS 179.245(3), the district court has discretion to grant
8 or deny a petition filed pursuant to NRS 179.245(1)(d) only if the petitioner has been arrested for
9 nothing greater than minor traffic violations during the five years succeeding the petitioner's most
10 recent misdemeanor conviction. In this case, a review of respondent's criminal record reveals at
11 least seven incidents since 1984 resulting in numerous charges, including multiple DUI arrests,
12 resisting arrest, resisting a police officer, battery with use of a deadly weapon and possession of a
13 controlled substance. These do not qualify as "minor traffic violations" under the statute.
14 Consequently, respondent failed to invoke the district court's discretionary power under NRS
15 179.245(3)." Id. at 412 (emphasis added). The Court further noted that, "[a]s revealed by his
16 record of arrests and convictions, respondent is simply not the type of person upon whom the
17 judiciary will confer such a substantial benefit as the sealing of his criminal records." Id. at 413.
18

19 In the instant case, it does not appear as though the Petitioner stayed trouble free during the
20 waiting period for Case No. 03CR004960 (Battery Constituting Domestic Violence, arrest date =
21 May 28, 2003, date of plea = August 20, 2003, case closed on December 27, 2004).
22

23 On August 30, 2004, Petitioner was arrested on new charges of Kidnapping and Battery
24 Constituting Domestic Violence. *See* City's Exhibit No. 1. On November 18, 2004, Defendant was
25 convicted and sentenced for Second Degree Kidnapping, Assault with a Deadly Weapon and
26 Battery Constituting Domestic Violence in the Eighth Judicial District Court – Department XVI.
27 *See* Exhibit No. 2. Thus, Petitioner did not stay trouble free for the seven (7) year time frame.
28 Since Petitioner committed additional criminal offenses after his plea in 03CR004960, he should


1 not be given the benefit of sealing his record for this offense. Therefore, the City opposes the
2 sealing of Case No. 03CR004960.

3 Consistent with Cavaricci, the Petitioner committed new criminal offenses after entering
4 into negotiations in Case No. 03CR004960 and the City submits that "by his record of arrests and
5 convictions, [he] is simply not the type of person upon whom the judiciary will confer such a
6 substantial benefit as the sealing of his criminal records." Cavaricci, 108 at 413.

7
8 Dated this 13 day of June, 2018.

9 MICHAEL OH, ESQ.
10 INTERIM CITY ATTORNEY

Submitted by:

11 
12 Marc M. Schifalacqua, Esq.
13 Sr. Assistant City Attorney
14 243 Water Street - MSC 711
15 Henderson, NV 89009-5050

16 **CERTIFICATE OF MAILING**

17 I HEREBY CERTIFY that on the 13 day of June 2018, I sent a true and correct copy of
18 the above *NOTICE OF MOTION AND MOTION TO OPPOSE PETITIONER'S REQUEST*
19 *TO SEAL RECORDS* by electronic service to:

20 John Henry Wright
21 john@wrightlawgroupnv.com

22 
23
24 City of Henderson Employee

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EXHIBIT I

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

ARREST REPORT

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat

H1

ID/EVENT#	ARRESTEE'S NAME		(Last, First, Middle)		S.S.#
1681787	FINLEY, EDWARD. TARDAGO				
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code)					
2182 EAST DESERT INN ROAD, LAS VEGAS, NEVADA 89108					
CHARGES: KIDNAP BATTERY/DOMESTIC VIOLENCE					
OCCURRED:	DATE	DAY OF WEEK	TIME	LOCATION OF ARREST (Number, Street, City, State, Zip Code)	
	08/30/04	MONDAY	1320 HRS	2182 EAST DESERT INN, LAS VEGAS, NEVADA 89109	
RACE	SEX	D.O.B.	HT	WT	HAIR
B	M	08/26/81	5'10"	200	BLACK
EYES	PLACE OF BIRTH				
BR	GLENDALE, ARIZONA				

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer C. Cruz, P#4315
 Officer W. Miller, P#7462
 CSA W. Spears, P#5228

VICTIM:

Brittany Leavitt
 DOB: 11/17/78
 SS#:

VICTIM RELATED:

Taylor Leavitt
 Age three

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.

This Information Released To:

By: Heather Shari-Henderson Attorney
By: [Signature] Date: 06/12/2018
 Las Vegas Metro Police Dept.

DETAILS:

On August 30, 2004, I, Officer C. Cruz, P#4315, operating as marked patrol unit 2W12, was dispatched to the Bolden Area Command to take a crime report for battery/domestic violence, with a charge of kidnap later being added. Upon arrival, I contacted a subject, identified as Brittany Leavitt, date of birth 11/17/78, at the Bolden Area Command police station in reference to the domestic violence situation.

Upon talking to Leavitt, it was determined that she and her boyfriend, identified as Edward Finley, date of birth 08/26/81, have been dating for three-and-a-half years. Leavitt stated that she is currently pregnant with their second child and they also have a three-year-old daughter named Taylor Leavitt. Leavitt stated that on 08/29/04, at approximately 1700 hours, an argument occurred on the telephone with Finley where she told him that she did not want to see him anymore and that she wanted her back.

Leavitt stated that Finley then hung up and arrived at their residence of 2182 East Desert Inn, Las Vegas, Nevada, at approximately 2000 hours. Leavitt stated that the verbal argument continued and Finley asked her to take him to his cousin's house. Leavitt stated

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
C. CRUZ	4315		040830-1037

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 1581787

Page 2 of 3

that she, Finley, and their daughter got into Leavitt's car and drove to the area of Jones and Centennial Parkway.

Leavitt stated that when they were in the area, Finley pulled out a knife and told her to keep driving. At one point, Finley poked Leavitt in the outer, right, thigh. Leavitt stated that as they were passing the Wagon Wheel exit in Henderson on southbound I-95, she asked Finley if they could stop to get a drink, to which Finley stated, no, that he was still deciding on whether or not to kill her.

Leavitt stated that once Finley pulled out the knife and showed it to her, she was in fear and did not feel like she could leave or go about her business. Leavitt stated that once they arrived in Boulder City, Finley told her that he had decided to kill her, and he told her to take the Laughlin exit. Leavitt stated that she then told Finley that she did not have enough gas to make it to Laughlin, so she drove past the exit.

Leavitt stated that Finley then told her that he was going to cut her throat, however, he never motioned as if he was going to do so, although he did possess the means. When Leavitt asked Finley what he wanted from her, he told her that he did not want her to exist. Finley further stated that if he could not have Leavitt, no one could.

Leavitt stated that Finley was quiet for a short time after that, and finally threw the knife down at Leavitt's feet. Leavitt stated that she then picked up the knife and placed it by her doorjamb in between the door and her seat. Leavitt stated that once they were back in town, near the Flamingo exit, Finley reached over and attempted to grab the knife, and when she did not allow him to grab it, he pinched at her right, leg and arm, and punched her in her thigh, leaving a bruise on the inside of her right, thigh.

Leavitt stated that, at that time, Finley told her to take him to his office on Jones and Sahara. Once there, their daughter, Taylor, had woken up and Finley forced both of them to go into his office. Finley then placed the knife back into the lounge area.

Leavitt stated that Finley told her that he had a second knife in his pocket. While Leavitt was crying, Finley, again, forced her and their daughter to get back into the car. Leavitt stated that Finley then told her to "take it back," (their breakup).

Leavitt stated that she told Finley that she would take it back. Leavitt stated that Finley then told her that if she betrayed him again, he would find her, slice her up, and cut Taylor, their three-year-old daughter. Finley told Leavitt that he was high on marijuana, and not thinking right.

Leavitt stated that she then told Finley, "Let's just go home," and at around midnight, they arrived back at their Desert Inn address. Leavitt stated that she then went to her room with their three-year-old daughter, Taylor, where she laid down. After a short time, Finley walked into the bedroom with the knife in his hand and placed it between the mattresses on the side he was laying on and told Leavitt to set the alarm so he would not miss his court date for domestic violence against her in the morning of 08/30/04.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 1581787

Page 3 of 3

Leavitt stated that the next morning, 08/30/04, she and Finley got up, and Finley was getting into the shower when he saw her going through her pockets. Leavitt stated that Finley then grabbed the pants out of her hand and found some money, so he got mad at her and threw a bottle of gel at her, missing her. Finley then got into the shower.

I asked Leavitt why she did not call the police, and she stated that her phone is very noisy and she was afraid Finley would hear her calling the police. Leavitt stated she then gave Finley a ride to court and Finley told her to call her work and tell them that she would not be at work today, so they could spend some time together to decide their future.

Leavitt stated that Finley also told her that if she did not pick him up once court was done, he would find her and kill her. Leavitt stated that during the entire incident, Finley hit her face, pulled and twisted her ear, and pushed her against the car door repeatedly. Leavitt stated that she was in fear for her life and the well-being of her daughter, Taylor, as well as for her unborn child.

Leavitt stated that she and Finley have been in a relationship for approximately three-and-a-half years, and this is the second time he has hit her. The related incident that Finley showed up at court for on 08/30/04 was for a different domestic violence case with Brittany Leavitt as the victim, under event number 040725-1488. Upon completing the domestic violence sheet, I gave Leavitt a domestic-violence blue card and informed her about obtaining a temporary protective order.

I also gave Leavitt the event number and explained that if she had knowledge of where Finley might be, she should recall the police and we would go and make an arrest if it was within a 24-hour time frame. A short time later, under event number 040830-1633, Leavitt called the police due to Finley notifying his cousin that he was suicidal as a result of his domestic violence the previous evening.

Leavitt told police that Finley had been calling from the address of 2182 East Desert Inn. At that time, officers responded to that address where Officer W. Miller, P#7462, took Finley into custody for domestic violence and kidnapping. Upon notifying me that Finley was in custody, I asked Officer Miller to transport him to the Clark County Detention Center where I met him and placed Finley under arrest for one count of kidnap and one count of domestic violence with battery. At that time, I notified Leavitt that Finley was in custody at CCDC so she could facilitate him getting served with the temporary protective order. All evidence was documented by CSA W. Spears, P#5228, and Finley was booked accordingly.

CC/lam (Records)

Job# 519

Date & Time Dictated: 08/30/04 1600 hours

Date & Time Transcribed: 08/31/04 1037 hours

cc: Officer C. Cruz/BAC

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EXHIBIT 2

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DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
200 South Third Street
Las Vegas, Nevada 89155-2212
(702) 455-4711
Attorney for Plaintiff

UNFILED

FILED

2004 DEC 14 A 8 46

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

EDWARD TAROGABO FINLEY,
#1581787

Defendant.

Case No: C204855

Dept No: XVI

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT I - SECOND DEGREE KIDNAPPING (Category B Felony) and COUNT II - ASSAULT WITH A DEADLY WEAPON (Category B Felony) and COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (M), in violation of NRS 200.310, 200.320, 200.471, 200.481, 200.485, 33.018; thereafter, on the 18th day of November, 2004, the Defendant was present in court for sentencing with his counsel, JAY L. SIEGEL, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED as to COUNT 1 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2 - to a MAXIMUM of FORTY EIGHT (48) MONTHS and a MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC) and AS TO

PAWPDOCSUUDGM1541528801.doc

1 COUNT 3 - to SIX (6) MONTHS at Clark County Detention Center (CCDC) and
2 CONCURRENT with COUNTS 1 and 2, SUSPENDED; placed on PROBATION for an
3 indeterminate period not to exceed FOUR (4) YEARS. Court adopts ALL CONDITIONS,
4 modifies Condition 3 as follows: FURTHER ORDERED, probation for COUNT 3 not to
5 exceed TWO (2) YEARS.CONDITIONS: 1) Search for controlled substances, drug
6 paraphernalia, stolen property and weapons; 2) Complete an intensive inpatient drug
7 treatment program within the first year of probation or complete the drug court program if P
8 & P deemed appropriate; 3) Continue a Domestic Violence Perpetrator Treatment program
9 within the first year of probation; 4) Complete 100 hours of community service work during
10 the first two years of probation. BOND, if any, EXONERATED.

11 DATED this 13th day of December, 2004.

12 John McQuay
13 DISTRICT JUDGE
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04F15288X/ajc

Steven D. Grierson

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

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 In the Matter of the Application of
EDWARD TARROBAGO FINLEY

CASE NO.: A-18-771524-S

DEPT. NO.: XXII

13 Social Security #: XXX-XX-4995

14 DOB: 08/26/1981

16 For an Order to Seal Records

17
18 **OPPOSITION TO MOTION TO OPPOSE PETITIONER'S REQUEST TO SEAL**
RECORDS

19 **COMES NOW** Petitioner EDWARD TARROBAGO FINLEY("Petitioner") by and
20 through his counsel of record, JOHN HENRY WRIGHT, ESQ. of THE WRIGHT LAW GROUP,
21 P.C., and files this, his opposition, to the City of Henderson's Motion to Oppose Petitioner's
22 Request to Seal Records.

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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

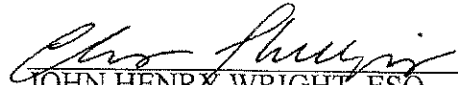




1 This opposition is made pursuant to the provisions of NRS 179.245, 179.255, 179.265,
2 179.285 and/or 453.3365, the papers and pleadings on file herein, and any arguments adduced at
3 hearing on said Motion.

4 Dated this 26th day of June, 2018

6 THE WRIGHT LAW GROUP, P.C.

7
8 
9 JOHN HENRY WRIGHT, ESQ.
Nevada Bar No. 6182
10 CHRISTOPHER B. PHILLIPS, ESQ.
Nevada Bar No. 14600
2340 Paseo Del Prado, Suite D-305
11 Las Vegas, Nevada 89102
Telephone: (702) 405-0001
12 Facsimile: (702) 405-8454
Attorneys for Petitioner

13 MEMORANDUM OF POINTS AND AUTHORITIES

14 I. ARGUMENT

- 15 A. **Despite Petitioner's Subsequent arrest for new offenses after pleading nolo**
16 **contendre to Battery Constituting Domestic Violence, Petitioner is eligible to**
seal his conviction pursuant to NRS 179.245

17 In it's opposition to Petitioner's request to seal his criminal records, the City of Henderson
18 (hereinafter "Henderson") has grossly misinterpreted the law, as we well as the opinion of the
19 Nevada Supreme Court upon which it relies.

20 NRS 179.245(1)(e) states:

21 A violation of NRS 422.540 to 422.570, inclusive, other than a felony, a violation
22 or NRS 484C.110 or 484C.120 other than a felony, or a **battery which constitutes**
23 **domestic violence pursuant to NRS 33.018 other than a felony, after 7**
24 **years** from the date of release from actual custody or from the date when the person
is no longer under a suspended sentence, whichever occurs later.

25 (Emphasis added). NRS 179.245(4) further provides:

26 If after the hearing, the court finds that, **in the period prescribed in subsection 1,**
27 **the petitioner has not been charged with any offense for which the charges are**
pending or convicted of any offense, except for minor moving or standing traffic
28 **violations, the court may order seal all records of the conviction...**



(Emphasis added). Henderson has taken the language of NRS 179.245(1)(e) together with the language of NRS 179.245(4) and concluded that because Petitioner was arrested during the 7 year period immediately following his nolo contendere plea to Battery Constituting Domestic Violence, that somehow, no matter how many years Petitioner subsequently remains trouble free, that the Petitioner can *never* obtain eligibility to seal his criminal records. Such a holding is inconsistent with the intent and spirit of the law, and is grossly inconsistent with the Nevada Supreme Court's holding in *Cavaricci*, which Henderson relies on to support its opposition.

In *Cavaricci*, the facts were *remarkably* different than those presented here. In *Cavaricci*, the Defendant had been arrested several times between 1987-1990. These arrests were subsequent to Defendant's three 1984 convictions. From 1987 to 1990, Defendant was arrested at least seven times resulting in umbers charges including multiple DUIs, resisting arrest, resisting a police officer, battery with use of a deadly weapon, and possession of a controlled substance. *See State v. Cavaricci*, 108 Nev. 411, 412 (1992). Based on Defendants conduct, the Nevada Supreme Court held that because of Defendants history of arrests and convictions, Defendant was not the type of person upon whom the judiciary would confer such a substantial benefit as the sealing of his criminal records. *See Id.* Here, Henderson wants this Court to say that Petitioner is "not the type of person" that should receive the benefit of having his record sealed. However, Henderson ignores two key facts.

One, Defendant Cavaricci sought to have his records sealed within one year of his most recent arrest. The *Cavaricci* opinion tells us that Defendant Cavaricci had arrests as recent as 1990, and that he filed a petition to have his records sealed in February 1991. *See Cavaricci* at 412. Here, Petitioner's certified criminal history shows that his last arrest was February 9, 2005, some *thirteen years* prior to the instant request to seal his records.

Two, the *Cavaricci* opinion is unclear as to whether or not Defendant Cavaricci had satisfied the requisite waiting period in order to even be eligible for a record sealing as the 1991 version of NRS 179.245 provided longer requisite waiting periods than does the current version of NRS 179.245. *See generally* NRS 179.245 (1991) and NRS 179.245 (2017). Here, there is no question that Petitioner has remained trouble free for more than the requisite waiting period from



1 the time of his last arrest. Petitioner has not been arrested since February 9, 2005. *See Certified*
2 *Criminal History*, attached hereto as Exhibit 1 (also attached as Exhibit 2 to Petitioner's Petition
3 to Seal Records).

4 The only question before this Court is whether the plain language of NRS 179.245 means
5 that a defendant must remain trouble free during the prescribed waiting period following each and
6 every singular arrest, or if the language of NRS 179.245 means that a defendant must remain
7 trouble free for the prescribed waiting period from the defendant's most recent arrest. Despite
8 Henderson's argument to the contrary, a careful reading of NRS 179.245 indicates that the intent
9 of NRS 179.245 is to allow a defendant to seal his records if he remains trouble free for the
10 prescribed waiting period following the most recent arrest.

11 Here, the required waiting period is 7 years. The waiting period is not being disputed. It is
12 also undisputed that the requisite period of time is measured from the date the defendant is released
13 from custody or from the date when the defendant is no longer under a suspended sentence,
14 whichever occurs later. Thus, the only dispute here is *which 7 years* do we look at. Specifically,
15 are we looking at the 7 years from December 2004 (when case no. 03CR004960 was closed) to
16 December 2011, or are we looking at the 7 years from December 2007 (when Petitioner was
17 released from his sentence for second degree kidnaping, assault with a deadly weapon, and battery
18 constituting domestic violence) to December 2014? A careful reading of the plain language of
19 NRS 179.245 shows that the controlling period of time is from December 2007 to December 2014.

20 The operative language of NRS 179.245(1)(e) says "...after 7 years from the date of
21 release..." It does not say that in order to be eligible, the Defendant must remain trouble free during
22 the 7 years immediately following the date of release. Nor, does the statute says that if a defendant
23 is arrested and convicted of a subsequent offense during the requisite waiting period that the
24 defendant is forever more disqualified from sealing his or her record. Nothing in the statute or in
25 the related case law says that a subsequent arrest eliminates the Defendant's ability to seal his
26 records at any point in the future.

27 Moreover, Henderson's argument in opposition to Petitioner's request directly contradicts
28 the stated purpose and intent behind allowing defendants the opportunity to seal their records. In



1 fact, NRS 179.245 was "...enacted to enhance employment and other opportunities for such
2 formerly convicted persons. It was intended to remove the stigma associated with the conviction
3 of a crime and to give those individuals another chance, so to speak, unencumbered by that
4 stigma." *Baliotis v. Clark County*, 102 Nev. 568, 571 (1986). It cannot be the case, as Henderson
5 alleges, that if a defendant (like the Petitioner here) has a subsequent arrest and conviction, that he
6 can *never* earn the benefit of having his record sealed. To say otherwise means that any Defendant
7 who had multiple arrests during a given period of time could never become eligible to have their
8 records sealed. Such a result is not only absurd, but completely inconsistent with the intended
9 purpose of NRS 179.245.

10 Petitioner has had no arrests in this state since February 2005. He has completed real estate
11 school, and is currently studying for his Nevada real estate licensing exam. Petitioner seeks this
12 record sealing not for the purpose of evading punishment or responsibility for his prior conduct,
13 but for the purpose of furthering his new career. To say that despite staying trouble free since 2005,
14 and despite the fact that he has obtained an education to become a licensed real estate agent, that
15 he cannot have his records sealed in order to further his new career is absolutely unjust and in direct
16 conflict with the stated intent of NRS 179.245.

17 Finally, Petitioner does not believe that the language of NRS 179.245 is unclear or
18 otherwise ambiguous. NRS 179.245(1)(e) says "...after 7 years from the date of release..." It does
19 not say the it must be the 7 years immediately following the date of release. However, if the Court
20 finds that the arguments contained herein compared vis-a-vis a Henderson's arguments create an
21 ambiguity, then Petitioner points out that the rule of lenity will control.

22 "The rule of lenity [is a rule of construction that] demand that ambiguities in criminal
23 statutes be liberally interpreted in the accused's favor..." *State v. Lucero*, 127 Nev. 92, 99 (2011)
24 (modification in original) (Citing *Moore v. State*, 122 Nev. 27, 32 (2006)). Here, if the Court finds
25 that the language of NRS 179.245 creates an ambiguity regarding the question posed herein, to wit:
26 whether the plain language of NRS 179.245 means that a defendant must remain trouble free during
27 the prescribed waiting period following each and every singular arrest, or if the language of NRS
28 179.245 means that a defendant must remain trouble free for the prescribed waiting period from



1 the defendant's most recent arrest, the rule of lenity requires this Court to resolve any ambiguity
2 in favor of the Petitioner. The statute's plain language, the stated purpose and intent of the statute,
3 and the rule of lenity all lead to the same conclusion, namely: that because Petitioner has remained
4 trouble free for more than 7 years from the date of release from his last conviction (minor traffic
5 violations notwithstanding), Petitioner is eligible to have his criminal records sealed.


6 II. CONCLUSION

7 Petitioner was last arrested was in February 2005. Since that time he has obtained an
8 education, and is diligently working to begin a new career in real estate. Petitioner seeks to have
9 this Court seal his criminal records for the very purpose for which the law was enacted, namely:
10 to enhance his employment opportunities by allowing him to seek real estate related employment
11 without the encumbrance of his prior criminal convictions. The language of NRS 179.245 is plain
12 and unambiguous. NRS 179.245 allows for the sealing of criminal records once a defendant has
13 met the requisite waiting period. NRS 179.245 does not limit a defendant's eligibility in the way
14 that Henderson suggests that it does; and even if the Court determines that an ambiguity exists
15 regarding the intended meaning of NRS 179.245, then the rule of lenity requires this Court to
16 resolve any such ambiguity in favor of the Petitioner.

17 For the foregoing reasons, Henderson's argument in opposition to Peitioner's Request to
18 Seal Records fails, and Petitioner's Request to Seal Records should be granted.

19 Dated this 26th day of June, 2018.

21 THE WRIGHT LAW GROUP, P.C.

22 
23 JOHN HENRY WRIGHT, ESQ.
24 Nevada Bar No. 6182
25 CHRISTOPHER B. PHILLIPS, ESQ.
26 Nevada Bar No. 14600
27 2340 Paseo Del Prado, Suite D-305
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Attorneys for Petitioner

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2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
Tel: (702) 405-0001 Fax: (702) 405-8454



CERTIFICATE OF SERVICE

I hereby certify that I am an employee of THE WRIGHT LAW GROUP, P.C. and that on the 26th day of June, 2018, I caused the foregoing OPPOSITION TO MOTION TO OPPOSE PETITIONER'S REQUEST TO SEAL RECORDS to be submitted electronically for filing and/or service with the Eighth Judicial District Court as follows:

Marc M. Schifalacqua, Esq. Marc.Schifalacqua@cityofhenderson.com

I further certify that I served a copy of this document by mailing a true and correct copy, thereof, postage prepaid, addressed to:

Office of the District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

North Las Vegas City Attorney
2250 N. Las Vegas Blvd.
North Las Vegas, NV 89030

An employee of THE WRIGHT LAW GROUP, P.C.

EXHIBIT 1

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.

THIS NOTICE DOES NOT PRECLUDE THE POSSIBLE EXISTENCE OF OTHER MATCHING RECORDS CONTAINED IN LOCAL OR FBI CRIMINAL HISTORY RECORD FILES. USE OF THIS INFORMATION IS REGULATED BY LAW. IT IS PROVIDED FOR OFFICIAL USE AND MAY BE USED ONLY FOR THE PURPOSE REQUESTED PURSUANT TO THE NEVADA REVISED STATUTES. DISSEMINATION TO A SECOND PARTY OR ENTITY IS PROHIBITED.

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
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SAFETY, RECORDS, COMMUNICATIONS
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BY: [Signature]

ORIG: CHR1317G2 jbates 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
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FINGERPRINT BASED RECORD

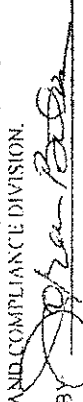
ARREST DATE: 12/19/2003 AGENCY: LAS VEGAS METROPOLITAN POLICE
NAME USED: FINLEY, EDWARD TAROBAGO

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 08, 2018
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SAFETY, RECORDS, COMMUNICATIONS
AND COMPLIANCE DIVISION.
By: 

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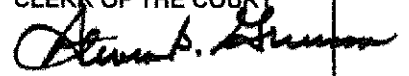
WHEN AN EXPLANATION OF A CHARGE OR DISPOSITION IS NEEDED, COMMUNICATE
DIRECTLY WITH THE AGENCY THAT FURNISHED THE DATA TO THE NEVADA CRIMINAL
HISTORY RECORDS REPOSITORY.

IF FINGERPRINTS DID NOT ACCOMPANY THIS INQUIRY, THE NEVADA CRIMINAL HISTORY
RECORDS REPOSITORY IS UNABLE TO GUARANTEE THAT THIS MATERIAL CONCERNS THE
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IN REGARDS TO THE ABOVE NAMES SUBJECT, THIS DOES NOT PRECLUDE THE POSSIBLE
EXISTENCE OF ADDITIONAL MATCHED RECORDS IN LOCAL OR FBI IDENTIFICATION
DIVISION FILES WHICH ARE NOT INDEXED BY THE NEVADA STATE CRIMINAL HISTORY
RECORDS REPOSITORY. THE USE OF THIS INFORMATION IS REGULATED BY LAW. IT
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.

[Signature]



1 **OPPS**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 BRUCE NELSON
6 Deputy District Attorney
7 Nevada Bar #1936
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 State of Nevada

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

9 In the Matter of Application,
10 of
11 EDWARD FINLEY,
12 #1581787
13 For An Order to Seal Records.

CASE NO: A-18-771524-S
DEPT NO: XXII

14 **STATE'S OPPOSITION TO PETITION TO SEAL RECORDS**

15 DATE OF HEARING: 7-19-18
16 TIME OF HEARING: 9:00 A.M.

17 COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, through
18 BRUCE NELSON, Deputy District Attorney, and files the following Opposition to
19 Petitioner's Petition to Seal his Records.

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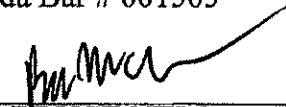
1 This Opposition is made and based upon all the papers and pleadings on file herein, the
2 attached points and authorities in support hereof, and oral argument at the time of hearing, if
3 deemed necessary by this Honorable Court.

4 DATED 2nd day of July, 2018.

5 Respectfully submitted,

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar # 001565

9 BY


10 BRUCE NELSON
11 Deputy District Attorney
12 Nevada Bar #1936

13 POINTS AND AUTHORITIES

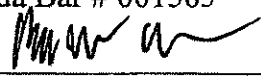
14 The Petitioner submitted his petition to the district attorney's office for review. That
15 petition was returned to the Petitioner because several documents were not included with the
16 petition. Rather than providing those documents, Petitioner submitted his petition to the
17 Henderson City Attorney who has opposed the sealing of the records. Without a corrected
18 petition and the accompanying documents, the State is unable to determine if it will stipulate
19 to the sealing of the records. (Among other things, Petitioner needs to correct his petition to
20 show the outcome of this 2004 kidnaping case: a copy of his judgment of conviction may be
21 obtained from the clerk's office). Because the Petitioner has not submitted a correct petition
22 to the district attorney, the State is unable to agree to seal his records at this time.

23 DATED this 2nd day of July, 2018.

24 Respectfully submitted,

25 STEVEN B. WOLFSON
26 Clark County District Attorney
27 Nevada Bar # 001565

28 BY


BRUCE NELSON
Deputy District Attorney
Nevada Bar #1936

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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing **STATE'S OPPOSITION TO PETITION TO SEAL RECORDS** was made this 2nd day of July, 2018, by electronic service to:

JOHN HENRY WRIGHT, ESQ
john@wrightlawgroupnv.com

MARC M. SCHIFALACQUA, ESQ
Marc.Schifalacqua@cityofHenderson.com


Secretary for District Attorney's Office

DC Case No. A-18-771524-S
Petitioner: FINELY, EDWARD



1 **RSPN**
2 JOHN HENRY WRIGHT, ESQ.
3 Nevada Bar No. 6182
4 CHRISTOPHER B. PHILLIPS, ESQ.
5 Nevada Bar No. 14600
6 **THE WRIGHT LAW GROUP, P.C.**
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8 Las Vegas, Nevada 89102
9 Telephone: (702) 405-0001
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11 Email: john@wrightlawgroupnv.com
12 chris@wrightlawgroupnv.com
13 Attorneys for Petitioner

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

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

CASE NO.: A-18-771524-S

DEPT. NO.: XXII

13 Social Security #: XXX-XX-4995

14 DOB: 08/26/1981

15 For an Order to Seal Records

16
17 **RESPONSE TO STATE'S OPPOSITION TO 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., and files this, his response, to the Clark County District Attorney's Office (State's)
21 Opposition to Petition to Seal Records.
22

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THE WRIGHT LAW GROUP P.C.
2340 Paseo Del Prado, Suite D-305
Las Vegas, Nevada 89102
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1 This response is made pursuant to the provisions of NRS 179.245, 179.255, 179.265,
2 179.285 and/or 453.3365, the papers and pleadings on file herein, the exhibits attached hereto, and
3 any arguments adduced at hearing on said Motion.

4 Dated this 9th day of July, 2018

6 THE WRIGHT LAW GROUP, P.C.

7
8 
9 JOHN HENRY WRIGHT, ESQ.
10 Nevada Bar No. 6182
11 CHRISTOPHER B. PHILLIPS, ESQ.
12 Nevada Bar No. 14600
13 2340 Paseo Del Prado, Suite D-305
14 Las Vegas, Nevada 89102
15 Telephone: (702) 405-0001
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17 Attorneys for Petitioner

13 **MEMORANDUM OF POINTS AND AUTHORITIES**

14 **I. ARGUMENT**

15 **A. Petitioner followed the directions of the District Attorney's Office**

16 In its opposition to Petitioner's request to seal his criminal records, the State says that
17 Petitioner's petition was reviewed and returned because "several documents were not included with
18 the petition. Rather than providing those documents, Petitioner submitted his petition to the
19 Henderson City Attorney for review." The State's opposition reads as if Petitioner submitted the
20 petition to the City of Henderson in some attempt to circumvent or omit further review by the
21 District Attorney's office. The State's opposition omits the fact that when the State returned
22 Petitioner's petition with further instructions, Petitioner was advised that the North Las Vegas City
23 Attorney and the Henderson City Attorney needed to sign off on the petition *before* Petitioner could
24 resubmit his petition to the District Attorney's office for re-examination.

25 As instructed, Petitioner submitted his proposed petition to both the North Las Vegas City
26 Attorney and the Henderson City Attorney. North Las Vegas signed the petition and returned the
27 same to Petitioner's counsel. Petitioner's counsel then forwarded the same to the City of
28 Henderson. Several weeks went by without any response from the City of Henderson, despite



1 numerous attempts by Petitioner's counsel to follow up on the same. Several weeks after receiving
2 the petition, the City of Henderson filed its opposition to Petitioner's petition. Petitioner has filed
3 a separate response to the City of Henderson's opposition.

4 Given that the City of Henderson never signed off on the petition, Petitioner was unable to
5 resubmit the petition with the signatures of the North Las Vegas and Henderson city attorneys as
6 instructed.

7 It is disingenuous for the District Attorney's office to suggest that Petitioner should not be
8 allowed to have his records sealed because he failed to submit a revised petition, when in fact,
9 Petitioner could not submit such a revised petition since a condition of such a re-submission was
10 the signatures of the North Las Vegas and Henderson City Attorney.

11 Finally, the State's Opposition says that Petitioner's petition did not include "several
12 documents." However, the State's Opposition goes on to only mention one singular document, to
13 wit: a copy of the judgment and conviction for his 2004 kidnaping case. Had petitioner been able
14 to re-submit a petition signed by North Las Vegas and Henderson as instructed, Petitioner would
15 have included the judgment and conviction, a copy of which is attached hereto as *Exhibit 1*.

16 II. CONCLUSION

17 Petitioner was last arrested was in February 2005. Since that time he has obtained an
18 education, and is diligently working to begin a new career in real estate. Petitioner seeks to have
19 this Court seal his criminal records for the very purpose for which the law was enacted, namely:
20 to enhance his employment opportunities by allowing him to seek real estate related employment
21 without the encumbrance of his prior criminal convictions.

22 Petitioner has been diligent in his attempts to seal his criminal records, and but for the City
23 of Henderson's refusal to sign off on Petitioner's request, Petitioner would have resubmitted his
24 revised petition as requested. It would be unjust to deny Petitioner's request on the basis that a
25 revised petition was not submitted when the City of Henderson's refusal to sign the petition
26 prevents Petitioner from resubmitting the petition as instructed.

27 ///

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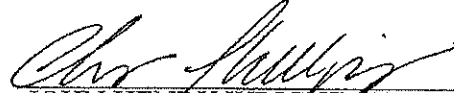
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1 For the foregoing reasons, the State's argument in opposition to Peitioner's Request to Seal
2 Records fails, and Petitioner's Request to Seal Records should be granted.

3 Dated this 9th day of July, 2018.
4

5 THE WRIGHT LAW GROUP, P.C.

6 

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of THE WRIGHT LAW GROUP, P.C. and that on the 26th day of June, 2018, I caused the foregoing **RESPONSE TO STATE'S OPPOSITION TO PETITION TO SEAL RECORDS** to be submitted electronically for filing and/or service with the Eighth Judicial District Court as follows:

Marc M. Schifalacqua, Esq. Marc.Schifalacqua@cityofhenderson.com

I further certify that I served a copy of this document by mailing a true and correct copy, thereof, postage prepaid, addressed to:

Office of the District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

North Las Vegas City Attorney
2250 N. Las Vegas Blvd.
North Las Vegas, NV 89030



An employee of **THE WRIGHT LAW GROUP, P.C.**

EXHIBIT 1

1 JOC
2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 200 South Third Street
6 Las Vegas, Nevada 89155-2212
7 (702) 455-4711
8 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

EDWARD TAROGABO FINLEY,
#1581787

Defendant.

Case No: C204855

Dept No: XVI

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT I - SECOND DEGREE KIDNAPPING (Category B Felony) and COUNT II - ASSAULT WITH A DEADLY WEAPON (Category B Felony) and COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (M)., in violation of NRS 200.310, 200.320, 200.471, 200.481, 200.485, 33.018; thereafter, on the 18th day of November, 2004, the Defendant was present in court for sentencing with his counsel, JAY L. SIEGEL, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in addition to the \$25.00 Administrative Assessment Fee, Deft. SENTENCED as to COUNT 1 - to a MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS and a MINIMUM of FORTY EIGHT (48) MONTHS in the Nevada Department of Corrections (NDC) and as to COUNT 2 - to a MAXIMUM of FORTY EIGHT (48) MONTHS and a MINIMUM of TWELVE (12) MONTHS in the Nevada Department of Corrections (NDC) and AS TO

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Appellant's Appendix (AA) 052

RECEIVED
CLERK OF DISTRICT COURT
CLARK COUNTY, NEVADA

DEC 08 2004

12-13-4

1 COUNT 3 - to SIX (6) MONTHS at Clark County Detention Center (CCDC) and
2 CONCURRENT with COUNTS 1 and 2, SUSPENDED; placed on PROBATION for an
3 indeterminate period not to exceed FOUR (4) YEARS. Court adopts ALL CONDITIONS,
4 modifies Condition 3 as follows: FURTHER ORDERED, probation for COUNT 3 not to
5 exceed TWO (2) YEARS. CONDITIONS: 1) Search for controlled substances, drug
6 paraphernalia, stolen property and weapons; 2) Complete an intensive inpatient drug
7 treatment program within the first year of probation or complete the drug court program if P
8 & P deemed appropriate; 3) Continue a Domestic Violence Perpetrator Treatment program
9 within the first year of probation; 4) Complete 100 hours of community service work during
10 the first two years of probation. BOND, if any, EXONERATED.

11 DATED this 13th day of December, 2004.

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13 DISTRICT JUDGE 
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1 TRAN

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
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8 IN THE MATTER OF THE PETITION
9 OF EDWARD TARROBAGO FINLEY,
10
11

}
CASE NO. A-18-771524-S
DEPT. XXII
}

12 BEFORE THE HONORABLE SUSAN JOHNSON, DISTRICT COURT JUDGE
13 JULY 19, 2018
14

15 **RECORDER'S TRANSCRIPT OF HEARING RE**
16 ***CITY OF HENDERSON'S MOTION TO OPPOSE PETITIONER'S REQUEST TO***
17 ***SEAL RECORDS***
18

19 **APPEARANCES:**

20 For the Plaintiff: CHRISTOPHER B. PHILLIPS, ESQ.

21 For the City of Henderson: MARC M. SCHIFALACQUA, ESQ.

22 For the State of Nevada: BRUCE NELSON, ESQ.
23
24

25 RECORDED BY: NORMA RAMIREZ, COURT RECORDER

1 THURSDAY, JULY 19, 2018 AT 10:08:25 A.M.

2
3 THE COURT: Okay. In the Matter of the Petition of Edward Tarraobago
4 Finley, case number A18-771524-S.

5 MR. NELSON: Good morning, Your Honor. Bruce Nelson appearing on
6 behalf of the state of Nevada.

7 MR. SCHIFALACQUA: And Marc Schifalacqua for the City of Henderson.

8 THE COURT: Okay.

9 MR. FINLEY: Edward Finley. My attorney [indiscernible]. I had left the
10 courtroom, Your Honor.

11 THE COURT: Okay. Do we need --

12 THE MARSHAL: He went down to arraignment.

13 THE COURT: I'm sorry?

14 THE MARSHAL: He had to check in for arraignment.

15 THE COURT: Oh, he just -- okay. So, shall we trail this?

16 THE MARSHAL: Yes, ma'am.

17 THE COURT: Okay. Why don't we go ahead and just have a seat while we
18 wait for your lawyer

19 [Matter trailed at 10:09:07 a.m.]

20 [Matter recalled at 10:26:03 a.m.]

21 THE COURT: Okay. In the Matter of the Petition of Edward Tarrobagio Finley
22 and this is case number A18-771524-S. Would you announce your appearances for
23 the record, please?

24 MR. PHILLIPS: Good morning, Your Honor. Chris Phillips, bar number
25 14600 on behalf of Mr. Finley who is present.

1 MR. SCHIFALACQUA: Marc Schifalacqua for the City of Henderson.

2 MR. NELSON: And Bruce Nelson appearing on behalf of the State of
3 Nevada.

4 THE COURT: Okay. This is the State's and City of Henderson's Motion to
5 Oppose the Petitioner's Request to Seal Records and I gather that there's issues
6 because he's had some crimes that have been charged at least in the interim –

7 MR. SCHIFALACQUA: Yes, Judge.

8 THE COURT: -- right?

9 MR. SCHIFALACQUA: Yes.

10 THE COURT: Okay.

11 MR. SCHIFALACQUA: May I proceed?

12 THE COURT: Absolutely.

13 MR. SCHIFALACQUA: Thank you.

14 Judge, I think the kind of a narrow question in some ways for Your
15 Honor is whether the Court under the statute 179.245 has the statutory authority to
16 entertain the petition and grant it or deny it or can accord not entertain it due to Mr.
17 Finley's own behavior after he pled into the deal in the battery domestic violence
18 case in Henderson.

19 With respect to Mr. Phillips opposition, I didn't agree with it a whole lot.
20 I did agree with him saying that the statute on this is clear though and I would agree
21 with that. The statute we're talking 179.245 says after release for a battery domestic
22 violence 7 years is the time that it flows from – from the case to stay out of trouble
23 and if you are then you can file your petition and then it was – it can be entertained
24 by the judge. It can be stipulated certainly by the prosecutor but then it can be
25 entertained and the judge has the discretion. We didn't really get there in this case.

1 In 2003 he was charged in Henderson with battery domestic violence, pled no
2 contest to that charge in the summer of 2003 and then in the summer of 2004 while
3 he's on probation doing his requirements for the domestic violence classes and
4 staying out of trouble and those – that's when he is arrested and subsequently
5 convicted of two felonies, second degree kidnap, assault with a deadly weapon and
6 battery domestic violence for an attack on a new girlfriend. So, I would suggest that
7 based on the plain language he didn't get there and that's why that this – the
8 Henderson wouldn't be eligible to even petition to seal.

9 If counsel's argument is somewhat – well, he did make it 7 years, it
10 wasn't the 7 years after the Henderson case but he made it a 7 years and then the
11 last recent 7 years of his life. That's really not what the statute says though, it
12 doesn't say release of custody on some other case, it talks about suspense specific
13 and it talks about the crime that they're looking to seal, flowing from that and that's
14 also what Cavaricci says that I cited. Judge, even if you have – do you -- believe
15 that some other 7 year time frame not listed in the statute but maybe it was some
16 later time period frankly I wouldn't have stipulated in this case either. And this would
17 have been before you either way. And so even if the Court believes there is
18 discretion although I don't believe the statute allows it, if the Court interprets it that
19 way I would ask you to use that discretion and not grant the petition to seal.

20 What we had here was the Defendant – the Petitioner pled – doing
21 domestic violence counseling potentially I would think to try and not do this type of
22 behavior again after attacking one person and punching her in the face in the
23 Henderson case and then while he was doing that and on probation kidnaps a new
24 girlfriend, hold a knife to her neck, threatens to kill her both that day and the second
25 day and she believed that she was going to die. Those aren't allegations; he was

1 convicted of those crimes.

2 So, Judge, as Cavaricci said that's – I would argue because there was
3 such a major crime of violence while you're on probation for battery domestic
4 violence that's not something I would ask the Court to exercise their discretion in
5 and seal. That's all I have. Thank you, Judge.

6 THE COURT: Okay.

7 MR. NELSON: Your Honor, just very briefly. We had received the petition
8 and sent it back to counsel because we said the petition and order need to list the
9 outcome of the 2004 cases and instead of doing that and sending it back to us he
10 sent it to the City of Henderson so I believe that's why they're here today.

11 But in any event, I did some just very basic research and discovered
12 that on the 2004 cases he was convicted I believe December 14th of second degree
13 kidnapping, assault with a deadly weapon both of which were B felonies and battery
14 domestic violence, misdemeanor. Actually, the conviction date was technically the
15 18th of November, 2014. He was placed on probation and he didn't successfully
16 complete probation. Now, if counsel just indicated that in the – sent it back to us we
17 may very well have signed off on it but we have to do it this way because – I mean,
18 unless we got – had 50 petitions -- and I just don't have time to sit down and check
19 every conviction and see what they were convicted of. I found them very easily in
20 this case because it was set for hearing simply by going on the District Court
21 website. But in any event, the Defendant was there when he got convicted, he
22 certainly knows the outcome and it should be listed in the petition and order.

23 THE COURT: Okay. Counsel.

24 MR. PHILLIPS: Good morning, Your Honor. First of all, thank you for the
25 Court's indulgence. I needed to step out and resolve another matter. I had multiple

1 matters at the same time this morning. I apologize to keep the Court waiting.

2 THE COURT: No problem.

3 MR. PHILLIPS: I will address each of counsel's arguments in turn. I'll start
4 with Henderson's argument.

5 With all respect to counsel, Henderson misinterprets the law. What the
6 statute says is from release of actual custody or the completion of a suspended
7 sentence whichever occurs later. In this particular instance Mr. Finley fulfilled that.
8 Here's why. If you take the City of Henderson's interpretation as true then
9 essentially what we're doing is we're creating a circumstance where an individual –
10 and I'll make this hypothetical and not specific to Mr. Finley. But you're creating a
11 circumstance where a defendant can be arrested for a crime, convicted, have, say,
12 a year or two of criminal behavior and then live the rest of their life. Graduate from
13 college, get a job, get married and have kids, support a family and no matter what
14 they do in life can't ever be eligible for have their record sealed. That's not the intent
15 behind the statute, that's not the purpose of the law. And in fact, the City of
16 Henderson relied on the Cavaricci case which I think is extraordinarily different
17 factually and it's easily distinguishable.

18 In the Cavaricci case Mr. Cavaricci had sought a sealing of records
19 within one year of his last conviction. Mr. Finley hasn't been arrested or convicted of
20 a crime here in Nevada in the last 13 years so I think it's a substantially different set
21 of facts that turned the outcome in Cavaricci. The other problem with Cavaricci is
22 that during the time period that Mr. Cavaricci was I guess waiting what he believed
23 was the waiting period to be eligible. There were other arrests that he hadn't been
24 convicted of but it certainly clouded his, I guess, behavior as somebody who should
25 be eligible to receive this kind of discretionary benefit. That is not the case with Mr.

1 Finley. Mr. Finley doesn't even live here in Nevada, he's moved to Tennessee.
2 He's got his life together, he has completed real estate school, he's passed the
3 national exam, he's passed the Nevada state exam and he's been trouble free for
4 more than a decade so I don't think reliance on Cavaricci is dispositive here. And I
5 guess counsel and I have a disagreement about the statute being clear. The
6 purpose behind the law as stated in Cavaricci is that record sealing is an option in
7 this state to allow people like Mr. Finley who have a period in their life where they
8 had trouble, they committed crimes, they committed offenses. I nor Mr. Finley
9 disagree with any of the factual allegations or the convictions in his past but that's
10 not why we're here. He's already been convicted of that, he served his punishment
11 for that. What matters today is that he's been trouble free for more than a decade
12 and now Cavaricci says that the purpose to allow record sealing is so that an
13 individual like Mr. Finley can go out into the world, having gotten his life together,
14 find employment and better himself without the stain of the conviction that's more
15 than a decade ago.
16 That's the stated purpose behind the law and that's exactly what Mr. Finley is
17 seeking.

18 As to this sort of seven year – is it seven years immediately after the
19 conviction or the – yeah, I guess the conviction or seven years of being trouble free.
20 I believe that it's seven years trouble free with no arrests that makes him eligible.
21 However, if Your Honor is inclined to say that there's some ambiguity in math the
22 Court could exercise its discretion either way that I would point the Court to the rule
23 of rule of lenity that says in an instance like this where the statute may be unclear or
24 may be ambiguous and there's room for interpretation then the law requires this
25 Court to view that statute most favorably to Mr. Finley and say that it's the seven

1 years that he's been trouble – been trouble free. So, I think the rule of lenity
2 requires that if Your Honor finds that ambiguity that you [indecipherable] in favor of
3 Mr. Finley.

4 Finally, I will address Mr. Nelson's argument. Mr. Nelson is correct; we
5 did make a mistake in the petition that we originally submitted to the D.A.'s office.
6 When his office sent it back to me the cover letter that came with it did ask for the
7 conviction and did ask us to supplement which we were happy to do. It also said
8 that in order for us resubmit it we needed to get signatures from the North Las
9 Vegas City Attorney as well as the Henderson City Attorney and to submit it once
10 we had both of those signatures. In this instance the City of Henderson opposed.
11 I've never made it to a point where I had the required signatures to resubmit it. So, I
12 respectfully disagree with Mr. Nelson in that I didn't submit it to the City of
13 Henderson to sidestep his office or to go around his office or to in any way not seek
14 his consent. I merely could not comply with the request of his office to submit a
15 signed petition when the City of Henderson opposed. When the City of Henderson
16 opposed I made sure that when I filed my response that I sent a copy of it to the
17 D.A. so that the D.A. would know that this was all for a hearing so that they can
18 have an opportunity to be heard, but my intent was never to go around the D.A. or
19 not seek their consent. But I think at the end of the day what this is really about is
20 common sense and fairness.

21 The purpose behind the rule is to allow somebody like Mr. Finley who,
22 yes, has a storied past. It's been 13 years, Judge. He's gone to real estate school
23 – and I have the certificates if the Court wants to entertain that. I have the proof. I
24 mean, Mr. Finley has passed his real estate exam at the national level, at the state
25 level. He just wants to be able to go out and get a job, he wants to be able to take

1 care of his family, he wants to be able stop doing manual labor and I think that's
2 exactly what the statute was designed for. I think when you look at somebody like
3 Mr. Finley who, yes, had a past but got his life on track I think he is in fact the
4 person that this Court should exercise its discretion and allow his record to be
5 sealed. So, I'll submit.

6 THE COURT: Okay.

7 MR. SCHIFALACQUA: I agree with somewhat of the intent to the law that
8 counsel stated. Somebody who has an aberration in their life and has waited the
9 requisite time period following that case should be able to petition the Court to get it
10 sealed. The question is was that an aberration. And the statute says no. We have
11 a case where he pled no contest to domestic violence and then within a year did –
12 was convicted of two felony offenses of violence and a misdemeanor crime of
13 violence. If it had just been a domestic violence case and we had waited the seven
14 years the only filing you would have seen from me is my signature on the stipulation
15 and order agreeing to seal. I don't believe under the statute because of the
16 Defendant's conduct it's not my fault or the Court's fault that the Court should
17 entertain the petition. Thank you.

18 THE COURT: Okay. Anything further, Mr. Nelson?

19 MR. NELSON: Just very quickly, Your Honor. Just for the Court's edification
20 because I know you're going to be hearing more of these in counsel's – the way the
21 system is set up is the D.A. will sign off on any petition so long as it does not include
22 a charge from the City of Las Vegas. The City of Las Vegas has said we want to do
23 our own. Every other city attorney has said we're okay with the State handling
24 everything. But I think maybe counsel got the letter that says, look, you can split this
25 if you want to because under the statute you can file a petition in each court if you

1 wish or you can file everything in District Court. So, I think maybe that's where the
2 confusion arose.

3 THE COURT: Okay. Counsel, I didn't get a chance to read the Cavaricci
4 case. I'd like to do that and I would like to do – look at the case a little closer so I'll
5 get you out a written decision, okay?

6 MR. NELSON: Thank you, Your Honor.

7 MR. SCHIFALACQUA: Thanks, Judge.

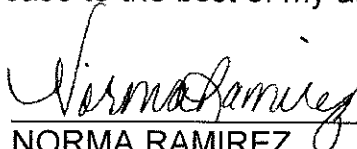
8 MR. PHILLIPS: Thank you, Your Honor.

9 THE COURT: Thank you.

10 [Proceedings concluded at 10:40:47 a.m.]

11 * * * * *

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15
16
17 ATTEST: I do hereby certify that I have truly and correctly transcribed the
18 audio/video recording in the above-entitled case to the best of my ability.

19 
20 NORMA RAMIREZ
21 Court Recorder
22 District Court Dept. XXII
23 702 671-0572
24
25



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:

FINDINGS OF FACT AND PROCEDURAL HISTORY

1. EDWARD TARRABAGO FINLEY petitions this Court to seal certain criminal records, which include, but are not limited to the following:
- a. Date of Arrest: 02/09/2005
Arresting Agency: Las Vegas Metropolitan Police Department (LVMPD)
Citation/Charge: Probation Violation, Kidnap, Warrant BW 1-3407161B
Case No.: Does Not Appear on NV Dept. of Public Safety Criminal History; No additional information available On LVMPD Records Check
Final Disposition: No Disposition Record on LVMPD Records Check
 - b. Date of Arrest: 12/27/2004
Arresting Agency: LVMPD
Citation/Charge: Assault with a Deadly Weapon
Case No.: Does Not Appear on NV Dept. of Public Safety Criminal History; no additional information available On LVMPD Records Check
Final Disposition: No Disposition Record on LVMPD Records Check
 - c. Date of Arrest: 12/27/2004
Arresting Agency: LVMPD
Citation/Charge: Kidnap 2nd Degree
Case No.: Does Not Appear on NV Dept. of Public Safety Criminal History; No additional information available on LVMPD Records Check
Final Disposition: No Disposition Record on LVMPD Records Check
 - d. Date of Arrest: 09/02/2004
Arresting Agency: LVMPD
Citation/Charge: Assault with Deadly Weapon, DKT-04F15288X
Case No.: Does Not Appear on NV Dept. of Public Safety Criminal History; No case number provided on LVMPD Records Check
Final Disposition: LVMPD Records Check indicates 12M-48M NSP/SS/4Y Probation¹

...

...

¹According to the Judgment of Conviction filed December 14, 2004 in State v. Finley, Case No. C204855 in Department XVI of the Eighth Judicial District Court, in and for Clark County, Nevada, MR. FINLEY pled guilty to 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 f. Date of Arrest: 08/30/2004
9 Arresting Agency: LVMPD
10 Citation/Charge: Battery/Domestic Violence with one (1) prior,
11 NRS 200.4812A
12 Case No.: Not Available on NV Dept. of Public Safety Criminal
13 History
14 Final Disposition: LVMPD Records Check indicates 6M CCDC/SS/2Y
15 Probation concurrent with CT1 & CT2 (see e. and f.)
- 16 g. Date of Arrest: 07/25/2004
17 Arresting Agency: LVMPD
18 Citation/Charge: Battery Domestic Violence, NRS 200.485²
19 Case No.: 04M17355X
20 Final Disposition: Guilty-Credit for time served 2 days; 48 hours
21 Community service, \$340.00 fine
- 22 h. Date of Arrest: 05/28/2003
23 Arresting Agency: Henderson Police Department
24 Citation/Charge: Battery/Domestic Violence, NRS 200.485
25 Case No.: Not Available on NV Dept. of Public Safety Criminal
26 History³
27 Final Disposition: No Disposition on Record

28 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 STATE OF NEVADA opposes as Petitioner did not provide several documents within his petition,
8 and consequently, it was unable to determine whether it would stipulate to the sealing of the
9 records.⁴ Petitioner FINLEY disagrees with CITY OF HENDERSON'S construction or
10 interpretation of NRS 179.245; in his view, the intent of NRS 179.245 is to allow a sealing of
11 defendant's criminal records if he remains trouble free for the prescribed waiting period following
12 his most recent arrest. In this case, there is no question MR. FINLEY has been "trouble-free" for a
13 period of approximately thirteen (13) years or since his 2005 arrest for probation violation.
14

15 CONCLUSIONS OF LAW

16
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* Y & 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.
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28 ⁴As the parties' focus was upon the crimes involving domestic violence in 2003 and 2004, this Court limits its
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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.”
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9 2. A statute is ambiguous if it is capable of being understood in two or more senses by
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11 731 (2007), *citing McKay v. Board of Supervisors*, 103 Nev. 644, 648, 730 P.2d 438, 441 (1986).
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14 legislature to enact it.” *Id.*, 123 Nev. at 476, *quoting McKay*, 102 Nev. 650-651, 730 P.2d at 443.
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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 ...
4 (e) A violation of NRS 422.540 to 422.570, inclusive, other than a felony,
5 a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which
6 constitutes domestic violence pursuant to NRS 33.018 other than a felony, after 7
7 years from the date of release from actual custody or from the date when the person is
8 no longer under a suspended sentence, whichever occurs later; ...
9

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

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

24 5. In this Court's view, NRS 179.245 is not ambiguous, and must be construed as
25 written. NRS 179.245(4) specifically states this Court "may," or has the discretion to grant or deny
26 a petition filed pursuant to NRS 179.245 if it finds the petitioner has been arrested for nothing
27 greater than minor traffic violations "in" the prescribed times set forth in NRS 179.245(1) following
28 the particular convictions identified in subsections (a) through (f). In this case, MR. FINLEY was
charged or arrested for committing "Battery Constituting Domestic Violence," a non-felony, in
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
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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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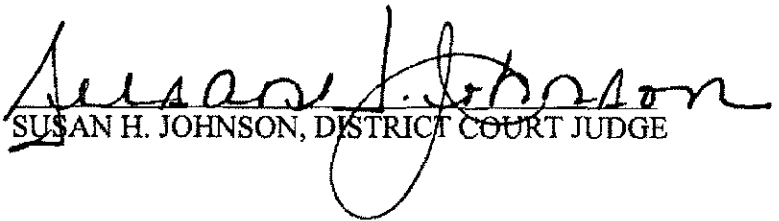
1 charge and conviction for Battery Constituting Domestic Violence (misdemeanor), this Court will
2 not entertain a sealing of the 2004 misdemeanor conviction.

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

13 DATED this 19th day of July 2018.
14

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16 
17 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

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Laura Banks
Laura Banks, Judicial Executive Assistant

Steven D. Grierson

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

8
9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 In the Matter of the Application of
EDWARD TARROBAGO FINLEY

CASE NO.: A-18-771524-S

DEPT. NO.: XXII

13 Social Security #: XXX-XX-4995
14 DOB: 08/26/1981

NOTICE OF APPEAL

15 For an Order to Seal Records
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21 **NOTICE OF APPEAL**

22 Notice is hereby given that Petitioner EDWARD TARROBAGO FINLEY ("Petitioner")
23 hereby appeals to the Supreme Court of Nevada from the Order Re: Petition to Seal Records dated
24 July 19, 2018, which was entered on July 19, 2018.

25 A copy of said Order is attached as Exhibit 1.

26 Dated this 13 day of August, 2018.

27 ///

28 ///



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



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Attorneys for Petitioner

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CERTIFICATE OF SERVICE

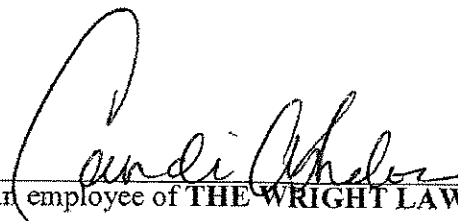
I hereby certify that the foregoing NOTICE OF APPEAL was submitted electronically for filing and/or service with the Eighth Judicial District Court on the 13th day of August, 2018. Electronic service of the foregoing document shall be made in accordance with the E-Service List as follows:¹

Marc M. Schifalacqua, Esq. Marc.Schifalacqua@cityofhenderson.com

I further certify that I served a copy of this document by mailing a true and correct copy, thereof, postage prepaid, addressed to:

Office of the District Attorney
200 Lewis Avenue
Las Vegas, NV 89101

North Las Vegas City Attorney
2250 N. Las Vegas Blvd.
North Las Vegas, NV 89030


An employee of THE WRIGHT LAW GROUP, P.C.

¹ Pursuant to EDCR 8.05(a), each party who submits an E-Filed document through the E-Filing System consents to electronic service in accordance with NRCP 5(b)(2)(D).

EXHIBIT 1



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

SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

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
9 On LVMPD Records Check
10 Final Disposition: No Disposition Record on LVMPD Records Check
11
12 b. Date of Arrest: 12/27/2004
13 Arresting Agency: LVMPD
14 Citation/Charge: Assault with a Deadly Weapon
15 Case No.: Does Not Appear on NV Dept. of Public Safety
16 Criminal History; no additional information available
17 On LVMPD Records Check
18 Final Disposition: No Disposition Record on LVMPD Records Check
19
20 c. Date of Arrest: 12/27/2004
21 Arresting Agency: LVMPD
22 Citation/Charge: Kidnap 2nd Degree
23 Case No.: Does Not Appear on NV Dept. of Public Safety
24 Criminal History; No additional information available
25 on LVMPD Records Check
26 Final Disposition: No Disposition Record on LVMPD Records Check
27
28 d. Date of Arrest: 09/02/2004
Arresting Agency: LVMPD
Citation/Charge: Assault with Deadly Weapon, DKT-04F15288X
Case No.: Does Not Appear on NV Dept. of Public Safety
Criminal History; No case number provided on
LVMPD Records Check
Final Disposition: LVMPD Records Check indicates 12M-48M
NSP/SS/4Y Probation¹

23 ...
24 ...
25
26 ¹ According 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.

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

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5 a violation of NRS 484C.110 or 484C.120 other than a felony, or a battery which
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19 recent arrest which occurred in 2005. CITY OF HENDERSON argues NRS 179.245 does not
20 permit a sealing of criminal cases dealing with battery constituting domestic violence where the
21 defendant is charged or convicted of any offense, other than minor traffic violations, within seven
22 (7) years from the date of release from actual custody or when the person is no longer under a
23 suspended sentence, whichever occurs later.

24 5. In this Court's view, NRS 179.245 is not ambiguous, and must be construed as
25 written. NRS 179.245(4) specifically states this Court "may," or has the discretion to grant or deny
26 a petition filed pursuant to NRS 179.245 if it finds the petitioner has been arrested for nothing
27 greater than minor traffic violations "in" the prescribed times set forth in NRS 179.245(1) following
28 the particular convictions identified in subsections (a) through (f). In this case, MR. FINLEY was
charged or arrested for committing "Battery Constituting Domestic Violence," a non-felony, in
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.
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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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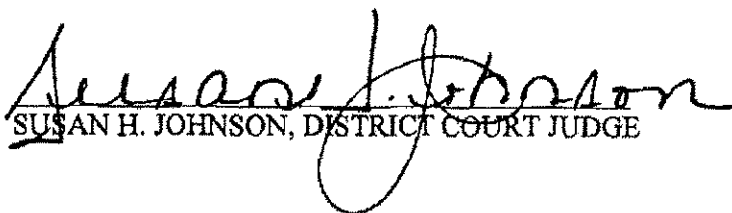
1 charge and conviction for Battery Constituting Domestic Violence (misdemeanor), this Court will
2 not entertain a sealing of the 2004 misdemeanor conviction.

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

13 DATED this 19th day of July 2018.
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16 SUSAN H. JOHNSON, DISTRICT COURT JUDGE
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SUSAN H. JOHNSON
DISTRICT JUDGE
DEPARTMENT XXII

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:

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