

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Petitioner,

v.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
KATHLEEN DRAKULICH, DISTRICT JUDGE,

Respondents.

_____ /

PETITIONER'S APPENDIX

No. 80008

District Court Case
No. CV19-01894

Electronically Filed
Nov 13 2019 03:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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ORIGINAL

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CV19-01894
2019-09-27 04:10:11 PM
Jacqueline Bryant
Clerk of the Court
Transaction # 7509318 : shigginb

Code: \$2441
Thomas Michael Stokley
P.O. Box 621
Verdi, NV 89439
(775) 745-2917
Pro Per

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

In the Matter of the Application of:

Thomas Michael Stokley

Case No.:

DOB: 02/02/1954

Dept. No.

For an Order to Seal Records _____ / _____

PETITION TO SEAL RECORDS

COMES NOW, the Petitioner, Thomas Michael Stokley, not represented by counsel, and pursuant to the provisions of NRS 179.245, NRS 179.255, 179.241 and/or 179.301 petitions the Court to seal criminal records, and respectfully represents the following:

That the Petitioner has been arrested as follows:

Date of Arrest: October 19, 1979

Arresting Agency: Washoe County Sheriff's Office

Arresting Agency Case No. Unknown

Original Charge Description: Battery Causing Substantial Bodily Harm, a gross misdemeanor
Case No(s): C79-1794

Final Disposition Date: July 25, 1980

Final Disposition: Defendant found guilty and sentenced to One (1) year in the Washoe County Jail to be consecutively to the current sentence. Case closed August 4, 1980

Date of Arrest: September 4, 1976

Arresting Agency: Washoe County Sheriff's Office

Arresting Agency Case No.: WCSD I76-0089

Original Charge Description: CT. I. Causing the Death of Another by Driving a motor vehicle while under the influence of intoxicating liquor, a felony; CT. II. Involuntary Manslaughter, a felony
Case No.: 318267

Final Disposition Date: March 11, 1979

Final Disposition: Defendant found guilty of CT. II Involuntary Manslaughter, felony. CT. I was Dismissed by the Washoe County District Attorney. Defendant sentenced to One (1) year in the Washoe County Jail to run consecutive to C79-1794. Case closed August 4, 1980.

1 The statutory time periods have been fulfilled and Petitioner has not been arrested since in the
2 State of Nevada, except for minor moving or standing traffic violation, and no further actions will be
3 brought concerning this arrest and conviction.


4 This Petition is being accompanied by one or more current, verified record(s) of this Petitioner's
5 criminal history, attached as Exhibit(s) hereto.

6 WHEREFORE, Petitioner seeks from this Court an Order sealing all records, documents, and
7 filed in this matter which are presently in the custody of the Court, or a public or private company, agency
8 or official in the State of Nevada, including but not limited to, the Washoe County Sheriff's Office, the
9 Washoe County District Attorney's Office, the Reno Justice Court, the Department of Motor Vehicle Data
10 Integrity Department, the State of Nevada Criminal History Records Repository, the Federal Bureau of
11 Investigations, and all other law enforcement agencies reasonably known by the Petitioner or the Court to
12 have possession of such records.

13 Petitioner also moves this Court to order sealed all records of this proceeding to seal criminal
14 records, after a proper Return has been provided to the Court by the above-names law enforcement
15 agencies or individuals.

16 **I declare under penalty of perjury that the foregoing is true and correct.**

17
18 Dated this 27th day of September, 2019

19
20 
21 Signature of Petitioner

22 Petitioner: Thomas Michael Stokley

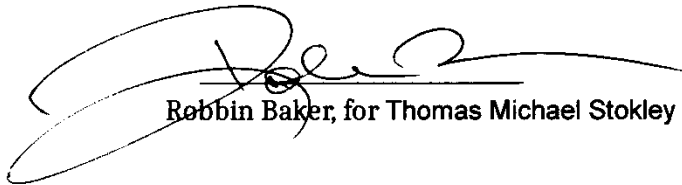
23 Prepared by: Robbin Baker 742-7648

24 Sierra Nevada Record Sealing, LLC

1
2 **Affirmation Pursuant to NRS 239B.030**
3

4 The Undersigned does hereby affirm that the proceeding document(s) does not contain the
5 social security number of any person
6

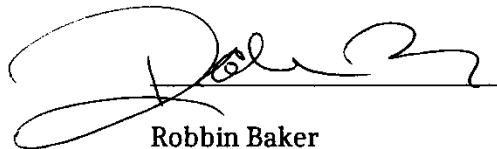
7 Dated this 27th day of September, 2019
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9 
10 Robbin Baker, for Thomas Michael Stokley
11

12 *****
13 **CERTIFICATE OF SERVICE**
14

15
16 Pursuant to NRCP 5 (b) I hereby certify that on the 27th day of
17 September, 2019, I electronically filed the foregoing with the Clerk of the Court by
18 using the ECF system which will send a notice of electronic filing to the following:
19

20 Washoe County District Attorney's Office
21

22 
23 Robbin Baker
24

25 Sierra Nevada Record Sealing, LLC
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EXHIBIT(S) TO PETITION TO SEAL RECORDS

1 Current, verified Criminal History (or report on none) from the State of Nevada,
Department of Public Safety, Criminal History Records Repository,

2 Second Judicial District Court case C79-1794

3 Second Judicial District Court case 318267

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Jacqueline Bryant
Clerk of the Court
Transaction # 7509318 : shigginb

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Exhibit 2

Exhibit 2

In the Second Judicial District Court
Of the State of Nevada, in and for the County of Washoe

THE STATE OF NEVADA, Plaintiff,
against

THOMAS MICHAEL STOKLEY,

Defendant

No. C 79- 1794 Dept. No. 1

FILED

Nov 13 3 04 PM '79

DEPUTY

INFORMATION

CALVIN R.X. DUNLAP, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above entitled Court that

THOMAS MICHAEL STOKLEY, the defendant above named, has committed the crime of: BATTERY CAUSING SUBSTANTIAL BODILY HARM, a violation of NRS 200.481, a gross misdemeanor.

in the manner following:

That the said defendant on the 19th day of October A.D. 1979 or thereabout, and before the filing of this information, at and within the County of Washoe, State of Nevada,

did wilfully and unlawfully use force and violence upon the person of MICHAEL ROBINSON, by, hitting, at 1002 B Street, Sparks, Washoe County, Nevada, such force and violence causing substantial bodily harm to the said MICHAEL ROBINSON.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

CALVIN R.X. DUNLAP
DISTRICT ATTORNEY, WASHOE COUNTY, NEVADA

By

Donald K. Coppa
DONALD K. COPPA

Deputy.

C79-1794
DC-8990089274-002
STATE VS THOMAS MICHAEL STOKLEY Page
District Court 07/25/1980 02:31 PM
Washoe County

FRI 28 DEC '79

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

GRANT L. BOWEN
DISTRICT JUDGE

NO. C79-1794
Reported by R. Williams

BY *R. Williams*

80 JUL 25 PM 2:31

FILED

STATE OF NEVADA
VS.
THOMAS MICHAEL STOKLEY

Entry of Judgment and Imposition of Sentence: Deputy D. A. Laxalt present for the State. Deft present with counsel, J. Alian. Probation Dept. represented by L. Poy.

Statements by counsel, the probation officer and the Deft.

No sufficient cause being shown by Defendant, who was present with counsel, Jack Alian, as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

That THOMAS MICHAEL STOKLEY is guilty of the crime of BATTERY CAUSING SUBSTANTIAL BODILY HARM and that he be punished by imprisonment in the Washoe County Jail for the term of one (1) year, to be served consecutively to sentence now being served. Deft to be given credit for four (4) days time served.

Deft remanded to custody of the Sheriff for execution of sentence heretofore imposed.

JUDI BAILEY, CLERK

By *E. Jaffe*
Deputy

Grant L. Bowen
DISTRICT JUDGE

Dept. 1

Page 120

Date 12/28/79

TO: RECORDS & I.D.

RE: THOMAS MICHAEL STOKLEY

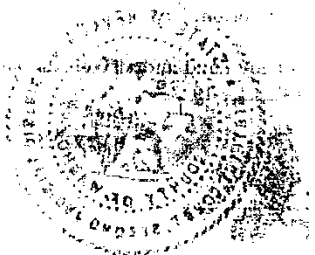
STOKLEY, THOMAS MICHAEL was sentenced to the Washoe County Jail for one (1) year by, Second Judicial District, Dept 1, with credit for four (4) days time served; Defendant served his time and was released this date, 03-31-81.

W. J. GALLI

SHERIFF

BY Eddie D. Chaney DEPUTY
EDDIE D. CHANEY

APR 10 1981
10:00 AM
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Jacqueline Bryant
Clerk of the Court
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Exhibit 3

Exhibit 3

In the Second Judicial District Court
Of the State of Nevada, in and for the County of Washoe

THE STATE OF NEVADA, Plaintiff,
against

THOMAS MICHAEL STOKLEY

Defendant _____

No. 318267

Dept. No. _____

FILED

Nov 2 4 15 PM '76

ALEX COON, CLERK
BY B. Smith
DEPUTY

INFORMATION

LARRY R. HICKS, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above entitled Court that

THOMAS MICHAEL STOKLEY the defendant above named, has committed

the crime of: COUNT I: CAUSING THE DEATH OF ANOTHER BY DRIVING A
MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR, a
violation of NRS 484.3795, a felony
in the manner following:

That the said defendant on the 4th day of September A. D. 1976 or thereabout, and before the filing of this information, at and within the County of Washoe, State of Nevada,

did wilfully and unlawfully drive a Harley Davidson motorcycle upon South Verdi Road, Washoe County, Nevada, while under the influence of intoxicating liquor, and did neglect his duty imposed by law to decrease speed on a curve, which act of driving while under the influence of intoxicating liquor and neglect of duty proximately caused the death of DIANA K. GRAF.

COUNT II: INVOLUNTARY MANSLAUGHTER, a violation of NRS 200.040, NRS 200.070, and NRS 200.090, a felony, in the manner following:

That the said defendant on the 4th day of September, 1976, or thereabout, and before the filing of this Information, at and within the County of Washoe, State of Nevada, did unlawfully kill DIANA K. GRAF, a human being, without any intent so to do, by driving a Harley Davidson motorcycle upon South Verdi Road, Washoe County, Nevada, in a criminally negligent manner and in

unlawfully kill DIANA K. GRAF, a human being, without any intent so to do, by driving a Harley Davidson motorcycle upon South Verdi Road, Washoe County, Nevada, in a criminally negligent manner and in wilful and wanton disregard of the safety of persons and property, in that the said defendant did drive the said motorcycle upon which DIANA K. GRAF was a passenger, thereby causing the said motorcycle to leave the roadway and thereby causing the said DIANA K. GRAF to sustain mortal injuries from which she died on September 4, 1976.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.

LARRY R. HICKS
District Attorney of Washoe County, Nevada

By


RICHARD L. DAVENPORT Deputy.

The following are the names of such witnesses as are known to me at the time of filing the within information:

Deputy R. Williams, Washoe County Sheriff's Department
Deputy Chamberlin, Washoe County Sheriff's Department
Sgt. L. Mefford, Washoe County Sheriff's Department
Deputy Coroner Steele, Washoe County Coroner
Deputy Carmazzi, Washoe County Sheriff's Department
Deputy Stewart, Washoe County Sheriff's Department
John P. Stokley, 2400 Sutro #4, Reno, Nevada
Jack P. Denham, 490 Tacchino Drive, Reno, Nevada
Becki Sue Denham, 490 Tacchino Drive, Reno, Nevada
William J. Adams, 247 Arroyo Street, Reno, Nevada
Elaine L. Kerr, 2400 Sutro #4, Reno, Nevada
Mike McCarty, 737-1/2 Roberts Street, Reno, Nevada
Deputy Winchester, Washoe County Sheriff's Department
Dr. A. Rosenauer, 890 Mill Street, Reno
Dr. Allred, St. Mary's Emergency Room, Reno, Nevada
Dr. Saeger, Washoe Medical Clinic
Eugene L. Wiedenbeck, P. O. Box 182, Verdi, Nevada
Donna Miller, R.N., St. Mary's Emergency Room, Reno, Nevada

LARRY R. HICKS
District Attorney of Washoe County, Nevada

By 
RICHARD L. DAVENPORT Deputy.

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: MAR 19 2019
JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By T. Shields Deputy

WCSD 176-0089

In the Second Judicial District Court
Of the State of Nevada, in and for the County of Washoe

THE STATE OF NEVADA, Plaintiff,
against

THOMAS MICHAEL STOKLEY

Defendant

No. 318267

Dept. No. _____

FILED

JAN 13 2 03 PM '77

CLERK
DEPUTY

INFORMATION

LARRY R. HICKS, District Attorney within and for the County of Washoe, State of Nevada, in the name and by the authority of the State of Nevada, informs the above entitled Court that

THOMAS MICHAEL STOKLEY the defendant above named, has committed

the crime of: **COUNT I: CAUSING THE DEATH OF ANOTHER BY DRIVING**

A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF INTOXICATING

LIQUOR, a violation of NRS 484.3795, a felony,
in the manner following:

That the said defendant on the 4th day of September A. D. 1976 or thereabout, and before the filing of this information, at and within the County of Washoe, State of Nevada,

did wilfully and unlawfully drive a Harley Davidson motorcycle upon South Verdi Road, Washoe County, Nevada, while under the influence of intoxicating liquor, and did neglect his duty imposed by law to decrease speed on a curve, which act of driving while under the influence of intoxicating liquor and neglect of duty proximately caused the death of DIANA K. GRAF.

COUNT II: INVOLUNTARY MANSLAUGHTER, a violation of NRS 200.040, NRS 200.070, and NRS 200.090, a felony, in the manner following:

That the said defendant on the 4th day of September, 1976, or thereabout, and before the filing of this information, at and within the County of Washoe, State of Nevada, did

wilful and wanton disregard of the safety of persons and property, in that the said defendant did drive the said motorcycle upon which DIANA K. GRAF was a passenger, thereby causing the said motorcycle to leave the roadway and thereby causing the said DIANA K. GRAF to sustain mortal injuries from which she died on September 4, 1976.

All of which is contrary to the form of the Statute in such case made and provided, and against the peace and dignity of the State of Nevada.


LARRY R. HICKS
District Attorney of Washoe County, Nevada

By Richard L. Davenport
RICHARD L. DAVENPORT Deputy.

The following are names of such witnesses as are known to me at the time of filing the within information:

Deputy R. Williams, Washoe County Sheriff's Department
Deputy Chamberlin, Washoe County Sheriff's Department
Sgt. L. Mefford, "
Deputy Coroner Steele, Washoe County Coroner
Deputy Carmazzi, Washoe County Sheriff's Department
Deputy Stewart, "
John P. Stokley, 2400 Sutro, #4, Reno, NV
Jack P. Denham, 490 Tacchino Drive, Reno
Becki Sue Denham, 490 Tacchino Drive, Reno
Wm. J. Adams, 247 Arroyo Street, Reno
Elaine L. Kerr, 2400 Sutro, #4, Reno
Mike McCarty, 737 1/2 Roberts Street, Reno
Deputy Winchester, Washoe County Sheriff's Department
Dr. A. Rosenauer, 890 Mill Street, Reno
Dr. Allred, St. Mary's Emergency Room, Reno, NV
Donna Miller, R.N., St. Mary's Emergency Room, Reno
Dr. Saeger, Washoe Med Clinic
Eugene L. Wiedenbeck, P. O. Box 182, Verdi, NV

LARRY R. HICKS
District Attorney of Washoe County, Nevada

Bv  Deputy.

CERTIFIED COPY

The document to which this certificate is
attached is a full, true and correct copy of
the original on file and of record in my office.

DATE: MAR 19 2019

JACQUELINE BRYANT, Clerk of the Second Judicial
District Court, in and for the County of
Washoe, State of Nevada.

By *J. Bryant* Deputy

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

FRIDAY, MARCH 11, 1979 at 9:30 o'clock A. M.

PRESENT: HONORABLE JOHN E. GABRIELLI, DISTRICT JUDGE

ALEX COON, CLERK:

R. J. GALLI, SHERIFF.

* * * * *
STATE OF NEVADA, Plaintiff,)
vs.)
THOMAS MICHAEL STOKELY)
Defendant)
* * * * *

No. 318267

FILED

NOV 12 1 51 PM '80

Reported by Dorothy S. BAILEY, CLERK
BY R. J. GALLI, DEPUTY

No sufficient cause being shown by Defendant as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

That Thomas Michael Stokely is guilty of the crime of
Count II: Involuntary Manslaughter

and that he be punished by imprisonment in the Washoe County Jail for the term of one (1) year.

WHEREUPON a recess was taken until Monday, March 14, 1979
at 9:30 o'clock A. M.

JOHN E. GABRIELLI
DISTRICT JUDGE

STATE OF NEVADA,)
County of Washoe)
JUDI BAILEY,
I, ~~ALEX COON~~, /County Clerk and ex-officio Clerk of the Second Judicial District Court, of the State of Nevada, in and for the County of Washoe, do hereby certify the foregoing to be a true and correct copy of the Judgment of Imprisonment as entered in the minutes of said District Court in the above entitled action.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at Reno, Nevada, this 21st day of November, 1979.

By _____ CLERK
DEPUTY

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE:

MAR 19 2019

JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By T. Shields Deputy

1 No. 318267

Dept. No. 3

2 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
3 IN AND FOR THE COUNTY OF WASHOE.

4 * * * *

5 THE STATE OF NEVADA,

6 Plaintiff,

Mar 16 4 06 PM '77

7 v.

8 THOMAS MICHAEL STOKLEY

M. Haggard
DEPUTY

9 Defendant

10 _____/

11 O R D E R

12 Based upon the Motion of the District Attorney
13 filed herein, and good cause appearing therefor,

14 IT IS HEREBY ORDERED that COUNT I of the charges
15 in the Information No. 318267 filed against the above named
16 defendant on the 13th day of January, 1977, be, and the same
17 hereby is dismissed.

18 DATED this 15th day of March, 1977.

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John E. Howell
DISTRICT JUDGE

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: MAR 19 2019
JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By J. Shields Deputy

The following are the names and addresses of such witnesses as are known to me at the time of filing the within information:

MICHAEL ROBINSON, 330 3rd Street, #238, Sparks, Nevada

JERRY WARREN, 3953 Clearacre Dr., # 305, Sun Valley, Reno, NV

KAREN COTTEN, 845 Mill Street, Reno, Nevada

KATHY DEAN, 845 Mill Street, Reno, Nevada

PETER ROBINSSEN, 6020 Smokey Canyon, Sun Valley, Nevada

PAUL PULITI, 1002 B Street, Sparks, Nevada

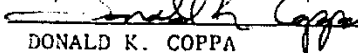
RONALD SUITER, Western Motel #5, Sparks, Nevada

PATHOLOGIST, Washoe Medical Center
DR. HASTINGS, Washoe Medical Center, Emergency

SPARKS POLICE DEPARTMENT:

DETECTIVE T. BROWN
OFFICER COWMAN
OFFICER PAGNI
OFFICER ADAMS
OFFICER RASLEY

CALVIN R.X. DUNLAP
DISTRICT ATTORNEY, WASHOE COUNTY, NEVADA

By 
DONALD K. COPPA Deputy.

CERTIFIED COPY

This document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: MAR 19 2019

JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By *Shields* Deputy

FRIDAY, DECEMBER 28, 19 79 at 9:00 o'clock A. M.
PRESENT: HONORABLE GRANT L. BOWEN, DISTRICT JUDGE

~~XX~~

* * * * *
who was present with counsel, Mr. Jack Alian
No sufficient cause being shown by Defendant ~~as~~ to why judgment should not be pronounced

That THOMAS MICHAEL STOKLEY is guilty of the crime of
BATTERY CAUSING SUBSTANTIAL BODILY HARM

* * * * *

STATE OF NEVADA,)
 : SS.
County of Washoe)

I, ~~XXXXXX~~, County Clerk and ex-officio Clerk of the Second Judicial District Court, of the State of Nevada, in and for the County of Washoe, do hereby certify the foregoing to be a true and correct copy of the Judgment of Imprisonment as entered in the minutes of said District Court in the above entitled action.

IN TESTIMONY WHEREOF, I have hereunto set my hand and the seal of said Court, at Reno, Nevada, this 28th day of December, 1941.

CLERK

By _____, DEPUTY

TO: Records & ID.
RE: THOMAS MICHAEL STOKELY.

STOKELY, THOMAS MICHAEL was sentenced to the Washoe County Jail for one year
by the Second Judicial District Court, Department 3.

Defendant served time and was released this date on this charge 08/04/80.

R.J.GALLI
SHERIFF

BY 
JAMES R. GANYON

08/04/80
JUL 1 1980
JUL 1 1980
JUL 1 1980
JUL 1 1980



CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: MAR 19 2019

JACQUELINE BRYANT, Clerk of the Second Judicial District Court, in and for the County of Washoe, State of Nevada.

By *J. Shields* Deputy

1 **CODE 2610**

2
3
4
5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**
7

8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No: CV19-01894

10 **vs.**

Dept. No: 1

11 **THOMAS MICHAEL STOKLEY,**

12 **Defendant.**
13 _____/

14
15 **NOTICE OF FILING OF PETITION TO SEAL RECORDS**
16

17 Notice is hereby given that **THOMAS MICHAEL STOKLEY**, filed a Petition to
18 Seal Records on September 30, 2019. This notice is provided in accordance with NRS
19 179.245(3).
20

21 Dated September 30, 2019.

22 _____
23 **JACQUELINE BRYANT**

Clerk of the Court

24 _____
25 **/s/S. HIGGINBOTHAM**

26 Deputy Clerk
27
28

1 **CERTIFICATE OF SERVICE**

2 Case No. CV19-01894

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on September 30, 2019, I electronically filed the Notice of Filing
5 of Petition to Seal Records with the Court System which will send a notice of electronic
6 filing to the following:

7
8 MATTHEW LEE, ESQ. for STATE OF NEVADA
9 THOMAS MICHAEL STOKLEY - Pro Per

10
11
12 I further certify that on September 30, 2019, I deposited in the Washoe
13 County mailing system for postage and mailing with the U.S. Postal Service in Reno,
14 Nevada, a true copy of the attached document, addressed to:

15
16
17 Sparks Police Department
18 Attn: Records
19 1701 East Prater Way
20 Sparks, NV 89434

21 Sparks City Attorney
22 Attn: Kristen Aaquist
23 431 Prater Way, P.O. Box 857
24 Sparks, NV 89432

25 Nevada Parole & Probation
26 Attn: Records
27 1445 Hot Springs Road, Suite 104
28 Carson City, NV 89701

Michael Kovac, Chief DA
General, 555 East Washington Drive
Suite 3900
Las Vegas, NV 89101

1 Washoe County Sheriff
2 Attn: Records
3 911 East Parr Boulevard
4 Reno, NV 89512

4 Washoe County District Attorney
5 Attn: Brandi Mandeville
6 1 S. Sierra Street
7 Reno, NV 89501

8
9
10 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the preceding
11 document does not contain the personal information of any person.

12 Dated September 30, 2019.

13 /s/ S.HIGGINBOTHAM
14 S. HIGGINBOTHAM
15 Deputy Clerk
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1 Thomas Michael Stokley
2 P.O. Box 621
3 Verdi, NV 89439
4 (775) 745-2917
5 Pro Per

6
7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8
9 IN AND FOR THE COUNTY OF WASHOE

10 In the Matter of the Application:

11 Thomas Michael Stokley

Case No.: CV19-01894

12 DOB: 02/02/1954

Dept. No. 1

13 For an Order to Seal Records

14
15 Request for Submission

16 I, Thomas Michael Stokley, request that the Petition to Seal Records that was Filed on
17 September 27, 2019, be submitted to the Court for decision.

18 The Washoe County District Attorney has not responded to the Stipulation to Seal
19 Records delivered to their office on September 27, 2019.

20 This document does not contain the Social Security Number of any person.

21 DATED this 16th day of October, 2019

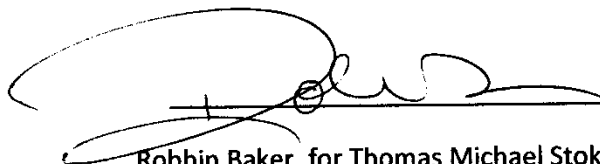
22
23 

24 Thomas Michael Stokley

Affirmation Pursuant to NRS 239B.030

The Undersigned does hereby affirm that the proceeding document(s) does not contain the social security number of any person

Dated this 16th October, 2019



Robbin Baker, for Thomas Michael Stokley

CERTIFICATE OF SERVICE

Pursuant to NRCP 5 (b) I hereby certify that on the 16th day of October, 2019, I electronically filed the foregoing with the Clerk of the Court by using the ECF system which will send a notice of electronic filing to the following:

Reno City Attorney's Office

Washoe County District Attorney's Office



Robbin Baker

Sierra Nevada Record Sealing, LLC

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EXHIBIT(S) TO PETITION TO SEAL RECORDS

1 Proposed Order to Seal Records

3320

**IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE**

In the Matter of the Application of:

Thomas Michael Stokley

DOB: 02/02/1954

For an Order to Seal Records.

Case No.: CV19-01894

Dept. No.: 1

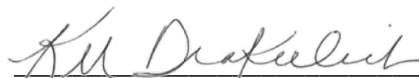
ORDER TO RESPOND

Currently before the Court is Petitioner Thomas Michael Stokley's *Petition to Seal Records* ("Petition") filed on September 27, 2019. No opposition was filed. The matter was submitted to the Court for decision on October 16, 2019.

Based on the foregoing and good cause appearing,

IT IS HEREBY ORDERED that the District Attorney will file a response or opposition to the *Petition to Seal Records* which shall include whether the representations of Petitioner's criminal history are consistent with the records of the Washoe County District Attorney's Office no later than ten (10) days from the date of this Order.

DATED 22nd day of October, 2019.


KATHLEEN M. DRAKULICH
District Judge

1 **CERTIFICATE OF SERVICE**

2 CASE NO. CV19-01894

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT of the
4 STATE OF NEVADA, COUNTY OF WASHOE; that on the 22nd day of October, 2019, I
5 electronically filed the **ORDER TO RESPOND** with the Clerk of the Court by using the ECF
6 system.

7 I further certify that I transmitted a true and correct copy of the foregoing document by the
8 method(s) noted below:

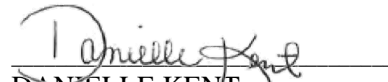
9 **Electronically filed with the Clerk of the Court by using the ECF system which will send a**
10 **notice of electronic filing to the following:**

11 MATTHEW LEE, ESQ. for STATE OF NEVADA

12 THOMAS STOKLEY

13
14 **Deposited to the Second Judicial District Court mailing system in a sealed envelope for postage**
15 **and mailing by Washoe County using the United States Postal Service in Reno, Nevada:**

16
17 NONE

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19 
20 DANIELLE KENT
21 Department 1 Judicial Assistant
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1 CODE No. 2190
2 CHRISTOPHER J. HICKS
3 #7747
4 One South Sierra Street
5 Reno, Nevada 89501
6 (775) 328-3200

7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,

8 IN AND FOR THE COUNTY OF WASHOE

9 * * *

10 THOMAS MICHAEL STOKLEY,

Case No. CV19-01894

11 DOB 02/02/1954,

Dept. No. 1

12 Petitioner.

13 _____/

14 MOTION TO STAY ORDER TO RESPOND PENDING RESOLUTION
15 OF PETITION FOR EXTRAORDINARY RELIEF

16 COMES NOW, the State of Nevada, by and through JENNIFER P. NOBLE, Chief
17 Deputy District Attorney, and moves this Honorable Court to stay its Order to Respond
18 issued October 22, 2019.

19 POINTS AND AUTHORITIES

20 On October 22, 2019, this Court issued an Order to Respond which required the
21 Washoe County District Attorney's Office, hereafter "WCDA," to "file a response or
22 opposition to the Petition to Seal Records Pursuant to NRS 179.245 and NRS 179.255,
23 which shall include whether the representations of Petitioner's criminal history are
24 consistent with the records of the Washoe County District Attorney's Office no later than
25 ten (10) days from the date of this Order."

26 ///

1 Respectfully, it is the WCDA's position that the Order to Respond exceeds this
2 Court's jurisdiction by imposing requirements not authorized by the Nevada Revised
3 Statutes. Specifically, the WCDA asserts that the provisions of NRS Chapter 179 make
4 participation in sealing proceedings entirely optional for the WCDA, and that no
5 provision of Nevada's sealing statutes supports compelling the WCDA to serve a
6 research or fact-finding function regarding the criminal history submitted by a
7 petitioner.

8 Because the WCDA has no other adequate remedy at law, it will seek
9 extraordinary relief via a Petition for Writ of Mandamus and/or Prohibition regarding
10 the Order to Respond. Importantly, the WCDA is *not* requesting that the Court stay its
11 decision regarding Stokley's Petition for Sealing. The WCDA does not stipulate to, nor
12 oppose, Stokley's Petition for Sealing. Pursuant to NRS 179.245 (3), this Court has
13 already fulfilled its obligation to notify the WCDA of the petition for sealing, and can
14 make a determination as to whether or not to grant Stokley's petition without
15 participation by the WCDA.

16 NRAP 8 generally requires that an application for stay be made in the District
17 Court before seeking such an order from the Nevada Supreme Court. In general, the
18 factors to be considered in determining whether to grant a stay are set out in *State v.*
19 *Robles-Nieves*, 129 Adv. Op. No 55, 306 P.3d 399 (2013). While the WCDA would not
20 expect the Court to agree that the WCDA is likely to succeed in the appellate court, the
21 other factors weigh in favor of a stay, including the likelihood that denying the stay will
22 render the petition moot. Additionally, granting the stay will not prejudice Stokley, as
23 the requested stay is for the Order to Respond only, and this Court may decide the
24 Petition for Sealing without the participation of the WCDA.

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AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: October 30, 2019.

CHRISTOPHER J. HICKS
District Attorney

By /s/ JENNIFER P. NOBLE
JENNIFER P. NOBLE
Chief Appellate Deputy

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CERTIFICATE OF MAILING

Pursuant to NRCP 5(b), I hereby certify that I am an employee of the Washoe County District Attorney's Office and that, on October 30, 2019, I deposited for mailing through the U.S. Mail Service at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Thomas Michael Stokley
P.O. Box 621
Verdi, Nevada 89439

/s/ Margaret Ford
MARGARET FORD

CERTIFICATE OF MAILING

Pursuant to NRAP Rule 25, I hereby certify that I am an employee of the Washoe County District Attorney's Office and that on November 13, 2019, I deposited for mailing at Reno, Washoe County, Nevada, postage prepaid, a true copy of the foregoing document, addressed to:

Thomas Michael Stokley
P.O. Box 621
Verdi, Nevada 89439

I further certify that on November 13, 2019, a copy of this document was hand delivered to the Chambers of the Honorable Kathleen Drakulich of the Second Judicial District Court.

Margaret Ford
Washoe County District Attorney's Office