

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Feb 18 2020 06:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

THE STATE OF NEVADA,

No. 79792/80008/80009

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.

MOTION FOR ORDER FOR TRANSMISSION OF SEALED TRANSCRIPT

COMES NOW, the State of Nevada, by and through counsel, and seeks an order from this Court, directing the clerk of the district court to transmit to this Court, under seal, the transcript of proceedings for the sealing hearing that took place in Department 10 on December 19, 2019, at 9:00 a.m. in the matter of Mailyn Deposoy Kang, District Court Case No. CV19-01896.

At issue in this consolidated writ is the Second Judicial District Court's procedure regarding the resolution of petitions to seal criminal records. The State has referenced the proceedings in its Reply, and the

transcripts are necessary to illustrate that the judges of the Second Judicial District Court vary in their interpretation of prosecutorial obligations. At the time of the sealing hearing in this matter, the State was required to appear, but not permitted to make a record. The State requested the transcript from the court reporter, but the State has been informed that the presiding judge instructed that the transcript not be provided. Exhibit 1. The transcripts are sealed in the district court file and are not accessible to the State for inclusion in a supplemental appendix. Therefore, the State requests that this Court direct the district court clerk to transmit the transcripts to this Court, in a sealed envelope, so that the Court may determine that the representations in the Reply are accurate.

DATED: February 18, 2020.

CHRISTOPHER J. HICKS
DISTRICT ATTORNEY

By: JENNIFER P. NOBLE
Chief Appellate Deputy

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on February 18, 2020. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Greg D. Ott, Chief Deputy Attorney General

Peter P. Handy, Deputy Attorney General

/s/ Jennifer P. Noble
JENNIFER P. NOBLE

From: Peggy Hoogs <phoogs@litigationervices.com>
Sent: Tuesday, February 11, 2020 4:43:58 PM
To: Ford, Margaret "Margy" <mford@da.washoecounty.us>
Cc: Reno Reception <renoreception@litigationervices.com>
Subject: FW: Transcript for Sealing Hearing on Mailyn Kang CV19-01896

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Hi Margy.

I thought I had sent Jennifer an email back in December.

After the hearing in December, Judge Sattler said I could not provide a copy of the transcript to Jennifer as the case is sealed.

If you have any questions, you should contact Judge Sattler or Sheila Mansfield, his Administrative Assistant.

Thank you.

Best regards,

Peggy Hoogs

Director of Business Development

NV CCR #160 * CA CSR #5958

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From: Denise Matt <dmatt@litigationservices.com>
Sent: Tuesday, February 11, 2020 4:17 PM
To: Peggy Hoogs <phoogs@litigationservices.com>
Subject: FW: Transcript for Sealing Hearing on Mailyn Kang CV19-01896
Importance: High

Peggy, please see the message below.

Best regards,

Denise Matt

From: Ford, Margaret "Margy" <mford@da.washoecounty.us>
Sent: Tuesday, February 11, 2020 4:09 PM
To: Reno Reception <renoreception@litigationservices.com>
Subject: Transcript for Sealing Hearing on Mailyn Kang CV19-01896
Importance: High

Good afternoon,

A sealing hearing took place in the above case on 12/19/19 at 9am in Department 10. At the hearing, the attorney for the State, Jennifer Noble, asked that the transcript of that hearing be prepared. Our office never received the transcript. Would it be possible to check if the transcript for that hearing was ever prepared, and if so, could a copy be emailed to us? Ms. Noble needs that transcript in order to reply to an answer regarding sealing matters in the Supreme Court.

Thank you,

Margy Ford

Appellate Division | District Attorney

Legal Secretary

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