

IN THE SUPREME COURT OF THE STATE OF NEVADA

FILED

JAN 28 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

WILBER ERNESTO MARTINEZ
GUZMAN,
Petitioner,

No. 82342

vs.

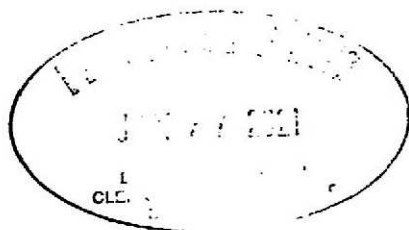
THE SECOND JUDICIAL DISTRICT
COURT, IN AND FOR THE
COUNTY OF WASHOE; THE
HONORABLE CONNIE J.
STEINHEIMER, DISTRICT JUDGE,
Respondents,
and,
THE STATE OF NEVADA,
Real Party In Interest.

MOTION TO FILE SEALED EVALUATION UNDER SEAL

Petitioner Wilber Ernesto Martinez Guzman requests that this Court file under seal a sealed evaluation prepared by Dr. Martha Mahaffey—*i.e.*, “Evaluation to be filed Under Seal Per HIPPA” filed on September 18, 2019, in district court case number CR19-0447—a true and correct copy of which is contained in Petitioner’s Supplemental Appendix.

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21-02455

Petitioner's Supplemental Appendix accompanies this Motion.

DATED this 25th day of January 2021.

JOHN L. ARRASCADA
Washoe County Public Defender

By: John Reese Petty
JOHN REESE PETTY
Chief Deputy Public Defender
Nevada State Bar No. 10

DECLARATION OF COUNSEL

I, John Reese Petty, pursuant to NRS 53.045, declare under penalty of perjury that the following is true and correct:

1. I am a licensed Nevada attorney and I am counsel for Petitioner Wilber Ernesto Martinez Guzman.

2. On January 14, 2021, I filed a petition for writ of mandamus that references an evaluation of Mr. Guzman prepared by Dr. Martha B. Mahaffey relating to his level of intellectual functioning. Dr. Mahaffey's evaluation was prepared in this matter and was sealed by the district court.

3. By motion, also filed on January 14, 2021, I sought to have Dr. Mahaffey's evaluation forwarded to this Court. On January 22, 2021,

the Court denied that motion “without prejudice” suggesting that the evaluation be filed “in a supplemental appendix accompanied by a motion to file under seal.”

4. Accordingly, accompanying this motion to file under seal is Petitioner’s Supplemental Appendix containing Dr. Martha Mahaffey’s “Evaluation of Intellectual Functioning”, which was filed in the Second Judicial District Court on September 18, 2019.

5. I respectfully request that this Court file Dr. Mahaffey’s evaluation under seal in this writ action.

6. This motion is made in good faith and not for the purposes of delay.

Dated this 25th day of January 2021.



JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office, Reno, Washoe County, Nevada, and that on this date I deposited the original and two copies of the attached document in the United States mail, postage prepaid, and addressed to:

Elizabeth Brown, Clerk of the Court
The Nevada Supreme Court
201 South Carson Street
Carson City, Nevada 89701-4702

I further certify that on this date I emailed a true and correct copy of the attached document (marked "confidential") to:

Jennifer P. Noble, Chief Appellate Deputy
Washoe County District Attorney's Office
Marilee Cate, Appellate Deputy
Washoe County District Attorney's Office
Christopher J. Hicks
Washoe County District Attorney
Mark Jackson
Douglas County District Attorney

DATED this 25th day of January 2021.

John Reese Petty
John Reese Petty
Washoe County Public Defender's Office