

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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KEANDRE VALENTINE, )  
 )  
 ) Petitioner, )  
 )  
 ) v. )  
 )  
 ) THE EIGHTH JUDICIAL DISTRICT )  
 ) COURT OF THE STATE OF NEVADA, )  
 ) COUNTY OF CLARK, THE )  
 ) HONORABLE JACQUELINE )  
 ) BLUTH, DISTRICT COURT JUDGE, )  
 )  
 ) Respondent, )  
 )  
 ) THE STATE OF NEVADA, )  
 )  
 ) Real Party in Interest. )  
 )

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No. Electronically Filed  
(Dist Ct. No. C-16-316081-1) May 27, 2022 09:21 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**MOTION REQUESTING TRANSMITTAL AND  
FILING OF EXHIBITS UNDER SEAL**

COMES NOW Petitioner, Keandre Valentine, by and through his attorney, SHARON G. DICKINSON, Chief Deputy Public Defender, and pursuant to NRAP 28, 30(d),10(b)(1) asks this Court to direct the District Court to send exhibits under seal to this Court. Keandre asks that the District Court send, under seal, Court Exhibits 1 and 2, that were entered into evidence, under seal, at the 05/03/22 hearing. Keandre seeks this order to allow the Court to use these Court Exhibits in reaching a decision on the

issues presented in his Petition filed 05/26/22. Keandre further asks that Court Exhibits 1 and 2 remain and be filed under seal in the Nevada Supreme Court until the case is closed. This Motion is based upon the following Memorandum and all papers and pleadings on file herein.

DATED this 26<sup>th</sup> day of May, 2022.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Tyler C. Gaston  
TYLER C. GASTON, #13488  
Chief Deputy Public Defender

By /s/ Sharon G. Dickinson  
SHARON G. DICKINSON, #3710  
Chief Deputy Public Defender

## MEMORANDUM OF POINTS AND AUTHORITIES

Court's Exhibits 1 and 2, which were filed with the Eighth Judicial District Court, Department VI, on 05/03/22, are a subset of the electronic unredacted version of the jury commissioner's master list, dated January 2020. In February of 2021, the Defense signed an agreement with the jury commissioner, which was approved by the district court, to obtain access to the electronic version of the master list. In the agreement, the Defense agreed to take steps to keep all the master list information confidential and for it to be placed under seal. *See Exhibit A*. The reason for keeping the information sealed is because the jury master list contains information on all prospective jurors that the jury commissioner may summon for jury duty in Clark County, Nevada. Thus, to protect the privacy of the documents and all prospective jurors, we agreed to keep the information under seal.

Likewise, the prosecutor agreed to keep all information regarding the jury master list under seal. *Exhibit A*. Accordingly, the State is precluded from objecting to this motion requesting Court Exhibits 1 and 2 be maintained under seal in this Court.

Contrary to our agreement, in *Howard v. State*, 128 Nev. Adv. Op. No. 67, 291 P.3d 137 (2012), this Court held that there is a presumption in favor of allowing the public access to all documents filed within the Nevada

Supreme Court. *Id.* at 142. In accord with this reasoning, the *Howard* Court held that all documents “filed in this court are presumptively open to the public unless we exercise our inherent authority and grant a motion to file specific documents under seal based on a showing that such action is required by law or an identified significant competing interest.” *Id.* at 139.

The *Howard* sealing rules require this Court to decide if the documents or exhibits will be sealed. The reason for the sealing of these exhibits is as follows:

1. The Court Exhibits Keandre is attempting to seal with the Nevada Supreme Court are confidential jury information as to all prospective jurors in Clark County who were on the jury master list for the Eighth Judicial District Court at the time of Keandre’s trial. The information on these Court Exhibits is massive since the original jury master list contained millions of names and information on prospective jurors. One of the Court Exhibits also contains a list of duplicate information.
2. The reason the sealing is necessary is because the Eighth Judicial District Court and the jury commissioner gave Keandre and the prosecutor access to this confidential information based on an agreement to keep the information forever under seal. The agreement

is in place for several reasons, to include for the protection of the privacy of the prospective jurors. Thus, the order requires the sealing of these documents.

3. The duration for our request for an Order Sealing the Court Exhibits is that the sealing should remain forever or until the Court closes the case and sends the Court Exhibits back to the Eighth Judicial District Court Evidence Vault under seal.

Accordingly, Keandre asks this Court to issue an order sealing Court Exhibit 1 and 2 which were sealed in Keandre's case on 05/03/22.

As for as transmitting the Court Exhibits, NRAP 30(d) allows a Petitioner to include copies of relevant and necessary exhibits in the appendix. However, if an exhibit is not able to be reproduced, a party may:

.....file a motion requesting the Supreme Court to direct the district court clerk to transmit the original exhibits. The Supreme Court will not permit the transmittal of original exhibits except upon a showing that the exhibits are relevant to the issues raised on appeal, and that the Supreme Court's review of the original exhibits is necessary to the determination of the issue.

NRAP 30(d).

Defendant asks that this Court to direct the District Court Clerk's office to transmit Court Exhibits 1 and 2 under seal to this Court where they will remain under seal based on the reasons listed previously. These Court

Exhibits were entered under seal at the hearing held on 05/03/22, in the Eighth Judicial District Court, Department VI. II:280. These exhibits are CD/DVD exhibits that may not be reproduced and placed inside an appendix. The court exhibits are needed if the Court intends to review and make a decision on Keandre's Petition for a Writ of Mandamus or alternately for a Writ of Prohibition. The Court Exhibits are part of the focus of the Petition.

DATED this 26<sup>th</sup> day of May, 2022.

DARIN F. IMLAY  
CLARK COUNTY PUBLIC DEFENDER

By /s/ Tyler C. Gaston  
TYLER C. GASTON, #13488  
Chief Deputy Public Defender

By /s/ Sharon G. Dickinson  
SHARON G. DICKINSON, #3710  
Chief Deputy Public Defender

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 26<sup>th</sup> day of May, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD  
ALEXANDER CHEN

SHARON G. DICKINSON  
TYLER C. GASTON

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

Honorable Jacqueline Bluth  
District Court, Department VI  
200 Lewis Avenue  
Las Vegas, NV 89101

BY           /s/ Carrie M. Connolly            
Employee, Clark County Public  
Defender's Office

# EXHIBIT A



*Sharon G. Dickinson*  
CLERK OF THE COURT

1 ORDR  
2 DARIN F. IMLAY, PUBLIC DEFENDER  
3 NEVADA BAR NO. 5674  
4 SHARON G. DICKINSON, CHIEF DEPUTY PUBLIC DEFENDER  
5 NEVADA BAR NO. 3710  
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12 *Attorneys for Defendant*

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**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

v.

KEANDRE VALENTINE,

Defendant,

CASE NO. C-16-316081-1

DEPT. NO. XVII

**STIPULATION AND ORDER**

Based on a Stipulation between Sharon G. Dickinson, Chief Deputy Public Defender, and Adrian S. Viesca, Staff Attorney for the Eighth Judicial District Court:

IT IS HEREBY STIPULATED AND ORDERED THAT:

1. The July 8, 2017, Jury Master List no longer exists, and the Jury Commissioner, Ms. Mariah Witt, has no backups of the 2017 Jury Master List.

1           2. The Jury Commissioner has a current, as of January 2021, unredacted  
2 Jury Master List. The Jury Commissioner, through her attorney, Mr. Viesca, has  
3 given the credentials to download the current unredacted Jury Master list from the  
4 District Court's secure website to Mr. Valentine's Attorney, Sharon Dickinson.  
5

6           3. The current unredacted Master List will be protected from disclosure and  
7 only the attorneys, experts, or staff working on the Valentine case may have access  
8 to the current unredacted Master List. If the current unredacted Master List is  
9 needed for the evidentiary hearing, then it will be filed under seal.  
10

11           4. The Defense agrees to provide Deputy District Attorney Agnes Botelho  
12 with access to the current unredacted Master List. Attorney Botelho is also  
13 prohibited from revealing the current unredacted Master List to any persons not  
14 involved in the case.  
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1 5. The Jury Commissioner does not retain the names or telephone numbers  
2 of the persons who developed the three Microsoft Excel sheets under TAB 1 of the  
3 UBS thumb drive provided to the Clark County Public Defender's Officer on  
4 November 3, 2020.  
5

6 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

7  
8 DARIN F. IMLAY  
9 CLARK COUNTY PUBLIC DEFENDER

10 By: /s/ Sharon G. Dickinson  
11 SHARON G. DICKINSON, #3710  
12 Chief Deputy Public Defender

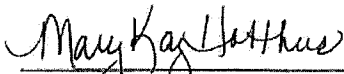
13 APPROVED AS TO FORM AND CONTENT

14  
15 By:   
16 ADRIAN S. VIESCA, #14639  
17 Attorney for Eighth Judicial District Court  
18 and Jury Commissioner

19 **IT IS SO ORDERED.**

20 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

21 Dated this 19th day of February, 2021

22   
23 DISTRICT COURT JUDGE

24 Submitted by:  
25 DARIN F. IMLAY  
26 CLARK COUNTY PUBLIC DEFENDER

D3B 1EC 2D91 A22B  
Mary Kay Holthus  
District Court Judge

27 By /s/ Sharon G. Dickinson  
28 SHARON G. DICKINSON, #3710  
Chief Deputy Public Defender

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DISTRICT COURT  
CLARK COUNTY, NEVADA

State of Nevada	CASE NO: C-16-316081-1
vs	DEPT. NO. Department 18
Keandre Valentine	

**AUTOMATED CERTIFICATE OF SERVICE**

This automated certificate of service was generated by the Eighth Judicial District Court. The foregoing Order was served via the court's electronic eFile system to all recipients registered for e-Service on the above entitled case as listed below:

Service Date: 2/19/2021

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