

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIPAK KANTILAL DESAI,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64591

**FILED**

JUL 17 2015

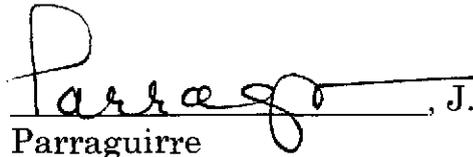
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING MOTION AND DIRECTING DISTRICT COURT  
CLERK TO TRANSMIT DOCUMENT*

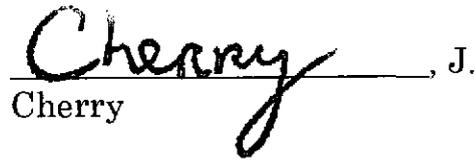
Appellant has filed a motion requesting that an independent medical evaluation, filed under seal in the district court, be filed under seal in this court. Appellant asserts that the public's right of access to the document is outweighed by his privacy concerns. Having reviewed the submitted document, we are not convinced that sealing is warranted, particularly because much of the information in the report is available in other public documents, the report is the basis of one of appellant's claims of error on appeal, and public access to the evaluation will increase public understanding of this case. *See, e.g., United States v. Kaczynski*, 154 F.3d 930, 931-32 (9th Cir. 1998) (concluding that the public and the media had a legitimate interest in a competency report where the report would, among other things, inform the public about the court's competency determination and the court relied upon the report to make its competency determination); *Fiorella v. Paxton Med. Grp., LLC*, 424 S.W.3d 433, 442 (Ky. App. 2014) (noting that there was little to be gained by sealing documents where information in documents was largely available in other public court filings). Accordingly, the motion to file the independent medical evaluation under seal is denied.

The submitted evaluation does not bear the file-stamp of the district court clerk. Thus, the document is inappropriate for inclusion in the appendix. See NRAP 30(c)(1) (requiring all documents included in the appendix to bear the file-stamp of the district court clerk). The clerk shall return the appendix received on September 4, 2014, unfiled. Because appellant cites to the evaluation in his brief, it is necessary for this court to review the document when resolving this appeal. Therefore, we direct the clerk of the district court to transmit to the clerk of this court, within 15 days of the date of this order, a certified copy of the independent medical evaluation dated April 14, 2013. Upon receipt, the clerk of this court shall file the evaluation in this court's public file.

It is so ORDERED.

  
Parraguirre, J.

  
Douglas, J.

  
Cherry, J.

cc: Franny A. Forsman  
Wright Stanish & Winckler  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk