

**NOTC**

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Attorney for Petitioner

Electronically Filed  
Oct 24 2019 07:34 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

DISTRICT COURT  
CLARK COUNTY, NEVADA

In the Matter of the Petition of,

CRAIG THOMAS TIFFE,

Petitioner.

CASE NO: A-19-796636-S

DEPT: IX

**ORAL ARGUMENT REQUESTED? YES**

**NOTICE OF APPEAL- NO BOND REQUIRED**

PLEASE TAKE NOTICE that Petitioner, CRAIG THOMAS TIFFE, by and through his attorney THOMAS C. MICHAELIDES, hereby files his Notice of Appeal of the Denial of his Petition to Seal Records. No bond is required as he is a resident of the State of Nevada and real property is not an issue.

Dated this 15<sup>th</sup> day of October, 2019.

/s/ Thomas C. Michaelides  
THOMAS C. MICHAELIDES, ESQ.  
Nevada Bar No. 5425  
2620 Regatta Drive Suite #219  
Las Vegas, Nevada 89128  
Telephone: (702) 462-6161  
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Glenn O'Brien  
Office of the D.A.

## An Employee of TCM Law

# CASE SUMMARY

## CASE NO. A-19-796636-S

In the Matter of the Petition of  
Craig Thomas Tiffée

§  
§  
§  
§  
§

Location: **Department 9**  
Judicial Officer: **Silva, Cristina D.**  
Filed on: **06/13/2019**  
Cross-Reference Case Number: **A796636**

### CASE INFORMATION

#### Statistical Closures

09/26/2019 Summary Judgment

Case Type: **Petition to Seal Records**

Case Status: **09/26/2019 Closed**

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number A-19-796636-S  
Court Department 9  
Date Assigned 06/13/2019  
Judicial Officer Silva, Cristina D.

### PARTY INFORMATION

**Petitioner** **Tiffée, Craig Thomas**

*Lead Attorneys*  
**Michaelides, Thomas C**  
*Retained*  
702-462-6161(W)

### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX

#### EVENTS

06/13/2019



Petition

*Petition to Seal Records*

07/03/2019



Notice of Hearing

*Notice of Hearing on Petition and Order to Seal Records*

07/22/2019



Notice of Rescheduling of Hearing

*Notice of Rescheduling Hearing*

07/24/2019



Opposition to Motion

Filed By: Petitioner Tiffée, Craig Thomas

*State's Opposition to Defendant's Motion to Seal Records*

07/29/2019



Reply to Opposition

Filed by: Petitioner Tiffée, Craig Thomas

*Defendants Reply to States Opposition to Defendants Motion to Seal Records*

07/29/2019



Certificate of Service

Filed by: Petitioner Tiffée, Craig Thomas

*Certificate of Service*

09/26/2019



Findings of Fact, Conclusions of Law and Order

*Findings of Fact, Conclusions of Law and Order*

**CASE SUMMARY****CASE NO. A-19-796636-S**

09/30/2019



Notice of Entry of Order

*Notice of Entry of Order*

10/16/2019



Notice of Appeal

Filed By: Petitioner Tiffie, Craig Thomas

*Notice of Appeal - No Bond Required***HEARINGS**

07/30/2019

**Petition to Seal Records (8:30 AM)** (Judicial Officer: Silva, Cristina D.)*Petitioner's Petition to Seal Records*

DA's Office wasn't notified of hearing

Matter Heard;

Journal Entry Details:

*Also present: Danny Silverstein, Chf Dep DA, on behalf of the State. This is the time set for hearing on the Petitioner's Petition to Seal Records. Court advised that it reviewed the Petition to Seal Records as well as the State's Opposition thereto. Mr. Michaelides advised that he just received the State's Opposition last week and he prepared a Reply; he provided a copy to the Court for consideration. Mr. Michaelides represented that the Defendant initially plead guilty to one Count of Luring Children or Mentally Ill Persons with use of Technology with the intent to Engage in Sexual Conduct a Felony; however, pursuant to the negotiations, if the Petitioner was honorably discharged from probation, he would be allowed to withdraw his plea to the Felony and plead guilty to Unlawful Contact with a Child a Gross Misdemeanor; Petitioner was adjudicated on the Gross Misdemeanor on July 23, 2012, and is now seeking to seal his record. Argument; Mr. Michaelides believes that the Felony was not reduced, it was WITHDRAWN and replaced by the Gross Misdemeanor so the Felony no longer exists and since the Petitioner has met the statutory requirements for the sealing of the Gross Misdemeanor conviction, the presumption is now on the State to show by clear and convincing evidence why the Petitioner's record should not be sealed at this time. Argument by Mr. Silverstein; the Petitioner was convicted of a Felony that, pursuant to statute, is not sealable. Thereafter, pursuant to the negotiations, the Felony was reduced to a lesser offense, which is sealable. The State's position is that once the conviction is entered it stands. Certain offenses are NOT sealable under NRS 179.245 and one of the offenses specifically mentioned in said statute is the Luring Offense, which the Petitioner was originally charged with and the reduced charge is clearly related to the original charge. Court having reviewed the Petition, the Opposition, and now the Reply and after hearing the oral arguments of counsel, rules as follows: Since Petitioner's plea and adjudication is one of the enumerated crimes under NRS 179.245, his record cannot be sealed. Therefore, COURT ORDERED, the Petition is DENIED. Court noted that this was a sexual offense and as part of the renegotiations, the Petitioner was required to register as a Sex Offender and although there was a drop down and a change in circumstance, that requirement relates back to the underlying statute and the underlying basis as to why the legislature created these exceptions to the sealing of records; sexually based offenses are not subject to sealing. State to prepare Findings of Fact and Conclusions of Law.*

**DATE****FINANCIAL INFORMATION****Petitioner** Tiffie, Craig Thomas

Total Charges

294.00

Total Payments and Credits

294.00

**Balance Due as of 10/18/2019****0.00**

# DISTRICT COURT CIVIL COVER SHEET

County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's Office)

## I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone): <div style="text-align: center;">                     Craig T. Tiffie                      3031 Breton Drive                      Las Vegas, Nevada 89108                 </div>	Defendant(s) (name/address/phone): <div style="text-align: center;"> <b>CASE NO: A-19-796636-S</b>  <b>Department 9</b> </div>
Attorney (name/address/phone): <div style="text-align: center;">                     Thomas C. Michaelides, Esq                      2620 Regatta Drive #219                      Las Vegas, NV 89128                 </div>	Attorney (name/address/phone): 

## II. Nature of Controversy (please select the one most applicable filing type below)

### Civil Case Filing Types

<b>Real Property</b> <b>Landlord/Tenant</b> <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant <b>Title to Property</b> <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property <b>Other Real Property</b> <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Malpractice</b> <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	<b>Torts</b> <b>Other Torts</b> <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
<b>Probate</b> <b>Probate (select case type and estate value)</b> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate <b>Estate Value</b> <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	<b>Construction Defect &amp; Contract</b> <b>Construction Defect</b> <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect <b>Contract Case</b> <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	<b>Judicial Review/Appeal</b> <b>Judicial Review</b> <input type="checkbox"/> Foreclosure Mediation Case <input checked="" type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency <b>Nevada State Agency Appeal</b> <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency <b>Appeal Other</b> <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
<b>Civil Writ</b> <b>Civil Writ</b> <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<b>Other Civil Filing</b> <b>Other Civil Filing</b> <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

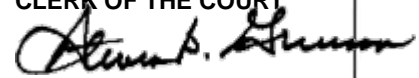
*Business Court filings should be filed using the Business Court civil coversheet.*

6/13/19

Date

Signature of initiating party or representative

*See other side for family-related case filings.*



FFCO

DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE MATTER OF THE PETITION CRAIG  
THOMAS TIFFEE,

Defendant.

CASE NO: A-19-796636-S

DEPT NO: IX

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER

THIS CAUSE having come on for hearing before the Honorable CRISTINA D. SILVA, District Court Judge, on the 30th day of July, 2019, the Petitioner being present, represented by Thomas C. Michaelides, Esq, the State of Nevada being represented by STEVEN B. WOLFSON, Clark County District Attorney, by and through DAN SILVERSTEIN, Chief Deputy District Attorney, and the Court having considered the matter, including briefs, transcripts, arguments of counsel, and documents on file herein, now therefore, the Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

Craig Thomas Tiffiee (hereinafter Petitioner) sought to seal a June 30, 2009 arrest, charging him with *Using Technology to Lure Children* (Case No. 10C264460). Petitioner was arrested following an undercover operation conducted by the Henderson Police Department (HPD). During the course of that operation, a HPD Detective posed as a 15-year old female and engaged in several communications with the Petitioner in an undercover capacity.<sup>1</sup> During some of those communications, the Detective made numerous statements alluding to the fact that the Petitioner was communicating with a minor. After a number of communications and at the request of

<sup>1</sup> This summary of facts is drawn from the police report identified as Exhibit 1 attached to the State's Opposition to the Petition to Seal. The Court recognizes that the Petitioner disputed some of the facts in the report during the hearing regarding his petition to seal. The Court considered his disputes in reaching its conclusion to deny the Petition. Making no credibility determination, even if the Court accepted Petitioner's disputes as true, the Court would nonetheless reach the same conclusion.

<input type="checkbox"/> Voluntary Dismissal	<input checked="" type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

1 Petitioner, the Detective agreed to meet Petitioner at a designated location. Petitioner was arrested  
2 upon his arrival at the designated location, where he was in possession of a condom and lubricant.  
3 After his arrest, Petitioner admitted to being at the designated location to meet a person for sex, but  
4 claimed ignorance as to the age of the person he intended to meet. Petitioner was approximately 34  
5 years old at the time of the offense.

6 Pursuant to a guilty plea agreement, Petitioner was convicted of *Luring Children or Mentally Ill*  
7 *Persons with Use of Technology with the Intent to Engage in Sexual Conduct* (Category B felony – NRS 201.560)  
8 in case C264460, and pursuant to negotiations, Petitioner was sentenced to three years probation  
9 with a number of conditions. Petitioner's guilty plea agreement included the option to withdraw his  
10 felony plea and instead plead guilty to *Unlawful Contact with a Child*, a gross misdemeanor, if he  
11 successfully completed all conditions of probation and received an Honorable Discharge. The plea  
12 agreement was silent regarding Petitioner's ability to apply to seal his record at some future date.

13 Petitioner successfully completed his term of probation and was honorably discharged. As a  
14 result, his prior plea to the Category B felony offense was withdrawn. On July 23, 2012, he was  
15 subsequently adjudicated guilty of *Unlawful Contact with a Child*, a misdemeanor offense.

16 On June 13, 2019, Petitioner filed a petition to seal his June 30, 2009 arrest. On July 24, 2019,  
17 the State of Nevada filed an opposition to the petition to seal. Counsel for Petitioner filed a reply to  
18 the State's opposition on July 29, 2019. Oral argument on Petitioner's motion was heard on July 30,  
19 2019. Counsel for the Petitioner, Thomas Michaelides, Esq., the Petitioner, and Chief Deputy  
20 District Attorney, Dan Silverstein, were present for the hearing. Counsel for Petitioner argued that  
21 because Petitioner's plea to the original charge was withdrawn and replaced with a gross  
22 misdemeanor, Petitioner meets the statutory requirements for the sealing of his conviction. *See* July  
23 30, 2019 Minutes. The Counsel further argued that the State is required to show by clear and  
24 convincing evidence why Petitioner's record should not be sealed. *Id.* The Court denied the petition  
25 to seal following oral argument on July 30, 2019. This Order follows.

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1 CONCLUSIONS OF LAW

2 NRS 179.245(1) permits a person to petition the court for the sealing of all records for certain  
3 enumerated convictions after a specified period of time. NRS 179.255 governs the sealing of a record  
4 of dismissal and allows for a petition requesting the sealing of records of a dismissed charge any  
5 time after the dismissal date so long as the statute of limitations has expired, eight years from the  
6 time of arrest has passed, or there is a stipulation to seal. NRS 179.255 established a rebuttable  
7 presumption that records should be sealed “if the applicant satisfies all statutory requirements.”  
8 2017 Nev. Stat., ch. 378, § 4, at 2411.

9 A person commits the offense of *Unlawful Contact with a Child*<sup>2</sup> in violation of NRS 201.560  
10 when “without lawful authority, he willfully and maliciously engages in a course of conduct with a  
11 child who is under 16 years of age and who is at least 5 years younger than the person which  
12 would cause a reasonable child of like age to feel terrorized, frightened, intimidated or harassed, and  
13 which actually causes the child to feel terrorized, frightened, intimidated or harassed, commits the  
14 crime of unlawful contact with a child.” *Emphasis added.* Accordingly, a plain reading of the statute  
15 requires a course of conduct with a child (a person under 16) or someone who is at least 5 years  
16 younger than the person engaging in the course of conduct with the child. Here, the Petitioner  
17 pleaded guilty to the aforementioned offense, and thereby admitted that when he was 34 years old,  
18 he had contact with the undercover detective posing as a fifteen year old, a child who was (1) under  
19 16 years of age; and (2) at least 5 years younger than Petitioner. It is not relevant that the Detective  
20 was acting in an undercover capacity, as the offense involved a minor child. NRS 201.560(1)(b);  
21 *Johnson v. State* 123 Nev. 139, 141-143, 159 P.3d 1096, 1097-1098 (2007) (a conviction for this offense is  
22 proper when the state proves or the defendant admits that he attempted to contact a person whom  
23 he believed was a child, even if the purported child was not an actual child). Accordingly, the offense  
24 to which the Petitioner pleaded guilty is a crime perpetrated against child.

25 NRS 179.246(6)(a) provides that a person *may not* petition the Court to seal records relating  
26 to the conviction of a crime against a child. Subsection (b) of the same statute provides that a  
27 person may not petition the Court to seal records relating to a conviction of a sexual offense. The  
28

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<sup>2</sup> NRS 201.560 also applies to unlawful contact with a person with a mental illness. See NRS 270.260(2).



1 definition of “sexual offense” is defined in the same statute. Also relevant to this Findings of Fact  
2 and Conclusions of Law is NRS 179.245(8)(b)(16), which provides that the “[l]uring of a child or  
3 person with a mental illness pursuant to NRS 201.560” is a sexual offense. *See supra Johnson v. State*.  
4 Accordingly, this Court finds the Petitioner’s original offense, and the offense he pleaded guilty to  
5 pursuant to his plea agreement, that is *Luring Children or Mentally Ill Persons with Use of Technology with the*  
6 *Intent to Engage in Sexual Conduct*, qualifies as a sexual offense.

7         Similar to NRS 179.245, NRS 179.255 gives the Court discretion to seal all records of an  
8 arrest and of the proceedings leading to declination of prosecution or dismissal, if there is no  
9 evidence that further action will be brought against the person. NRS 179.255(6). Once the  
10 prerequisite findings have been made, the decision whether to grant the record sealing petition is a  
11 matter within the sound discretion of the district court. *State v. Second Jud. Dist. Ct.*, 105 Nev. 822, 823  
12 (1989). However, the Nevada Supreme Court has stated that “there is nothing in the Nevada  
13 Constitution that creates a civil right to an expunction of the record of a criminal conviction.” *Sang*  
14 *Man Shin v. State (In re Sang Man Shin)*, 125 Nev. 100, 110, 206 P.3d 91, 98 (2009).

15         A plain reading of the statute clearly indicates that the legislature did not intend for those  
16 convicted of certain sexual offenses to be able to have records of those convictions sealed. The  
17 offense to which Petitioner pleaded guilty to *and* the offense which is now reflected in his amended  
18 judgment of convictions are sexual offenses and crimes against a child.

19         Further, based upon the facts presented to the Court, it finds that the Petitioner is “simply  
20 not the type of person upon whom the judiciary will confer such a substantial benefit as the sealing  
21 of his criminal records.” *State v. Vavaricci*, 108 Nev. 411, 413, 834 P.2d 406, 408 (1992). In particular, the  
22 Court finds that *Luring Children with Use of Technology with the Intent to Engage in Sexual Conduct* is a serious  
23 crime with strong public policy concerns, and that public records of these charges and convictions  
24 are necessary to protect the public—and, importantly, children—from harm.

25         Based on the foregoing, nature of the charges, and pursuant to NRS 179.456(6), the instant  
26 petition to seal is hereby denied.

27 ...

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ORDER

THEREFORE, IT IS HEREBY ORDERED that the Petition to Seal Records shall be and is hereby denied.

DATED this 26<sup>th</sup> day of September, 2019.

DISTRICT COURT JUDGE

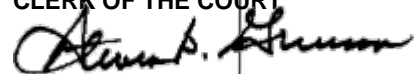
MMK

Certificate of Service

I hereby certify that on the date filed, a copy of this Order was electronically served on all parties registered through the Eighth Judicial District Court EFP system and mailed to any parties not registered for electronic service.

Jaye L. Beltran

Judicial Executive Assistant



1 NEOJ

2  
3 DISTRICT COURT  
4 CLARK COUNTY, NEVADA

5 IN THE MATTER OF THE PETITION OF  
6 CRAIG THOMAS TIFFEE,

7 Petitioner.

Case No.: A-19-796636-S  
Dept. No.: IX

8 NOTICE OF ENTRY OF ORDER

9  
10 TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

11 PLEASE TAKE NOTICE that an Order was entered on the 26th day of September,  
12 2019, in the above-captioned matter. A copy of said Order is attached hereto as Exhibit A.

13 DATED this 27<sup>th</sup> day of September, 2019.

14   
15 CRISTINA D. SILVA  
16 DISTRICT COURT JUDGE

17  
18  
19 CERTIFICATE OF SERVICE

20 I hereby certify that on the date filed, a copy of the foregoing was electronically served,  
21 pursuant to N.E.F.C.R. Rule 9, to all registered parties in the Eighth Judicial District Court  
22 Electronic Filing Program and mailed to any party or proper person not registered for electronic  
23 service.

24   
Judicial Executive Assistant

# EXHIBIT A

FFCO

DISTRICT COURT  
CLARK COUNTY, NEVADA

IN THE MATTER OF THE PETITION CRAIG  
THOMAS TIFFEE,

Defendant.

CASE NO: A-19-796636-S

DEPT NO: IX

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23 he believed was a child, even if the purported child was not an actual child). Accordingly, the offense  
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12 (1989). However, the Nevada Supreme Court has stated that “there is nothing in the Nevada  
13 Constitution that creates a civil right to an expunction of the record of a criminal conviction.” *Sang*  
14 *Man Shin v. State (In re Sang Man Shin)*, 125 Nev. 100, 110, 206 P.3d 91, 98 (2009).

15         A plain reading of the statute clearly indicates that the legislature did not intend for those  
16 convicted of certain sexual offenses to be able to have records of those convictions sealed. The  
17 offense to which Petitioner pleaded guilty to *and* the offense which is now reflected in his amended  
18 judgment of convictions are sexual offenses and crimes against a child.

19         Further, based upon the facts presented to the Court, it finds that the Petitioner is “simply  
20 not the type of person upon whom the judiciary will confer such a substantial benefit as the sealing  
21 of his criminal records.” *State v. Vavaricci*, 108 Nev. 411, 413, 834 P.2d 406, 408 (1992). In particular, the  
22 Court finds that *Luring Children with Use of Technology with the Intent to Engage in Sexual Conduct* is a serious  
23 crime with strong public policy concerns, and that public records of these charges and convictions  
24 are necessary to protect the public—and, importantly, children—from harm.

25         Based on the foregoing, nature of the charges, and pursuant to NRS 179.456(6), the instant  
26 petition to seal is hereby denied.

27 ...

28 ...



ORDER

THEREFORE, IT IS HEREBY ORDERED that the Petition to Seal Records shall be and is hereby denied.

DATED this 26<sup>th</sup> day of September, 2019.

  
DISTRICT COURT JUDGE

*MMK*

Certificate of Service

I hereby certify that on the date filed, a copy of this Order was electronically served on all parties registered through the Eighth Judicial District Court EFP system and mailed to any parties not registered for electronic service.

  
Judicial Executive Assistant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Petition to Seal Records**

**COURT MINUTES**

**July 30, 2019**

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A-19-796636-S	In the Matter of the Petition of Craig Thomas Tiffée
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July 30, 2019	8:30 AM	Petition to Seal Records
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HEARD BY: Silva, Cristina D.	COURTROOM: RJC Courtroom 11B
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COURT CLERK: Carol Donahoo

RECORDER: Gina Villani

REPORTER:

**PARTIES**

PRESENT:	Michaelides, Thomas C	Attorney
	Tiffée, Craig Thomas	Petitioner

**JOURNAL ENTRIES**

- Also present: Danny Silverstein, Chf Dep DA, on behalf of the State.

This is the time set for hearing on the Petitioner's Petition to Seal Records. Court advised that it reviewed the Petition to Seal Records as well as the State's Opposition thereto. Mr. Michaelides advised that he just received the State's Opposition last week and he prepared a Reply; he provided a copy to the Court for consideration.

Mr. Michaelides represented that the Defendant initially plead guilty to one Count of Luring Children or Mentally Ill Persons with use of Technology with the intent to Engage in Sexual Conduct a Felony; however, pursuant to the negotiations, if the Petitioner was honorably discharged from probation, he would be allowed to withdraw his plea to the Felony and plead guilty to Unlawful Contact with a Child a Gross Misdemeanor; Petitioner was adjudicated on the Gross Misdemeanor on July 23, 2012, and is now seeking to seal his record. Argument; Mr. Michaelides believes that the Felony was not reduced, it was WITHDRAWN and replaced by the Gross Misdemeanor so the Felony no longer exists and since the Petitioner has met the statutory requirements for the sealing of the Gross Misdemeanor conviction, the presumption is now on the State to show by clear and convincing evidence why the Petitioner's record should not be sealed at this time.

Argument by Mr. Silverstein; the Petitioner was convicted of a Felony that, pursuant to statute, is not sealable. Thereafter, pursuant to the negotiations, the Felony was reduced to a lesser offense, which is sealable. The State's position is that once the conviction is entered it stands. Certain offenses are NOT sealable under NRS 179.245 and one of the offenses specifically mentioned in said statute is the Luring Offense, which the Petitioner was originally charged with and the reduced charge is clearly related to the original charge.

Court having reviewed the Petition, the Opposition, and now the Reply and after hearing the oral arguments of counsel, rules as follows:

Since Petitioner's plea and adjudication is one of the enumerated crimes under NRS 179.245, his record cannot be sealed. Therefore, COURT ORDERED, the Petition is DENIED. Court noted that this was a sexual offense and as part of the renegotiations, the Petitioner was required to register as a Sex Offender and although there was a drop down and a change in circumstance, that requirement relates back to the underlying statute and the underlying basis as to why the legislature created these exceptions to the sealing of records; sexually based offenses are not subject to sealing.

State to prepare Findings of Fact and Conclusions of Law.



**EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE**  
**NOTICE OF DEFICIENCY**  
**ON APPEAL TO NEVADA SUPREME COURT**

**THOMAS C. MICHAELIDES, ESQ.**  
**2620 REGATTA DR., SUITE #219**  
**LAS VEGAS, NV 89128**

**DATE: October 18, 2019**  
**CASE: A-19-796636-S**

**RE CASE:** In the Matter of the Petition of CRAIG THOMAS TIFFE, Petitioner(s)

NOTICE OF APPEAL FILED: October 16, 2019

**YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.**

**PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:**

- ☒ \$250 – Supreme Court Filing Fee (Make Check Payable to the Supreme Court)\*\*
  - If the \$250 Supreme Court Filing Fee was not submitted along with the original Notice of Appeal, it must be mailed directly to the Supreme Court. The Supreme Court Filing Fee will not be forwarded by this office if submitted after the Notice of Appeal has been filed.
- ☐ \$24 – District Court Filing Fee (Make Check Payable to the District Court)\*\*
- ☒ \$500 – Cost Bond on Appeal (Make Check Payable to the District Court)\*\*
  - NRAP 7: Bond For Costs On Appeal in Civil Cases
- ☒ Case Appeal Statement
  - NRAP 3 (a)(1), Form 2
- ☐ Order
- ☐ Notice of Entry of Order

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**NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:**

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. The district court clerk shall apprise appellant of the deficiencies in writing, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (e) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

***Please refer to Rule 3 for an explanation of any possible deficiencies.***

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***\*\*Per District Court Administrative Order 2012-01, in regards to civil litigants, "...all Orders to Appear in Forma Pauperis expire one year from the date of issuance." You must reapply for in Forma Pauperis status.***

# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL – NO BOND REQUIRED; DISTRICT COURT  
DOCKET ENTRIES; CIVIL COVER SHEET; FINDINGS OF FACT, CONCLUSIONS OF LAW AND  
ORDER; NOTICE OF ENTRY OF ORDER; DISTRICT COURT MINUTES; NOTICE OF  
DEFICIENCY

In the Matter of the Petition of CRAIG  
THOMAS TIFFE,

Petitioner(s),

Case No: A-19-796636-S

Dept No: IX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 18 day of October 2019.

Steven D. Grierson, Clerk of the Court



Heather Ungermann, Deputy Clerk