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**DISTRICT COURT
CLARK COUNTY, NEVADA
FAMILY DIVISION**

In the Matter of the Guardianship of

[REDACTED]

A Proposed Protected Minor.

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CASE NO: G-24 [REDACTED]-M
DEPT NO: U

**RESPONSE TO OBJECTION TO
BROADCAST, RECORD,
PHOTOGRAPH, OR TELEWISE**

Appearance via Simultaneous Audiovisual Transmission Equipment

COMES NOW, Our Nevada Judges, Inc., a Nevada non-profit corporation, by and through the undersigned counsel, and hereby files the following response to the *Objection to Broadcast, Record, Photograph, or Telewise* filed July 19, 2024.

This response is based upon the following memorandum of points and authorities, and the exhibits attached hereto.

MEMORANDUM OF POINTS AND AUTHORITIES

Alexander Falconi is an SCR 229(1)(c) news reporter who directs Our Nevada Judges, Inc. ('ONJ'), a Nevada non-profit corporation recognized by the IRS as a Section 501(c)(3) organization.

The Objectors appear to conflate physical and camera access at points, but judging by their concerns and the title of their objection, the camera coverage of the proposed guardians and child are the actual catalyst of their objection. To the extent

Objectors and this Court assert otherwise, it has been held that generic, non-extraordinary circumstances of a domestic nature do not provide a sufficient basis with which to justify barring physical access of a courtroom:

We acknowledge that there is an interest in protecting litigants' privacy rights in family law proceedings, as those proceedings apply wholly to their private lives. See, e.g., *In re Marriage of Burkle*, 37 Cal. Rptr. 3d 805, 807-18 (Ct. App. 2006). However, a litigant's privacy interests do not automatically overcome the press's and the public's right to access court proceedings. In fact, the majority of jurisdictions to have considered this issue have concluded that when there are no extraordinary circumstances present, the public's right to access family law proceedings outweighs the litigants' privacy interests.

Falconi, v. Eighth Judicial District Court, 140 Nev., Advanced Opinion 8 (2024). The *Falconi* Court also relied upon *Del Papa v. Steffen*, 112 Nev. 369, 374, 915 P.2d 245, 249 (1996), in pointing out not only the positive benefits of “open court proceedings” but, conversely, “the threat that secret judicial proceedings pose to public confidence in this court and the judiciary,” namely, that “secrecy encourages misunderstanding, distrust, and disrespect for the courts.” *Id.* To the extent that the tragedy that has occurred in this case may push the needle in the direction of closure, that same tragedy is precisely what has generated extraordinary public interest in the cases connected to the killing of Ashley Prince. The issue here is not that ONJ intends to make a “spectacle” out of the case, but rather, that a genuine public interest exists in the case, and that ONJ seeks to serve the public consistent with the Supreme Court’s educational and informational mandate. SCR 241(1). “It is not unrealistic even in this day to believe that public inclusion affords citizens a form of legal education and hopefully promotes confidence in the fair administration of

1 justice." *State v. Schmit*, 273 Minn. 78, 87-88, 139 N. W. 2d 800, 807 (1966).
2 "Instead of acquiring information about trials by firsthand observation or by word of
3 mouth from those who attended, people now acquire it chiefly through the print and
4 electronic media. In a sense, this validates the media claim of functioning as
5 surrogates for the public." *Richmond Newspapers*, 448 U. S. 525, 573 (1980).
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7 What is truly at issue here, and what triggered the objection in the first place,
8 is the request to deploy high-definition cameras to the courtroom. Thus, this Court
9 should look at the objection through the lens of an objection to an SCR 229(1)(c)
10 news reporter's SCR 230(1) request. See also *Solid v Eighth Judicial District Court*,
11 133 Nev. 118, 393 P.3d 666 (2017). If physical access to the proceedings are
12 available, camera access is presumed. SCR 230(1). The Court must consider the
13 SCR 230(2) factors in determining what restrictions, if any, should be imposed. ONJ
14 is not interested in recording the faces of the children. As is standard policy for ONJ,
15 only the attorneys and the judge are typically filmed. Certain witnesses may also be
16 visually blurred, depending on their role; typically, expert witnesses and government
17 employees are not visually blurred. Certain witnesses in this case may have already
18 conducted television interviews and should likewise not be visually blurred. To the
19 extent the child must testify, ONJ would agree to turning the camera off for the
20 portion of the child's testimony. Ultimately, the Court should consider the SCR
21 230(2) factors in determining which restrictions to impose. See also SCR 240(1).
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25 Forbidding camera access of these proceedings does not actually thwart
26 media coverage but weakens the accuracy of the public's perception of the
27 operation of the court. The Supreme Court does not allow a denial to occur without
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1 the evidentiary support and the proper exercise of discretion, as contemplated by
2 the *Solid Court*. "People in an open society do not demand infallibility from their
3 institutions, but it is difficult for them to accept what they are prohibited from
4 observing." *Richmond Newspapers*, 448 U. S., at 572.
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6 **NRS 239B.030(4) AFFIRMATION**

7 Pursuant to NRS 239B.030 the undersigned hereby affirms that this document
8 does not contain the social security number of any person.
9

10 **DATED** this Jul 21, 2024

11 By: /s/ Luke Busby
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DECLARATION OF ALEXANDER FALCONI

I, Alexander M. Falconi, declare that I have read the forgoing *Response* and that the contents are true and correct of my own personal knowledge, except for those matters I have stated that are not of my own personal knowledge, but that I only believe them to be true, and as for those matters, I do believe they are true.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this Jul 21, 2024



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