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Steven D. Grierson
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DISTRICT COURT

CLARK COUNTY, NEVADA

IN RE: SEALED SEARCH WARRANT RECOREDS RELATED TO STEPHEN CRAIG PADDOCK OR THE CRIMES COMMITTED OCTOBER 1, 2017 AT THE ROUTE 91 HARVEST COUNTRY MUSIC FESTIVAL	Case No. A-17-764028-W Dept. No. VI

ORDER ON PETITION TO UNSEAL SEARCH WARRANT RECORDS

The Court has read and considered the Petition to Unseal Search Warrant Records, the Errata thereto, the Joint Corrected Supplemental Brief in Support of Petition to Unseal Search Warrant Records, Las Vegas Metropolitan Police Department's Response to Petition to Unseal Search Warrant Records, and the Joint Reply in Support of Petition to Unseal Search Warrant Records. This Court held a hearing on January 16, 2018 at 8:30 am at which all parties appeared and arguments were heard. Thereafter, at the order of the Court, Las Vegas Metropolitan Police Department's *In Camera, Sealed* Supplemental Response to Petition to Unseal Search Warrant Records ("Sealed Supplemental Response") was filed under seal with the Court. The Court also reviewed the search warrant documents unsealed by the United States District Court for the District of Nevada, the sealed search warrant records related to the October 1 shooting on file with this Court, the LVMPD Preliminary Investigative Report regarding the shooting dated January 18, 2018, which was publicly released by the LVMPD during the pendency of this matter, and the Supplement to Petition to Unseal Search Warrant Records, including the video of Sheriff Lombardo's press conference of January 19, 2018 which was an exhibit thereto. The Court issued a minute order on January 24, 2018, scheduling an *in camera* sealed hearing for testimony from law enforcement officer(s) regarding the ongoing investigation and alleged need for the warrant documents to remain under seal. This *in camera* hearing took place on January 26, 2018 at 1:30 pm.

ELISSA F. CADISH
DISTRICT JUDGE
DEPARTMENT VI

Case Number: A-17-764028-W

The Nevada Supreme Court as well as the federal courts have recognized both a common law right and a First Amendment right of access to court records in criminal proceedings. See, e.g., Stephens Media, LLC v. Eighth Judicial Dist. Ct., 125 Nev. 849, 859-62, 221 P.3d 1240, 1247-49 (2009); United States v. Business of the Custer Battlefield Museum & Store, 658 F.3d 1188, 1193-96 (9th Cir. 2011); Times Mirror Co. v. United States, 873 F.2d 1210, 1212-18 (9th Cir. 1989). This is recognized to be a qualified right, which has been applied to search warrant proceedings and materials after charges are brought, but not during a pre-indictment investigation. In this case, Stephen Paddock has been determined by law enforcement authorities to be the lone shooter and the only one involved in the planning of the shooting, and he shot himself in connection with the October 1 events. However, there is an ongoing investigation regarding possible charges against another individual arising out of information obtained in connection with the October 1 shooting, but not directly related to the shooting itself. Thus, the Court must be cautious not to reveal documents which would interfere with that investigation and possible charges, as well as avoid threatening the privacy interests and safety of an individual mentioned in the sealed documents. In LVMPD's Sealed Supplemental Response, LVMPD stated it does not object to the unsealing of the search warrant affidavits and returns associated with SW 17-971 (including subparts A, B, C, and D) and SW 17-998. As to the remaining warrants addressed in the Petition, SW 17-984 through 17-996, LVMPD asserted they should remain under seal and, in the alternative, proposed possible redactions of those documents as it relates to the ongoing investigation of possible charges.

The Court finds that the vast majority of the documents Petitioners seek to unseal do not contain any information that would compromise the ongoing investigation in any way nor present any danger to a private citizen. Thus, the Court finds that redaction of a couple of phrases in each of the search warrant affidavits for SW 17-984 through 17-996, which all have the same pertinent language, will sufficiently protect the ongoing investigation while satisfying the public right to access these criminal case records. Additionally, in the course of looking into these issues, the Court discovered that there were three additional warrants related to the October 1 shooting which were

not identified in prior pleadings of the parties, specifically SW 17-1047, SW 17-1048, and SW 17-1091. SW 17-1047 and 17-1048 both contain the same phrases the Court is ordering redacted from the warrants identified above. Although not mentioned in the Petition, the same public right of access would apply to these three warrants and thus, the Court is also ordering these warrants to be unsealed, other than the same redactions to SW 17-1047 and 17-1048.

IT IS, THEREFORE, HEREBY ORDERED that all search warrant affidavits, search warrants, and related orders regarding SW 17-971A, SW 17-971B, SW 17-971 C & D, SW 17-984, SW 17-985, SW 17-986, SW 17-987, SW 17-988, SW 17-989, SW 17-990, SW 17-991, SW 17-992, SW 17-993, SW 17-994, SW 17-995, SW 17-996, SW 17-998, SW 17-1047, SW 17-1048, and SW 17-1091 shall be and hereby are ordered unsealed to the extent they may be presently filed under seal with this Court, except for two redacted phrases in each of the search warrant affidavits for SW 17-984 through 17-996 and SW 17-1047 and 17-1048.

The Court is setting a Status Check for April 3, 2018 at 8:30 a.m., to consider whether there is still an ongoing investigation of possible charges which would warrant continued redaction.

DATED this 30th day of January, 2018

ELISSA F. CADISH, DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on or about the date filed, a copy of the foregoing Order was e-served on all registered parties to this case.

Timothy D. Kelley
Judicial Executive Assistant

ELISSA F. CADISH
DISTRICT JUDGE
DEPARTMENT VI