

ORIGINAL

FILED

Alexander M. Falconi
3125 S. Virginia St #85

Appearing in Proper Person

IN THE CIVIL DIVISION

OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

ALEXANDER M FALCONI,

Petitioner,

vs.

SECRETARY OF STATE OF THE STATE OF NEVADA,

Respondent

Case No.: CV09 03089

Dept: 8

PETITION FOR JUDICIAL REVIEW OF ISSUANCE OF FICTITIOUS ADDRESS

COMES NOW, Petitioner Alexander M. Falconi, and hereby files a Petition for Judicial Review of Issuance of Fictitious Address. The address was issued by the Secretary of State of the State of Nevada. This petition is based upon the following points and authorities and all pleadings filed herein.

Points and Authorities

A. Factual Background

Issued fictitious address in question is assigned to [REDACTED] Ann [REDACTED]

The subject granted the fictitious address is the mother of a child shared with the Petitioner, Ms. [REDACTED] Ann [REDACTED] and will henceforth be referred to as the "Subject".

The child shared between the Petitioner and the Subject, [REDACTED] Falconi, is 3 years old.

In early 2008, the Petitioner separated with the Subject.

When the Subject did not allow the Petitioner to spend time with his child, the Petitioner sued the Subject for Custody and Visitation under Case FV08-03200 in the Family Division of the Second Judicial District Court of the State of Nevada.

1 Subject responded to the lawsuit by applying for Temporary Protection
2 Order.

3 On November 13, 2008, the Domestic Master found the Subject's allegations
4 alone to be insufficient to conclude that she was in any significant danger and
5 Ordered a shortened 3 month Order of Protection.

6 On the 26th day of May, 2009, the Court awarded Physical and Legal
7 Custody to the Petitioner and Subject jointly.

8 The Subject, having lost Primary Physical Custody and been Ordered to pay
9 the Petitioner child support, reacted adversely to all forms of cooperation,
10 refusing to provide the Petitioner with the child's doctors, their addresses,
11 medical benefits cards, and physical address.

12 The Petitioner Moved to have the Subject ordered to disclose the
13 information and Petitioner's Motion was granted in full by the Court on the 26th
14 of August, 2009.

15 The Subject responded by disclosing a fictitious address.

16 Petitioner hereby states that he never once struck, assaulted, stalked,
17 threatened to strike, assault, stalk, or harm the Subject of the Fictitious
18 Address. The Subject indicated a tendency to grapple with the Petitioner when
19 angry, so whenever things began to escalate, the Petitioner would respond by
20 attempting to leave the hostile environment.

21 **B. Standing**

22 The Petitioner is the father and joint-physical custodian to the child of
23 the individual granted a fictitious address. It has been the finding of the
24 Court that it is in the best interests of the child for all physical custodians
25 to have as much information regarding the Child as possible, especially in this
26 case due to the Subject's mental condition[2].

27 **C. Argument**

- 28 1. The eligibility of those who apply for a Fictitious Address is outlined
under Nevada Revised Statute 217.462, where it is clearly stated that
"Specific evidence showing that the adult, child or incompetent person has
been a victim of domestic violence, sexual assault or stalking before the
filing of the application."

- 1 2. None of the acts defining "domestic violence" under Nevada Revised Statute
2 33.018 has been committed by the Petitioner upon the Subject. A police
3 report dated 4/07/2008[1], shows the Subject reporting that the Petitioner
4 had left. She states that the Petitioner was gathering his belongings. She
5 alleges the Petitioner locked her in a closet and outside, and then
6 contradicts herself by admitting "she entered the apartment without
7 difficulty." Again, the Subject admits to "grabbing the Petitioner's shoes,
8 which he took back and put on and left the apartment." Photographs taken by
9 the police indicated no domestic violence. The police go further and state
10 that [REDACTED] had difficulty concentrating on one subject and I constantly
11 needed to help her focus on the incident."
- 12 3. Throughout the Custody case FV08-03200, the Subject was unable to prove that
13 she was in any danger from the Petitioner. A far cry from it, the Subject
14 was proved more a danger to herself by her attempted suicide[2], which led
15 to her institutionalization at West Hills. The subject's actions and the
16 police reports also contradicted her statements. The Court awarded Physical
17 and Legal custody to the parties jointly.
- 18 4. It is thus the Petitioner's conclusion, the Subject having been granted a
19 Fictitious Address, that the Subject either:
- 20 i) Provided the Secretary of State with false evidence or statements,
21 or a combination thereof. If this is the case, then pursuant to
22 NRS 217.462 the Subject is immediately disqualified.
 - 23 ii) The Secretary of State took the Subject's allegations as fact and
24 evidence. If this is the case, then the Secretary of State is
25 creating precedence where any person by a mere statement is to be
26 granted a Fictitious Address.
 - 27 iii) The Secretary of State took the issuance of a 3 month Protective
28 Order as conclusive fact that the Subject was a victim of domestic
violence. If this is the case, the Court has long had a reputation
for issuing Protective Orders without conclusive evidence to offer
the parties involved in a domestic dispute space and a legal
buffer of protection. In some of these cases, there are real and