

IN THE SUPREME COURT OF THE STATE OF NEVADA

MAZEN ALOTAIBI,
Appellant,

v.

THE STATE OF NEVADA,
Respondent.

CASE NO:

Electronically Filed
Jun 18 2015 02:26 p.m.
Tracie K. Lindeman
Clerk of Supreme Court
67380

OPPOSITION

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and submits this OPPOSITION.

This motion is based on the following memorandum, declaration, and all papers and pleadings on file herein.

Dated this 18th day of June, 2015.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
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MEMORANDUM

On June 18, 2015, Appellant Mazen Alotaibi filed a motion essentially requesting a limited remand to the district court for an evidentiary hearing on unspecified ineffective-assistance-of-counsel claims. For the following reasons, the motion is opposed. First, Appellant's request does not, as he claims, serve judicial economy. Just the opposite—as this Court is well aware, resolving habeas petitions in the lower courts often takes years, leaving this appeal rotting on this Court's docket the entire time. Second, proceeding in the manner Appellant suggests would mean that any future petition raising ineffective assistance of appellate counsel would be procedurally defaulted under NRS 34.810. Third, Appellant's request is unnecessary—if, despite the aforementioned future default, he wants to file a post-conviction petition for a writ of habeas corpus in the lower court, nothing stops him from doing so.

Dated this 18th day of June, 2015.

Respectfully submitted,

STEVEN B. WOLFSON
Clark County District Attorney

BY */s/ Ryan J. MacDonald*

RYAN J. MACDONALD
Deputy District Attorney
Nevada Bar #012615
Office of the Clark County District Attorney

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on June 18, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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RJM//jg