

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

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MAZEN ALOTAIBI,  
Appellant,  
v.  
THE STATE OF NEVADA,  
Respondent.

Electronically Filed  
Apr 20 2016 01:20 p.m.  
Tracie K. Lindeman  
Clerk of Supreme Court  
CASE NO: 67380

**STATE'S OPPOSITION TO APPELLANT'S REQUEST FOR JUDICIAL  
NOTICE OR, IN THE ALTERNATIVE, MOTION TO SUPPLEMENT THE  
RECORD**

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, RYAN J. MACDONALD, and files this Opposition to Appellant's Request for Judicial Notice, or in the Alternative, Motion to Supplement the Record. This opposition is filed pursuant to NRAP 27 and 31(d) and is based on the following memorandum and all papers and pleadings on file herein.

Dated this 20<sup>th</sup> day of April, 2016.

Respectfully submitted,

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

BY /s/ Ryan J. Macdonald  
RYAN J. MACDONALD  
Deputy District Attorney  
Nevada Bar #012615  
Office of the Clark County District Attorney

## ARGUMENT

In Appellant's pleading, he is requesting for this Court to take judicial notice of the charges brought in Robinson v. State, 110 Nev. 1137, 1139, 881 P.2d 667 (1994), in order to prove that Robinson was charged under the same statute containing the same language which formed the basis for Appellant's charges. However, Nevada Rule of Appellate Procedure 31(d) provides that parties may not raise new points or issues in a supplemental brief or motion, just new authorities. Here, Appellant is trying to raise a new issue, by trying to prove that the charges in Robinson were the same as in the instant case in order to supplement its argument that statutory sexual seduction is a lesser-included offense of sexual assault with a minor under 14 years of age. Not only does the State disagree with this argument, but it is not proper for Appellant to try to expand the record with these exhibits. These cases are *not* identical, and therefore it is not appropriate for Appellant to ask this Court to take judicial notice of Robinson's charges.

However, if this Court were inclined to grant Appellant's request and take judicial notice of the charges, and thus permit him to expand the record, the State respectfully requests that this Court order supplemental briefing regarding the impact of Robinson on Appellant's case pursuant to NRAP 27 and allow the State to respond in kind.

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## **CONCLUSION**

WHEREFORE, the State respectfully requests that this Court deny Appellant's Request for Judicial Notice, or in the Alternative, order Supplemental Briefing on this issue.

Dated this 20<sup>th</sup> day of April, 2016.

Respectfully submitted,

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

BY */s/ Ryan J. Macdonald*

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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 April 20, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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