

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAMZA ZALYAUL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

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)

Case No. 83334

Electronically Filed
Feb 18 2022 07:18 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

RESPONDENT'S APPENDIX

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Counsel for Respondent

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on February 18, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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Deputy District Attorney

BY /s/ E. Davis
Employee, District Attorney's Office

JA/Glenn Anderson/ed

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

HAMZA ZALYAUL,

Defendant.

CASE NO: 19F21278X

DEPT NO: 3

CRIMINAL COMPLAINT

The Defendant above named having committed the crime of SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), in the manner following, to wit: That the said Defendant, on or between June 1, 2013 and September 30, 2013, at and within the County of Clark, State of Nevada,

COUNT 1

did then and there willfully, unlawfully, and feloniously sexually assault and subject S.D., a child under fourteen years of age, to sexual penetration, to wit: sexual intercourse: by placing his penis into the genital opening of the said S.D., against his or her will, or under conditions in which Defendant knew, or should have known, that S.D. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 2

did then and there willfully, unlawfully, and feloniously sexually assault and subject S.D., a child under fourteen years of age, to sexual penetration, to wit: fellatio: by placing his penis on or in the mouth of the said S.D., against his or her will, or under conditions in which Defendant knew, or should have known, that S.D. was mentally or physically incapable of resisting or understanding the nature of Defendant's conduct.

COUNT 3

did then and there willfully, unlawfully, and feloniously sexually assault and subject S.D., a child under fourteen years of age, to sexual penetration, to wit: anal intercourse: by

1 placing his penis into the anal opening of the said S.D., against his or her will, or under
2 conditions in which Defendant knew, or should have known, that S.D. was mentally or
3 physically incapable of resisting or understanding the nature of Defendant's conduct.

4 COUNT 4

5 did then and there willfully, unlawfully, and feloniously sexually assault and subject
6 S.D., a child under fourteen years of age, to sexual penetration, to wit: anal intercourse: by
7 placing his penis into the anal opening of the said S.D., against his or her will, or under
8 conditions in which Defendant knew, or should have known, that S.D. was mentally or
9 physically incapable of resisting or understanding the nature of Defendant's conduct.

10 COUNT 5

11 did then and there willfully, unlawfully, and feloniously sexually assault and subject
12 S.D., a child under fourteen years of age, to sexual penetration, to wit: digital penetration: by
13 inserting his finger(s) into the genital opening of the said S.D., against his or her will, or under
14 conditions in which Defendant knew, or should have known, that S.D. was mentally or
15 physically incapable of resisting or understanding the nature of Defendant's conduct.

16 COUNT 6

17 did then and there willfully, unlawfully, and feloniously sexually assault and subject
18 S.D., a child under fourteen years of age, to sexual penetration, to wit: fellatio: by placing his
19 penis on or in the mouth of the said S.D., against his or her will, or under conditions in which
20 Defendant knew, or should have known, that S.D. was mentally or physically incapable of
21 resisting or understanding the nature of Defendant's conduct.

22 All of which is contrary to the form, force and effect of Statutes in such cases made and
23 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
24 this declaration subject to the penalty of perjury.

25
26
27

10/11/19

28 19F21278X/mab
LVMPD EV# 130913002978
(TK3)

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L011939525

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**1/8/2020 8:30:00 AM Arrest Warrant Return
Hearing (In Custody)**

Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Rose, Laura
	Attorney	Sheets, Damian
	Defendant	ZALYAUL, HAMZA

Judge: Pro Tempore, Judge

Court Reporter: MacDonald, Kit

Pro Tempore: Walsh, Robert J

Court Clerk: Orozco, Evelyn

PROCEEDINGS

Attorneys:	Sheets, Damian	ZALYAUL, HAMZA	Added
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Hearings:	2/11/2020 9:30:00 AM: Preliminary Hearing	Added
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Events: Counsel Confirms as Attorney of Record

D. Sheets, Esq.

Initial Appearance Completed

Defendant Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Comment

Defense claims this case should be transferred to Juvenile court as the alleged events on this complaint occurred when Defendant was a juvenile.

Motion by Defense for an O.R. Release

or Electronic Monitoring - Objection by State - Denied

Oral Motion

by State for \$750,000/750,000 Total Bail AND Electronic Monitoring High Level - Denied

Bail Reset - Cash or Surety

Counts: 001; 002; 003; 004; 005; 006 - \$60,000.00/\$60,000.00 Total Bail

**Release Order - Bail AND Electronic Monitoring -
High Level**

Bail Condition - Surrender Passport

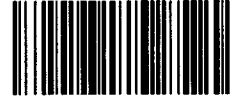
to Attorney

Defense waives the 15 day rule

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L012089110

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**2/11/2020 9:30:00 AM Preliminary Hearing
(Surety Bond)**

Result: Matter Heard

PARTIES State Of Nevada Jones, John
PRESENT: Attorney Sheets, Damian

Judge: Senior/Visiting, Judge

Court Reporter: MacDonald, Kit

**Senior/Visiting
Judge:** Bixler, James

Court Clerk: Boyd, Thomas

PROCEEDINGS

Hearings: 2/25/2020 8:30:00 AM: Negotiations

Added

Events: **Continued For Negotiations**

Release Order - Electronic Monitoring - High Level

Electronic Monitoring Order Continues

High Level

Bail Condition

Surrender passport to Attorney

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L012148481

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**2/25/2020 8:30:00 AM Negotiations (Surety Bond
and EMP (High))**

Result: Matter Heard

PARTIES PRESENT:	State Of Nevada	Wong, Hetty
	Attorney	Sheets, Damian
	Defendant	ZALYAUL, HAMZA

Judge: Senior/Visiting, Judge

Court Reporter: MacDonald, Kit

Senior/Visiting Judge: Bixler, James

Court Clerk: Fifer, Jennifer

PROCEEDINGS

Hearings: 4/16/2020 8:30:00 AM: Status Check

Added

Events: **Status Check**

on psychological sexual exam and possible plea

Electronic Monitoring Order Continues

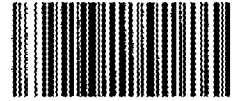
High

Release Order - Electronic Monitoring - High Level

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L012298429

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**4/16/2020 8:30:00 AM Status Check (Surety
Bond and EMP (High))**

Result: Matter Heard

PARTIES State Of Nevada Thomson, Megan
PRESENT: Attorney Bernstein, Kelsey

Judge: Letizia, Harmony

Court Reporter: Broka, Christa

Court Clerk: Boyd, Thomas

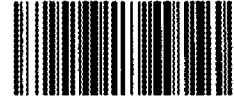
PROCEEDINGS

Attorneys:	Bernstein, Kelsey ZALYAUL, HAMZA	Added
<hr/>		
Hearings:	6/15/2020 8:30:00 AM: Negotiations	Added
<hr/>		
Events:	Motion to Continue - Defense <i>Granted</i> Continued For Negotiations <i>and update on psychological sexual exam and possible plea</i> Electronic Monitoring Order Continues <i>High Level</i> Release Order - Electronic Monitoring - High Level Defendant Posted Bail to Secure His or Her Release	

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L012418997

19F21278X

State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**6/15/2020 8:30:00 AM Negotiations (Surety Bond
and EMP (High))**

Result: Matter Continued

PARTIES PRESENT: State Of Nevada Attorney Thomas, Morgan Hellman, Baylie A

Judge: Letizia, Harmony

Court Reporter: MacDonald, Kit

Court Clerk: Boyd, Thomas

PROCEEDINGS

Attorneys: **Hellman, Baylie A** ZALYAUL, HAMZA Added

Hearings: 7/15/2020 8:30:00 AM: Negotiations Added

Events: **Continued For Negotiations**
Electronic Monitoring Order Continues
High Level

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L012514244

19F21278X

State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**7/15/2020 8:30:00 AM Negotiations (Surety Bond
and EMP (High))**

Result: Matter Heard

PARTIES State Of Nevada Goodman, Laura
PRESENT: Attorney Sheets, Damian
Judge: Letizia, Harmony
Court Reporter: MacDonald, Kit
Court Clerk: Fifer, Jennifer

PROCEEDINGS

Hearings: 9/24/2020 8:00:00 AM: Negotiations Added

Events: **Continued For Negotiations**
Release Order - Electronic Monitoring - High Level
Electronic Monitoring Order Continues
High

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 03

Court Minutes



L012787268

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

9/24/2020 8:00:00 AM Negotiations (Surety Bond
and Electronic Monitoring (High))

Result: Matter Heard

PARTIES State Of Nevada Thomson, Megan
PRESENT: Attorney Bernstein, Kelsey

Judge: Letizia, Harmony

Court Reporter: MacDonald, Kit

Court Clerk: Gonzalez, Rita

PROCEEDINGS

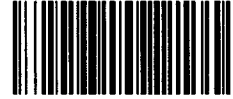
Hearings: 10/12/2020 8:00:00 AM: Negotiations Added

Events: **Motion to Continue - Defense**
Motion Granted
Continued For Negotiations
Electronic Monitoring Order Continues
High

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes

Department: 03



L012852300

19F21278X

State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**10/12/2020 8:00:00 AM Negotiations (Surety
Bond and Electronic Monitoring (High))**

Result: Matter Continued

PARTIES	State Of Nevada	Conlin, Elise Marie
PRESENT:	Attorney	Bernstein, Kelsey
Judge:	Letizia, Harmony	
Court Reporter:	MacDonald, Kit	
Court Clerk:	Boyd, Thomas	

PROCEEDINGS

Hearings:	10/26/2020 8:00:00 AM: Negotiations	Added
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Events:	Continued For Negotiations
	Electronic Monitoring Order Continues
	<i>High Level</i>
	Release Order - Electronic Monitoring - High Level

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 03

Court Minutes



L012897888

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**10/26/2020 8:00:00 AM Negotiations (Surety
Bond and Electronic Monitoring (High))**

Result: Matter Continued

PARTIES	State Of Nevada	Conlin, Elise Marie
PRESENT:	Attorney	Bernstein, Kelsey
	Defendant	ZALYAUL, HAMZA

Judge: Letizia, Harmony

Court Reporter: MacDonald, Kit

Court Clerk: Boyd, Thomas

PROCEEDINGS

Hearings: 11/9/2020 8:00:00 AM: Negotiations

Added

Events: **Continued For Negotiations**

Electronic Monitoring Order Continues

High Level

Release Order - Electronic Monitoring - High Level

Justice Court, Las Vegas Township
Clark County, Nevada

Court Minutes

Department: 03



L012945903

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

11/9/2020 8:00:00 AM Negotiations (Surety Bond
and Electronic Monitoring (High))

Result: Matter Heard

PARTIES	State Of Nevada	Thomas, Morgan
PRESENT:	Attorney	Hellman, Baylie A
	Defendant	ZALYAUL, HAMZA

Judge: Letizia, Harmony

Court Reporter: MacDonald, Kit

Court Clerk: Treadwell, Wendy

PROCEEDINGS

Hearings: 11/23/2020 8:00:00 AM: Negotiations

Added

Events: Motion to Continue - Defense

no objection by State - Motion Granted

Continued For Negotiations

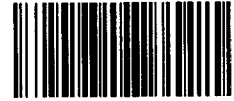
Electronic Monitoring Order Continues

High Level

**Justice Court, Las Vegas Township
Clark County, Nevada**

Court Minutes

Department: 03



L012995743

19F21278X State of Nevada vs. ZALYAUL, HAMZA

Lead Atty: Damian Sheets

**11/23/2020 8:00:00 AM Negotiations (Surety
Bond and High Level Electronic Monitoring)**

Result: Matter Continued

PARTIES	State Of Nevada	Conlin, Elise Marie
PRESENT:	Attorney	Bernstein, Kelsey

Judge: Letizia, Harmony

Court Reporter: MacDonald, Kit

Court Clerk: Boyd, Thomas

PROCEEDINGS

Hearings:	1/5/2021 8:00:00 AM: Negotiations	Added
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Events:	Continued For Negotiations
	Electronic Monitoring Order Continues
	<i>High Level</i>
	Release Order - Electronic Monitoring - High Level