

IN THE SUPREME COURT OF THE STATE OF NEVADA

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HAMZA ZALYAUL,  
Appellant,

v.

THE STATE OF NEVADA,  
Respondent.

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Electronically Filed  
Aug 22 2022 02:09 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 83334

**MOTION TO RESCHEDULE ORAL ARGUMENT**

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Deputy, JOHN AFSHAR, and files this Motion to Reschedule Oral Argument. This motion is filed pursuant to NRAP Rule 27 and 34(a) and is based on the following memorandum and all papers and pleadings on file herein.

Dated this 22<sup>nd</sup> day of August, 2022.

Respectfully submitted,

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

BY */s/ John Afshar*

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JOHN AFSHAR  
Deputy District Attorney  
Nevada Bar #14408  
Office of the Clark County District Attorney  
200 Lewis Avenue  
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## **DECLARATION**

I, JOHN AFSHAR, am a duly licensed attorney in the State of Nevada and am employed by the Clark County District Attorney's Office.

On August 18, 2022, the State received Notice of Argument Setting in Zalyaul v. State, Supreme Court Case Number. 83334. The Notice advised that the case has been scheduled for oral argument on September 15, 2022.

Upon receiving the Notice, the Appellate Division of the Clark County District Attorney's Office examined which deputy had handled the case in district court. The deputy that prepared the Guilty Plea Agreement is no longer employed with this Office, and another Deputy District Attorney ultimately handled the case at the rendition of sentencing. As a matter of office policy, the Clark County District Attorney's Office generally has the deputy who prosecuted the case appear before this Court for oral argument whenever possible. The prosecutor is generally the most knowledgeable about the case, having done all the pretrial preparation, presented the case to the jury and having participated in all meetings and conferences at the bench and in chambers. Here, the prosecutor also handled some of the motions that were filed at the district court level and has a particular interest in the legal issues of this case. Additionally, by participating in the appellate process at oral argument, it is believed to be an invaluable teaching tool for our trial deputies by allowing them

to experience firsthand the concern the Court has with respect to any issues and to help them think about appellate ramifications during future cases.

Upon being advised of the oral argument date, the Deputy District Attorney that handled the case was initially ready to handle the oral argument. However, the Deputy District Attorney is out of the jurisdiction on the date that oral argument was set. The Deputy District Attorney is scheduled to be gone on September 14 through September 16 but would otherwise be able to argue this case on a different date.

Given the possible implications of this case, the Appellate Division has spoken with the Special Victim's Unit, and the team chief of the Special Victim's Unit would like for its deputy to argue the case if the court is able to make this accommodation.

In order to allow the deputy that is most familiar with the case the opportunity to represent the State at oral argument, Respondent moves this Court to reschedule the oral argument to the next available date.

I declare under penalty of perjury the foregoing is true and correct.

Dated this 22<sup>nd</sup> day of August, 2022.

Respectfully submitted,

STEVEN B. WOLFSON  
Clark County District Attorney

BY */s/ John Afshar*

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JOHN AFSHAR  
Deputy District Attorney  
Nevada Bar #14408  
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 August 22, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON FORD  
Nevada Attorney General

KELSEY BERNSTEIN, ESQ.  
DAMIAN SHEETS, ESQ.  
Counsels for Appellant

JOHN AFSHAR  
Deputy District Attorney

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

JA//ed