

IN THE SUPREME COURT OF THE STATE OF NEVADA

Hamza Zalyaul,
Appellant,

vs.

The State of Nevada,
Respondent.

) Supreme Court Case No.: 83334
)
) Electronically Filed
) **APPELLANT'S OPPOSITION** 8/22/22 4:34 p.m.
) **TO RESPONDENT'S MOTION** Elizabeth A. Brown
) **TO RESCHEDULE ORAL** Clerk of Supreme Court
) **ARGUMENT**
)
)
)
)

COMES NOW, ALEXIS E. MINICHINI, ESQ., Retained Counsel,
and hereby files this Appellant's Opposition to Respondent's Motion to
Reschedule Oral Argument. This Opposition is based on the following
declaration of counsel and all pleadings and papers on file herein.

DATED this 22nd day of August, 2022.

NEVADA DEFENSE GROUP

By: Alexis E. Minichini

Alexis E. Minichini, Esq.
Nevada Bar No. 15438
Nevada Defense Group
714 S. Fourth Street
Las Vegas, NV 89101
Attorney for Appellant

DECLARATION

Counsel, Alexis E. Minichini, on behalf of the attorney of record Damian R. Sheets, is a duly licensed attorney in the State of Nevada and have been retained to represent Appellant Hamza Zalyaul in the instant appeal.

On or about August 18, 2022, Appellant's appeal was scheduled for oral argument to be heard on September 15, 2022. On or about August 22, 2022, Respondent filed a Motion to Reschedule Oral Argument. In its Motion, the State based its request to reschedule the oral argument on two separate but related grounds: (1) that the deputy who had prepared the Guilty Plea Agreement is no longer employed with the District Attorney's Office; and (2) that the deputy who had appeared at sentencing and "handled some of the motions" that were filed in District Court would be out of the jurisdiction during the current date set for oral argument. Neither of the bases provided by Respondent provide a valid basis to reschedule the oral argument and as such, Appellant respectfully requests that the Court deny Respondent's Motion.

Clearly Respondent has the resources available for a different deputy to argue the instant appeal because when the deputy who had

prepared the Guilty Plea Agreement left the Office, another deputy simply stepped in to handle the sentencing hearing. Furthermore, there had only been one motion filed in district court for the new deputy assigned to handle, not “some” as Respondent cites in its Motion. Additionally, while oral argument in front of the Supreme Court is undoubtedly an “invaluable teaching tool,” that still does not provide a valid basis to reschedule the hearing. Again, the deputy that appeared at sentencing was not the deputy “most familiar with the case” as that deputy has since left the Office, and this same deputy only appeared at one sentencing hearing and handled one motion filed after sentencing had concluded. Lastly, but most importantly, Appellant is currently in prison serving a sentence which Appellant argues is fundamentally unfair; each day served without resolving the issues raised in the instant appeal further compounds the prejudice against Appellant.

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As such, because Respondent has failed to set forth a valid basis to reschedule the oral argument currently set for September 15, 2022, Appellant respectfully requests this Court to deny Respondent's Motion to Reschedule Oral Argument.

DATED this 22nd day of August, 2022.

NEVADA DEFENSE GROUP

By: Alexis E. Minichini
Alexis E. Minichini, Esq.
Nevada Bar No. 15438

CERTIFICATE OF SERVICE

I HEREBY CERTIFY AND AFFIRM that this document was filed electronically with the Nevada Supreme Court on the 22nd day of August, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List.

Alexis E. Minichini

Alexis E. Minichini