IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

HAMZA ZALYAUL,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO: 83334

STATE'S OPPOSITION TO APPELLANT'S PETITION FOR EXPEDITED REMITTITUR

COMES NOW the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through his Chief Deputy, JOHN AFSHAR and submits this Opposition to Appellant's Motion for Expedited Remittitur.

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

Dated this 9th day of December, 2022.

Respectfully submitted,

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

BY */s/ John Afshar*
JOHN AFSHAR
Chief Deputy District Attorney
Nevada Bar #014408
Office of the Clark County District Attorney

MEMORANDUM OF POINTS AND AUTHORITIES

Appellant seeks "expedited remittitur" in this matter, but fails to identify any statute, appellate rule, or case law supporting such a request. NRAP 41, governing remittitur, provides no such mechanism. However, even if there were some legal basis to issue expedited remittitur, this Court should deny Appellant's motion. Prior to Appellant filing this motion, the State sought a telephonic extension of time to file a Petition for Rehearing under NRAP 40 based on a good faith belief that the panel overlooked, misapprehended and/or misapplied material facts and controlling statutes and case law directly controlling a dispositive issue in this case. The timely filing of a petition for rehearing may stay remitter in this case, and the time period in which to file a petition for rehearing has not expired. NRAP 41(b)(1). Because the panel must still consider Respondent's Petition for Rehearing, and accordingly retain jurisdiction to do so, remittitur, and particularly expedited remitter, should not issue.

CONCLUSION

For the foregoing reasons, the State respectfully requests that Appellant's Motion for Expedited Remitter be denied.

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Dated this 9th day of December, 2022.

Respectfully submitted,

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

BY */s/ John Afshar*

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on December 9, 2022. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

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JA//ed