

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK R. ZANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 87749

FILED

DEC 27 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a pro se appeal from a district court order denying a motion to correct illegal sentence and a district court order denying a motion for rehearing. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

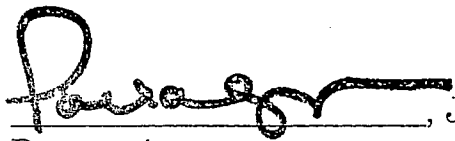
This court's review of this appeal reveals jurisdictional defects. Specifically, the district court filed its order denying the motion to correct illegal sentence on October 17, 2023. Appellant did not file the notice of appeal, however, until December 11, 2023, well after the expiration of the 30-day appeal period prescribed by NRS 34.575. *See* NRAP 4(b); *Lozada v. State*, 110 Nev. 349, 352, 871 P.2d 944, 946 (1994) (explaining that an untimely notice of appeal fails to vest jurisdiction in this court). Additionally, no statute or court rule permits an appeal from a district court order denying a motion for rehearing. *See Phelps v. State*, 111 Nev. 1021, 900 P.2d 344 (1995) (an order denying a motion for rehearing in a criminal

matter is not an appealable order); *Castillo v. State*, 106 Nev. 349, 792 P.2d 1133 (1990) (explaining that this court has jurisdiction only when statute or court rule provides for appeal). Accordingly, this court

ORDERS this appeal DISMISSED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. Crystal Eller, District Judge
Mark R. Zana
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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FEB 02 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING EN BANC RECONSIDERATION


Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we

ORDER the petition DENIED.

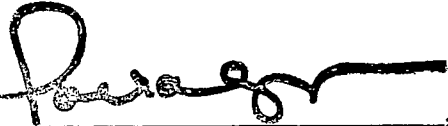

_____, C.J.
Cadish

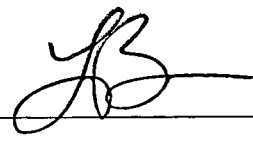

_____, J.
Stiglich


_____, J.
Pickering


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

05C218103

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2023

05C218103

The State of Nevada vs Mark R Zana

October 05, 2023

10:00 AM

Motion to Correct Sentence

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 11B

COURT CLERK: Serenity Sivongsa

RECORDER: Cynthia Molerres

REPORTER:

PARTIES

PRESENT:

Pandelis, Christopher P.
State of Nevada

Attorney for Plaintiff
Plaintiff

JOURNAL ENTRIES

- Defendant not present.

COURT STATED it's FINDINGS, and ORDERED, Motion to Correct Illegal Sentence is DENIED;
State to submit the Order.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013790, 1200 Prison Rd,
Lovelock, NV 89419./ ss 10-6-2023

PRINT DATE: 10/06/2023

Page 1 of 1

Minutes Date: October 05, 2023

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mark Zaro

Date: 3/20/24