

Appendix B

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. GROWN
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.

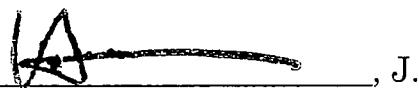
This court's review of this appeal reveals jurisdictional defects. Specifically, the district court filed its order denying the motion to correct illegal sentence on October 17, 2023. Appellant did not file the notice of appeal, however, until December 11, 2023, well after the expiration of the 30-day 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

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23-41941

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

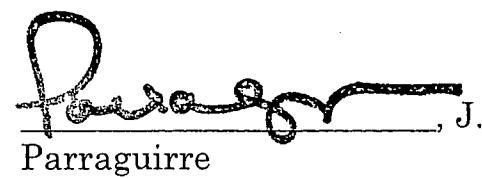
ORDERS this appeal DISMISSED.


_____, J.

Herndon

Lee


_____, J.


_____, 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 *[Signature]*
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.

Cadish, C.J.

Cadish

Stiglich

, J.

Stiglich

Herndon

, J.

Herndon

Parraguirre

, J.

Parraguirre

Pickering

, J.

Pickering

Lee

, J.

Lee

Bell

, J.

Bell

Appendix A

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 Moleres

REPORTER:

PARTIES

PRESENT: Pandelis, Christopher P. Attorney for Plaintiff
State of Nevada 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

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Minutes Date: October 05, 2023

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark Zare".

Date: 3/20/24