

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

MARK R. ZANA
Appellant,

v.

THE STATE OF NEVADA

No. 50786

DOCKETING STATEMENT
CRIMINAL APPEALS

(Including appeals from pretrial and post-conviction rulings and other requests for post-conviction relief)

FILED

FEB 21 2008

GENERAL INFORMATION

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Hamilton
DEPUTY CLERK

1. Judicial District Eighth County Clark
Judge Jackie Glass District Ct Case No. C218103

2. If the defendant was given a sentence,
(a) what is the sentence?
See attached page

(b) has the sentence been stayed pending appeal?
No.

(c) was defendant admitted to bail pending appeal?
No.

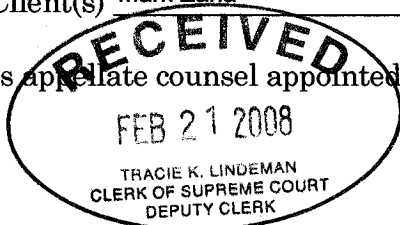
3. Was counsel in the district court appointed ☐ or retained ☒ ?

4. Attorney filing this docketing statement:

Attorney Christopher R. Oram, Esq. Telephone (702)384-5563
Firm: Christopher R. Oram, Ltd.
Address: 520 South Fourth Street, 2nd Floor, Las Vegas, Nevada 89101

Client(s) Mark Zana

5. Is appellate counsel appointed ☐ or retained ☒ ?



08-04219

If this is a joint statement by multiple appellants, add the names and addresses of other counsel on an additional sheet accompanied by a certification that they concur in the filing of this statement.

6. Attorney(s) representing respondent(s):

Attorney David Roger Telephone (702)671-2500
Firm: District Attorney
Address: 200 Lewis Avenue, Las Vegas, Nevada 89101

Client(s) State of Nevada

Attorney Catherine Cortez Masto Telephone _____
Firm: Attorney General
Address: 100 North Carson Street, Carson City, Nevada 89701

Client(s) State of Nevada

(List additional counsel on separate sheet if necessary)

7. Nature of disposition below:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Judgment after bench trial | <input type="checkbox"/> Grant of pretrial habeas |
| <input type="checkbox"/> Judgment after jury verdict | <input type="checkbox"/> Grant of motion to suppress evidence |
| <input type="checkbox"/> Judgment upon guilty plea | <input type="checkbox"/> Post-conviction habeas (NRS ch. 34) |
| <input type="checkbox"/> Grant of pretrial motion to dismiss | <input type="checkbox"/> grant <input type="checkbox"/> denial |
| <input type="checkbox"/> Parole/Probation revocation | <input type="checkbox"/> Other disposition (specify) |
| <input type="checkbox"/> Motion for new trial | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | |
| <input type="checkbox"/> Motion to withdraw guilty plea | |
| <input type="checkbox"/> grant <input type="checkbox"/> denial | |

8. Does this appeal raise issues concerning any of the following:

☐ death sentence
☒ life sentence

☐ juvenile offender
☐ pretrial proceedings

9. Expedited appeals: The court may decide to expedite the appellate process in this matter. Are you in favor of proceeding in such manner?

Yes ☒ No ☐

10. Pending and prior proceedings in this court. List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal (e.g, separate appeals by co-defendants, appeal after post-conviction proceedings):

None.

11. Pending and prior proceedings in other courts. List the case name, number and court of all pending and prior proceedings in other courts that are related to this appeal (e.g., habeas corpus proceedings in state or federal court, bifurcated proceedings against co-defendants):

None.

12. Nature of action. Briefly describe the nature of the action and the result below:

Appeal fro Judgement of Conviction. On January 2, 2008, the Judgement of Conviction was filed.

13. Issues on appeal. State concisely the principal issue(s) in this appeal:
Mr. Zana reserves the right to raise any issues as they may arise.

14. Constitutional issues. If the State is not a party and if this appeal challenges the constitutionality of a statute or municipal ordinance, have you notified the clerk of this court and the attorney general in accordance with NRAP 44 and NRS 30.130?

N/A ☒ Yes ☐ No ☐
If not, explain

15. Issues of first-impression or of public interest. Does this appeal present a substantial legal issue of first-impression in this jurisdiction or one affecting an important public interest?

First-impression: Yes ☐ No ☒
Public interest: Yes ☐ No ☒

16. **Length of trial.** If this action proceeded to trial or evidentiary hearing in the district court, how many days did the trial or evidentiary hearing last?

6 days

17. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument?

Yes ☒ No ☐

TIMELINESS OF NOTICE OF APPEAL

18. Date district court announced decision, sentence or order appealed from December 20, 2007

19. Date of entry of written judgment or order appeal from January 2, 2008

(a) If no written judgment or order was filed in the district court, explain the basis for seeking appellate review:

N/A

20. If this appeal is from an order granting or denying a petition for a writ of habeas corpus, indicate the date written notice of entry of judgment or order was served by the district court

(a) Was service by delivery ☐ or by mail ☐. **N/A**

21. If the time for filing the notice of appeal was tolled by a post judgment motion,

(a) Specify the type of motion, and the date of filing of the motion: **N/A**

Arrest judgment _____

Date filed _____

New trial _____

Date filed _____

(newly discovered evidence)

New trial _____

Date filed _____

(other grounds)

(b) Date of entry of written order resolving motion _____

22. Date notice of appeal filed December 21, 2007

23. Specify statute or rule governing the time limit for filing the notice of appeal, e.g., NRAP 4(b), NRS 34.560, NRS 34.575, NRS 177.015(2), or other
NRAP 4(b)

SUBSTANTIVE APPEALABILITY

24. Specify statute, rule or other authority that grants this court jurisdiction to review from:

NRS 177.015(1)(b) _____	NRS 34.560 _____
NRS 177.015(1)(c) _____	NRS 34.575(1) _____
NRS 177.015(2) _____	NRS 34.575(2) _____
NRS 177.015(3) _____	Other (specify) <u>NRAP 4(b)</u> _____
NRS 177.055 _____	

VERIFICATION

I certify that the information provided in this docketing statement is true and complete to the best of my knowledge, information and belief.

Mark R. Zana

Name of appellant

02/19/08

Date

Christopher R. Oram

Name of counsel of record

David B. for

Signature of counsel of record

CERTIFICATE OF SERVICE

I certify that on the 19 day of Feb, 2008, I served a copy of this completed docketing statement upon all counsel of record:

☐ by personally serving it upon him/her; or

☒ by mailing it by first class mail with sufficient postage prepaid to the following address(es):

Dated this 19 day of February, 2008.

Ann Marie Mize
Signature

CRIMINAL COURT MINUTES

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CUSTODY

12/20/07 1:30 PM SENTENCING

12/20/07 01:30 PM 00 SENTENCING

HEARD BY: Jackie Glass, Judge; Dept. 5

OFFICERS: Sandra Jeter, Court Clerk
Rachelle Hamilton, Reporter/RecorderPARTIES: STATE OF NEVADA
004232 Carroll, Thomas M.0001 D1 Zana, Mark R
001332 Pitaro, Thomas F.
004349 Oram, Christopher R.
010151 Miceli, Michael J.Y
Y
Y
Y
Y

DEFT. ZANA ADJUDGED GUILTY OF COUNT 1 - OPEN OR GROSS LEWDNESS (GM); COUNTS 2, 6 and 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); and COUNTS 11, 13, 14, 15, 16 and 17 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON UNDER THE AGE OF SIXTEEN (F). Arguments by Mr. Carroll and Mr. Pitaro. Ann Marcovecchio, Melissa Marcovecchio and David Marcovecchio, victim speakers, SWORN and made victim impact statements to the Court. Court NOTED the psychosexual examination indicates a low risk to re-offend; however, deft. has proven he will re-offend and has done so over and over again and ORDERED, in addition to the \$25 Administrative Assessment Fee, \$800 Psychosexual Fee and \$150 DNA Analysis Fee to include submission to testing for genetic markers and/or secretor status, deft. SENTENCED as follows:

COUNT 1 - to TWELVE (12) MONTHS in the CLARK COUNTY DETENTION CENTER;

COUNT 2 - to LIFE in the NEVADA DEPARTMENT OF CORRECTIONS WITH THE ELIGIBILITY for PAROLE AFTER a MINIMUM term of TEN (10) YEARS HAS BEEN SERVED CONCURRENT with COUNT 1;

COUNT 6 - to LIFE in the NEVADA DEPARTMENT OF CORRECTIONS WITH THE ELIGIBILITY for PAROLE AFTER a MINIMUM term of TEN (10) YEARS HAS BEEN SERVED CONSECUTIVE to COUNT 2;

COUNT 7 - to LIFE in the NEVADA DEPARTMENT OF CORRECTIONS WITH THE ELIGIBILITY for PAROLE AFTER a MINIMUM term of TEN (10) YEARS HAS BEEN SERVED CONCURRENT with COUNT 6;

COUNT 11 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONSECUTIVE

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to COUNT 6;

COUNT 13 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONSECUTIVE to COUNT 11;

COUNT 14 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONCURRENT with COUNT 13;

COUNT 15 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONCURRENT with COUNT 14;

COUNT 16 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONCURRENT with COUNT 15; and

COUNT 17 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONCURRENT with COUNT 16.

COURT FURTHER ORDERED, deft. GRANTED ONE HUNDRED SEVEN (107) DAYS credit for time served.

IN ADDITION, Defendant to submit to testing for the purpose of determining genetic markers and REGISTER as a sex offender pursuant NRS 179D.450 within 48 hours of sentencing or release from custody and LIFETIME SUPERVISION to commence upon release from any term of probation, parole or imprisonment.

BOND, if any, EXONERATED. Mr. Pitaro stated an appeal will be filed and then he moved to withdraw stating Mr. Oram will remain on the case and the COURT SO ORDERED.

NDC