

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVOHN MARKS,)	No. 80469
)	
Appellant,)	
)	
v.)	
)	
THE STATE OF NEVADA,)	
)	
Respondent.)	
)	

Electronically Filed
Nov 25 2022 01:30 PM
Elizabeth A. Brown
Clerk of Supreme Court

Notice Regarding Remittitur

The remittitur has not been issued in this case. On September 7, 2022, the Nevada Supreme Court entered an order rejecting appellant Devohn Marks’ pro se petition for en banc reconsideration, and ordering that it be returned to Marks “unfiled.” *See* Ex. 1. The order gave counsel for Marks “14 days from the date of this order to file and serve a petition for en banc reconsideration, if deemed warranted.” *Ibid.* Thus, the petition would have been due by September 21, 2022. Counsel for Marks, however, did not deem a petition for en banc reconsideration warranted, so he did not file one.

The Court’s September 7, 2022 order goes on to say: “If no petition for en banc reconsideration is timely filed, the *clerk shall issue the remittitur.*” *Ibid.* (Emphasis added). The remittitur, however, has yet to be issued. *See* NRAP 41(a)(1) (stating that the court’s remittitur shall issue 25 days after the entry of

judgment).¹

DATED: November 25, 2022.

/s/ Mario D. Valencia
MARIO D. VALENCIA
Nevada Bar No. 6154
40 S. Stephanie St., Ste. 201
Henderson, NV 89012
(702) 384-7494
Counsel for Marks

¹ In this case, since no timely petition for en banc reconsideration was filed on September 21, 2022, it appears remittitur should have been issued by Monday, October 17, 2022, since October 16, 2022 (25 days later) was a Sunday. *See* NRAP 26(a)(1)(C).

Certificate of Service

I hereby certify and affirm that a true and correct copy of the foregoing **Notice Regarding Remittitur** was filed electronically with the Nevada Supreme Court on November 25, 2022. Electronic service of the foregoing document shall be made in accordance with the Master Service List as follows:

AARON D. FORD
Nevada Attorney General

ALEXANDER CHEN
Chief Deputy District Attorney

TALEEN PANDUKHT
Chief Deputy District Attorney

I further certify that a true and correct copy of the foregoing **Notice Regarding Remittitur** was served by U.S. Mail, first class, postage fully prepaid on the following:

DEVOHN MARKS # 1072180
Southern Desert Correctional Center (SDCC)
P.O. Box 208
Indian Springs, Nevada 89070-0208

/s/ Mario D. Valencia
MARIO D. VALENCIA

EXHIBIT 1

EXHIBIT 1


IN THE SUPREME COURT OF THE STATE OF NEVADA

DEVOHN MARKS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80469

FILED


SEP 07 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER

Appellant has filed a pro se petition for en banc reconsideration. Appellant is, and must remain, represented by counsel in this direct appeal from a judgment of conviction. *See* NRAP 46A(b)(1) (“A defendant who is appealing from a judgment of conviction may not appear without counsel.”). Accordingly, appellant may not file a pro se petition for en banc reconsideration. *See* NRAP 46A(a). The clerk shall return the pro se petition for en banc reconsideration received on September 2, 2022, unfiled. Counsel for appellant shall have 14 days from the date of this order to file and serve a petition for en banc reconsideration, if deemed warranted. If no petition for en banc reconsideration is timely filed, the clerk shall issue the remittitur.

It is so ORDERED.

 C.J.

cc: Mario D. Valencia
Attorney General/Carson City
Clark County District Attorney
Devohn Marks