

IN THE SUPREME COURT OF THE STATE OF NEVADA

\* \* \* \* \*

Mark Zana, )  
 )  
APPELLANT, )  
 )  
 -VS- )  
 )  
STATE OF NEVADA )  
 )  
 )  
RESPONDENT )

Case No. 05C218103

**FILED**

JUL 13 2022

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

MOTION TO APPOINT COUNSEL

Comes now, Mark Zana, Appellant in pro se, and moves the Court for an order appointing him counsel for the foregoing proceedings.

This motion is based upon all documents in the original record and/or appellate record herein, NRAP 46(c) and the following.

This Court may "appoint counsel to represent indigent criminal defendants and indigent habeas corpus petitioners in original proceedings" before it. NRAP 46(c). See also George v. State, 122 Nev. 1, 127 P.3d 1055 (2006) (Court may remand case to district court for appointment of counsel for appeal).

Appointment would properly promote justice herein, as (1) the issues at bar are complex, (2) the movant is financially unable to obtain counsel at his own expense, and (3) the issues presented in this matter are meritorious and entitle movant to relief. (Check if applicable) ☒ There are additional or expanded reasons supporting appointment of counsel attached hereto on additional page(s), which are incorporated as if set

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1 These additional reasons supporting the  
2 appointment of counsel are supported by Koerschner  
3 v. Warden, 508 F. Supp. 2d 849 (2007). Koerschner  
4 substantiates Appellant has inadequate access to  
5 the courts.

6 The State and the Eighth Judicial District  
7 Court have taken advantage of Appellant due  
8 to him not being represented by counsel. The  
9 State never served Appellant with their  
10 Opposition to his Motion for Modification of  
11 Sentence. The state filed an untimely Opposition  
12 in violation of EJDRC Rule 3.20(c). The EJDRC  
13 allowed these violations of Appellant's Due Process  
14 Rights to stand. The EJDRC ignored Appellant's  
15 Rule 60 B Motion asking the court to order the  
16 State to provide Appellant with their Opposition  
17 and then permit Appellant time to respond. The  
18 EJDRC ignored Appellant's Motion to Strike the  
19 State's Opposition due to it being untimely and  
20 in violation of EJDRC Rule 3.20(c).

21 These abuses by the State and EJDRC would  
22 not occur if Appellant were represented by  
23 counsel.

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1 forth herein. These factors demonstrate the propriety of  
2 appointment of counsel herein. See e.g. NRS 34.750(1) (examples  
3 of criteria warranting appointment of counsel in habeas corpus  
4 proceedings).

5 For the reasons set forth herein, the Court should order  
6 the appointment of counsel for and in relation to the instant  
7 proceedings.

8 Dated this 11th day of July, 2022.

9 Mark Zana  
10 Mark Zana #1013790  
Lovelock Correctional Center  
11 1200 Prison Road  
Lovelock, Nevada 89419

12 Mark Zana In Pro Se

13 CERTIFICATE OF SERVICE

14 I do certify that I mailed a true and correct copy of  
15 the foregoing to the below address(es) on this 11th day of  
16 July, 2022, by placing same in the U.S. Mail via  
17 prison law library staff:  
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27 Mark Zana  
Mark Zana 1013790  
28 Appellant In Pro Se