

1 _____
 2 IN THE SUPREME COURT OF THE STATE OF NEVADA
 3 _____

4 Mark Zana
 5 Appellant

6 - VS. -

7 State of Nevada
 8 Respondent

FILED

Petition for Rehearing

AUG 19 2022

Case # 05C218103

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

9 _____
 10 This is a pro se Petition for Rehearing of the Nevada Supreme
 11 Court dismissal of Appellant's appeal of the denial of his
 12 motion to strike the State's opposition in the Eighth
 13 Judicial District Court (EJC).

14 In dismissing Appellant's appeal, this court ruled that
 15 no statute or court rule permits an appeal from such an
 16 order in a criminal matter.

17 Appellant cites NRS 177.015(1)(b): The party aggrieved
 18 in a criminal action may appeal only as follows:

19 1. whether that party is the state or defendant:

20 (b) To the appellate court of competent

21 jurisdiction pursuant to the rules fixed by

22 the Supreme Court pursuant to Section 4

23 of Article 6 of the Nevada Constitution

24 from an order of the district court

25 granting a motion to dismiss, a motion for

26 acquittal or a motion in arrest of judgment,

27 or granting or refusing a new trial.

RECEIVED

AUG 19 2022

ELIZABETH A. BROWN
 CLERK OF SUPREME COURT
 DEPUTY CLERK

1 In Appellant's motion to strike the state's opposition,
2 Appellant requested the EJDC to strike the state's opposition,
3 in accordance with EJDC rule 3.20(c), and grant
4 Appellant's for Modification of sentence. In Appellant's
5 Motion for Modification of sentence, Appellant also
6 Motioned for a new total. The EJDC's failure to grant
7 Appellant's Motion to strike was also a failure to
8 grant Appellant's Motion for a new total.

9 Within these facts, NRS 177.015 (1)(b) applied to
10 Appellant and provided the statute required for his
11 appeal of his Motion to strike. NRS 177.015 (1)(b) gives
12 this ^{Court} jurisdiction over Appellant's appeal.

13 Appellant respectfully requests this court permit him
14 to appeal his motion to strike in accordance with
15 NRS 177.015 (1)(b).

16
17 I do certify that I mailed this Petition for
18 Rehearing via prison law library staff, pursuant to
19 Nevada Rules of Civil Procedure 5(b).

20
21 August 17, 2022 Mark Zara
22 Mark Zara 1013790
23 Lovelock Correctional Center
24 1200 Prison Road
25 Lovelock, NV 89419
26
27