

Steven D. Grierson

1 CASE NO. 05C218103

2 DEPT. NO. 19

3

4 IN THE 8TH JUDICIAL DISTRICT COURT OF THE STATE

5 OF NEVADA, IN AND FOR THE COUNTY OF CLARK

6

7

8 MARK ZANA

9 DEFENDANT

10 - VS -

11 STATE OF NEVADA

12 RESPONDENT

13

14

NOTICE OF INTENT
TO APPEAL

Electronically Filed
Aug 23 2022 01:04 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

15 Pro se defendant hereby gives the 8TH Judicial District
16 Court his notice of intent to appeal the District Court's
17 denial of his Rule 60 B Motion to Correct a Mistake
18 in accordance with 8TH Judicial District Court rule
19 3.20(c).

20

21 Mark Zana

22 Mark Zana #1013770

23 Lovelock Correctional Center

24 1200 Prison Road

25 Lovelock, NV 89419

26

27

RECEIVED

AUG 15 2022

CLERK OF THE COURT

Docket 85206 Document 2022-26313

Mark Zona 1015792
LCS
1200 E. 15th Road
Las Vegas, NV 89149



Eighth Judicial District Court
Regional Justice Center
200 Lewis Ave., 3rd Floor
Las Vegas, NV 89155-1160

**INMATE LEGAL
MAIL CONFIDENTIAL**

RECEIVED
AUG 16 2022
CLERK OF THE COURT

RECEIVED
AUG 08 2022
LCC LAW LIBRARY



1 ASTA
2
3
4
5

6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**
7 **STATE OF NEVADA IN AND FOR**
8 **THE COUNTY OF CLARK**
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 MARK R. ZANA,

14 Defendant(s),
15

Case No: 05C218103

Dept No: XIX

16
17 **CASE APPEAL STATEMENT**
18

19 1. Appellant(s): Mark Zana

20 2. Judge: Crystal Eller

21 3. Appellant(s): Mark Zana

22 Counsel:

23 Mark Zana #1013790
24 1200 Prison Rd.
Lovelock, NV 89419

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney
28 200 Lewis Ave.
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: Yes

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: December 22, 2005

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 50786, 55688, 58978, 80571, 84854, 85085

12. Child Custody or Visitation: N/A

Dated This 18 day of August 2022.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk
200 Lewis Ave
PO Box 551601
Las Vegas, Nevada 89155-1601
(702) 671-0512

cc: Mark Zana

CASE SUMMARY**CASE No. 05C218103****The State of Nevada vs Mark R Zana**

§ Location: **Department 19**
 § Judicial Officer: **Eller, Crystal**
 § Filed on: **12/22/2005**
 § Case Number History:
 § Cross-Reference Case **C218103**
 § Number:
 § Defendant's Scope ID #: **1875983**
 § Lower Court Case # Root: **05FH01557**
 § Lower Court Case Number: **05FH01557X**
 § Supreme Court No.: **55688**
 § **58978**
 § **84854**
 § **85085**

CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. OPEN OR GROSS LEWDNESS	201.230	G	01/01/1900	Case Status: 06/17/2010 Inactive	
2. LEWDNESS WITH A CHILD UNDER THE AGE OF 14	201.230	F	01/01/1900		
3. LEWDNESS WITH CHILD UNDER 14 YEARS	201.230	F	01/01/1900		
4. LEWDNESS WITH CHILD UNDER 14 YEARS	201.230	F	01/01/1900		
5. LEWDNESS WITH CHILD UNDER 14 YEARS	201.230	F	01/01/1900		
6. LEWDNESS WITH A CHILD UNDER THE AGE OF 14	201.230	F	01/01/1900		
7. LEWDNESS WITH A CHILD UNDER THE AGE OF 14	201.230	F	01/01/1900		
8. LEWDNESS WITH CHILD UNDER 14 YEARS	201.230	F	01/01/1900		
9. LEWDNESS WITH CHILD UNDER 14 YEARS	201.230	F	01/01/1900		
10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON	200.730	F	01/01/1900		
11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN	200.730	F	01/01/1900		
12. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON	200.730	F	01/01/1900		
13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN	200.730	F	01/01/1900		
14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN	200.730	F	01/01/1900		
15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN	200.730	F	01/01/1900		
16. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN	200.730	F	01/01/1900		
17. POSSESSION OF VISUAL	200.730	F	01/01/1900		

CASE SUMMARY**CASE No. 05C218103**PRESENTATION DEPICTING SEXUAL
CONDUCT OF A PERSON UNDER THE
AGE OF SIXTEEN

18. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON	200.730	F	01/01/1900
19. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON	200.730	F	01/01/1900
20. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON	200.730	F	01/01/1900
21. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON	200.730	F	01/01/1900

Related Cases

A-19-804193-W (Writ Related Case)

Statistical Closures

12/13/2009	USJR Reporting Statistical Closure
01/08/2008	USJR Reporting Statistical Closure
02/10/2010	USJR Reporting Statistical Closure

Bonds

Converted Surety Bond #WC30503059 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503058 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503057 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503056 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503055 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503054 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503053 \$21,000.00
 8/22/2007 Exonerated

CASE SUMMARY**CASE No. 05C218103**

10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503052 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503051 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC15519994 \$10,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC15519493 \$10,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC15519492 \$10,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC15519491 \$10,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date

Converted Surety Bond #WC30503060 \$21,000.00
 8/22/2007 Exonerated
 10/6/2005 Posted
 Counts: 1, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 2, 20, 21, 3, 4, 5, 6, 7, 8, 9
 01/01/1900 Arrest Date


DATE**CASE ASSIGNMENT****Current Case Assignment**

Case Number	05C218103
Court	Department 19
Date Assigned	09/07/2021
Judicial Officer	Eller, Crystal

















PARTY INFORMATION**Defendant****Zana, Mark R***Lead Attorneys***Pro Se**

CASE SUMMARY**CASE NO. 05C218103****Plaintiff****State of Nevada****Wolfson, Steven B**

702-671-2700(W)
















DATE	EVENTS & ORDERS OF THE COURT	INDEX
	<u>EVENTS</u>	
12/22/2005	 Criminal Bindover - Confidential <i>[1] Criminal Bindover (Confidential)</i>	<i>Index #1</i>
12/22/2005	 Redacted Version <i>[132] Criminal Bindover (Redacted Version)</i>	<i>Index #132</i>
12/29/2005	 Reporters Transcript <i>[3] Transcript of Hearing Held on December 13, 2005</i>	<i>Index #3</i>
12/30/2005	 Information <i>[4] Information</i>	<i>Index #4</i>
01/11/2006	 Reporters Transcript <i>[6] Transcript of Hearing Held on December 6, 2005</i>	<i>Index #6</i>
03/22/2006	 Media Request and Order <i>[8] Media Request and Order for Camera Access to Court Proceedings</i>	<i>Index #8</i>
03/22/2006	 Notice <i>[110] Notification of Media Request</i>	<i>Index #110</i>
03/31/2006	 Media Request and Order <i>[9] Media Request and Order for Camera Access to Court Proceedings</i>	<i>Index #9</i>
04/05/2006	 Media Request and Order <i>[10] Media Request and Order for Camera Access to Court Proceedings</i>	<i>Index #10</i>
04/05/2006	 Media Request and Order <i>[11] Media Request and Order for Camera Access to Court Proceedings</i>	<i>Index #11</i>
05/09/2006	 Notice of Change of Address Filed By: Defendant Zana, Mark R <i>[12] Notice of Firm Change of Address. Telephone and Telefax Numbers</i>	<i>Index #12</i>
05/11/2006	 Motion for Discovery <i>[13] Defendant's Motion for Discovery and for Continuance of Trial</i>	<i>Index #13</i>
05/15/2006	 Receipt of Copy Filed by: Defendant Zana, Mark R <i>[14] Receipt of Copy</i>	<i>Index #14</i>
05/22/2006	 Response <i>[15] State's Response to Defendant's Motion for Discovery and Continuance of Trial</i>	<i>Index #15</i>
06/23/2006	 Certificate <i>[16] Certificate for Attendance of Out-Of-State Witness Christina Butler</i>	<i>Index #16</i>

CASE SUMMARY**CASE NO. 05C218103**

06/23/2006	 Request <i>[17] Request for Attendance of Out-Of-State Witness Christina Butler</i>	<i>Index #17</i>
06/23/2006	 Order <i>[18] Order for Payment of Witness Fees</i>	<i>Index #18</i>
06/27/2006	 Notice of Motion <i>[19] Notice of Motion and Motion to Admit Evidence of Other Crimes</i>	<i>Index #19</i>
07/10/2006	 Substitution of Attorney Filed by: Defendant Zana, Mark R <i>[22] Substitution of Attorneys</i>	<i>Index #22</i>
07/11/2006	 Notice of Department Reassignment <i>[21] Notice of Department Reassignment</i>	<i>Index #21</i>
07/13/2006	 Receipt of Copy Filed by: Defendant Zana, Mark R <i>[23] Receipt of Copy</i>	<i>Index #23</i>
07/13/2006	 Receipt of Copy Filed by: Defendant Zana, Mark R <i>[24] Receipt of Copy</i>	<i>Index #24</i>
07/18/2006	 Opposition to Motion Filed By: Defendant Zana, Mark R <i>[25] Defendant's Opposition to Motion to Admit Evidence of Other Crimes, Wrongs or Acts</i>	<i>Index #25</i>
07/26/2006	 Certificate of Mailing Filed By: Defendant Zana, Mark R <i>[28] Certificate of Mailing</i>	<i>Index #28</i>
11/01/2006	 Motion <i>[29] Motion to Place on Calendar</i>	<i>Index #29</i>
11/01/2006	 Receipt of Copy Filed by: Defendant Zana, Mark R <i>[30] Receipt of Copy</i>	<i>Index #30</i>
01/12/2007	 Order <i>[31] Order for Payment Witness Fees</i>	<i>Index #31</i>
01/12/2007	 Certificate for Attendance of Out-Of-State Witness <i>[32] Certificate for Attendance of Out-of-State Witness Christina Butler</i>	<i>Index #32</i>
01/12/2007	 Request for Attendance of Out-Of-State Witness <i>[33] Request for Attendance of Out-of-State Witness Christina Butler</i>	<i>Index #33</i>
02/09/2007	 Motion to Quash Bench Warrant <i>[36] Defendant's Motion to Quash Warrant and Suppress Evidence</i>	<i>Index #36</i>
02/20/2007	 Supplemental Brief	<i>Index #37</i>
















CASE SUMMARY

CASE NO. 05C218103
















	Filed By: Defendant Zana, Mark R <i>[37] Supplemental Brief</i>	
02/20/2007	 Brief <i>[38] State's Brief Concerning the Legal Significance of the Sealing or Records Related to the Admission of Other Act Evidence</i>	Index #38
02/27/2007	 Opposition to Motion <i>[39] State's Opposition to Defendant's Motion to Quash Warrant and Suppress Evidence</i>	Index #39
03/02/2007	 Notice of Witnesses and/or Expert Witnesses <i>[42] Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	Index #42
05/18/2007	 Order Denying Motion <i>[44] Order Denying Defendant's Appeal of Henderson Justice Court's Granting of State's Motion to Unseal Records</i>	Index #44
06/20/2007	 Reporters Transcript <i>[45] Transcript of Hearing Held on March 1, 2007</i>	Index #45
07/13/2007	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Zana, Mark R <i>[46] Notice of Witnesses and/or Expert Witnesses</i>	Index #46
07/16/2007	 Errata Filed By: Defendant Zana, Mark R <i>[48] Errata to Notice of Witnesses and/or Expert Witnesses</i>	Index #48
07/20/2007	 Reporters Transcript <i>[49] Transcript of Hearing Held on February 9, 2007</i>	Index #49
07/30/2007	 Supplemental Witness List <i>[50] Supplemental Notice of Witnesses and/or Expert Witnesses [NRS 174.234]</i>	Index #50
07/30/2007	 Supplemental Witness List Filed by: Defendant Zana, Mark R <i>[51] Supplemental Notice of Witnesses and/or Expert Witnesses</i>	Index #51
08/07/2007	 Amended Information <i>[52] Amended Information</i>	Index #52
08/07/2007	 Order Filed By: Defendant Zana, Mark R <i>[53] Order</i>	Index #53
08/07/2007	 Filed Under Seal <i>[54] Amended Jury List (Sealed per Minute Order 09/11/2007)</i>	Index #54
08/07/2007	 Filed Under Seal <i>[55] Jury List (Sealed per Minute Order 09/11/2007)</i>	Index #55
08/07/2007	 Subpoena Duces Tecum Filed by: Defendant Zana, Mark R	Index #56

CASE SUMMARY











CASE NO. 05C218103

	<i>[56] Subpoena Duces Tecum</i>	
08/08/2007	 Subpoena Duces Tecum Filed by: Defendant Zana, Mark R <i>[57] Subpoena</i>	<i>Index #57</i>
08/08/2007	 Subpoena Duces Tecum Filed by: Defendant Zana, Mark R <i>[58] Subpoena</i>	<i>Index #58</i>
08/10/2007	 Information Amended in Open Court <i>[60] Information Amended by Interlineation</i>	<i>Index #60</i>
08/13/2007	 Verdict <i>[61] Verdict</i>	<i>Index #61</i>
08/13/2007	 Proposed Jury Instructions Not Used At Trial <i>[62] Proposed Jury Instructions Not Used At Trial</i>	<i>Index #62</i>
08/13/2007	 Instructions to the Jury <i>[65] Proposed Jury Instructions Not Used At Trial</i>	<i>Index #65</i>
08/21/2007	 Subpoena Duces Tecum Filed by: Defendant Zana, Mark R <i>[66] Subpoena</i>	<i>Index #66</i>
08/21/2007	 Subpoena Duces Tecum Filed by: Defendant Zana, Mark R <i>[67] Subpoena</i>	<i>Index #67</i>
08/21/2007	 Subpoena Duces Tecum Filed by: Defendant Zana, Mark R <i>[68] Subpoena</i>	<i>Index #68</i>
09/10/2007	 Filed Under Seal Filed By: Defendant Zana, Mark R <i>[71] Defendant's Motion for New Trial (Sealed per Minute Order 09/11/2007)</i>	<i>Index #71</i>
09/25/2007	 PSI <i>[133] Presentence Investigation Report (Unfiled) Confidential</i>	<i>Index #133</i>
10/22/2007	 Reporters Transcript <i>[74] Transcript of Hearing Held on October 8, 2007 (Unsealed per 04/28/08 Minutes)</i>	<i>Index #74</i>
10/22/2007	 Reporters Transcript <i>[75] Transcript of Hearing Held on October 8, 2007 (Unsealed per 04/28/08 minutes)</i>	<i>Index #75</i>
10/29/2007	 Supplement Filed by: Defendant Zana, Mark R <i>[76] Supplement to Defendant's Motion for New Trial</i>	<i>Index #76</i>
10/31/2007	 Receipt of Copy Filed by: Defendant Zana, Mark R	<i>Index #77</i>

CASE SUMMARY**CASE NO. 05C218103**

	<i>[77] Receipt of Copy</i>	
11/20/2007	 Opposition to Motion <i>[78] State's Opposition to Defendant's Motion for New Trial</i>	<i>Index #78</i>
12/21/2007	 Case Appeal Statement Filed By: Defendant Zana, Mark R <i>[80] Case Appeal Statement</i>	<i>Index #80</i>
12/21/2007	 Notice of Appeal (Criminal) Party: Defendant Zana, Mark R <i>[81] Notice of Appeal</i>	<i>Index #81</i>
01/02/2008	 Judgment of Conviction <i>[82] Judgment of Conviction (Jury Trial)</i>	<i>Index #82</i>
02/04/2008	 Motion <i>[85] Motion to Place on Calendar to Request Transcripts for Direct Appeal at the State's Expense</i>	<i>Index #85</i>
02/04/2008	 Receipt of Copy Filed by: Defendant Zana, Mark R <i>[86] Receipt of Copy</i>	<i>Index #86</i>
02/07/2008	 Response <i>[87] State Response to Motion for Transcripts at State's Expense</i>	<i>Index #87</i>
02/07/2008	 Affidavit Filed By: Defendant Zana, Mark R <i>[88] Financial Affidavit (Confidential)</i>	<i>Index #88</i>
02/11/2008	 Supplement Filed by: Defendant Zana, Mark R <i>[89] Supplement to Motion to Place on Calendar to Request Transcripts for Direct Appeal at the State's Expense</i>	<i>Index #89</i>
02/11/2008	 Receipt of Copy Filed by: Defendant Zana, Mark R <i>[90] Receipt of Copy</i>	<i>Index #90</i>
04/24/2008	 Reporters Transcript <i>[91] Transcript of Hearing Held on August 9, 2007</i>	<i>Index #91</i>
04/24/2008	 Reporters Transcript <i>[92] Transcript of Hearing Held on December 20, 2007</i>	<i>Index #92</i>
04/24/2008	 Reporters Transcript <i>[93] Transcript of Hearing Held on July 25, 2006</i>	<i>Index #93</i>
04/24/2008	 Reporters Transcript <i>[94] Transcript of Hearing Held on September 11, 2007</i>	<i>Index #94</i>
04/24/2008	 Reporters Transcript	<i>Index #95</i>

CASE SUMMARY**CASE NO. 05C218103**


	<i>[95] Transcript of Hearing Held on August 6, 2007</i>	
04/24/2008	 Reporters Transcript <i>[96] Transcript of Hearing Held on August 8, 2007</i>	Index #96
04/24/2008	 Reporters Transcript <i>[97] Transcript of Hearing Held on August 10, 2007</i>	Index #97
04/24/2008	 Reporters Transcript <i>[98] Transcript of Hearing Held on September 4, 2007</i>	Index #98
04/24/2008	 Reporters Transcript <i>[99] Transcript of Hearing Held on August 7, 2007</i>	Index #99
04/24/2008	 Reporters Transcript <i>[100] Transcript of Hearing Held on August 13, 2007</i>	Index #100
04/24/2008	 Reporters Transcript <i>[101] Transcript of Hearing Held on November 30, 2007</i>	Index #101
10/23/2009	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[103] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	Index #103
12/14/2009	 Petition for Writ of Habeas Corpus <i>[104] Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #104
01/21/2010	 Opposition <i>[105] State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	Index #105
02/26/2010	 Findings of Fact, Conclusions of Law and Order <i>[106] Findings of Fact, Conclusions of Law and Order</i>	Index #106
03/01/2010	 Notice of Entry of Decision and Order <i>[107] Notice of Entry of Decision and Order</i>	Index #107
03/22/2010	 Notice of Appeal (Criminal) Party: Defendant Zana, Mark R <i>[108] Notice of Appeal</i>	Index #108
03/24/2010	 Case Appeal Statement <i>[109] Case Appeal Statement</i>	Index #109
11/03/2010	 Motion Filed By: Defendant Zana, Mark R <i>[111] Motion to Place on Calendar to Waive Appointment of Counsel and to Proceed Pro Per.</i>	Index #111
11/03/2010	 NV Supreme Court Clerks Certificate/Judgment -Remanded <i>[112] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Reverse and Remand</i>	Index #112
11/15/2010	 Order for Production of Inmate <i>[113] Order for Production of Inmate Mark Zana, BAC #1013790</i>	Index #113

CASE SUMMARY**CASE NO. 05C218103**

11/19/2010	 Order for Production of Inmate <i>[114] Order for Production of Inmate Mark R. Zana, BAC #1013790</i>	<i>Index #114</i>
02/02/2011	 Ex Parte Order Filed By: Defendant Zana, Mark R <i>[115] Ex Parte Order for Telephonic Conference</i>	<i>Index #115</i>
02/07/2011	 Petition for Writ of Habeas Corpus Filed by: Defendant Zana, Mark R <i>[116] Petition for Writ of Habeas Corpus (Post-Conviction)</i>	<i>Index #116</i>
02/14/2011	 Order Filed By: Plaintiff State of Nevada <i>[118] Order for Transcript</i>	<i>Index #118</i>
02/15/2011	 Motion to Compel Filed By: Defendant Zana, Mark R <i>[117] Motion to Compel Discovery</i>	<i>Index #117</i>
02/16/2011	 Order for Petition for Writ of Habeas Corpus <i>[119] Order for Petition for Writ of Habeas Corpus</i>	<i>Index #119</i>
02/18/2011	 Opposition to Motion <i>[120] State's Opposition to Defendant's Motion to Compel Discovery</i>	<i>Index #120</i>
02/23/2011	 Recorders Transcript of Hearing Party: Plaintiff State of Nevada <i>[121] Transcript of Hearing Held on January 11, 2011</i>	<i>Index #121</i>
04/08/2011	 Opposition <i>[122] State's Opposition to Defendant's Petition for Writ of Habeas Corpus (Post-Conviction)</i>	<i>Index #122</i>
07/13/2011	 Order for Production of Inmate <i>[123] Order for Production of Inmate Mark R. Zana, BAC #1013790</i>	<i>Index #123</i>
08/05/2011	 Notice of Appeal (Criminal) Party: Defendant Zana, Mark R <i>[124] Notice of Appeal</i>	<i>Index #124</i>
08/11/2011	 Findings of Fact, Conclusions of Law and Order Filed By: Plaintiff State of Nevada <i>[125] Findings of Fact, Conclusions of Law and Order</i>	<i>Index #125</i>
08/11/2011	 Case Appeal Statement <i>[126] Case Appeal Statement</i>	<i>Index #126</i>
09/13/2011	 Notice of Entry of Decision and Order <i>[127] Notice of Entry of Decision and Order</i>	<i>Index #127</i>
06/11/2012	 NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[128] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i>	<i>Index #128</i>
		<i>Index #129</i>







CASE SUMMARY

CASE NO. 05C218103

06/11/2012	 Criminal Order to Statistically Close Case Filed By: Plaintiff State of Nevada <i>[129] Criminal Order to Statistically Close Case</i>	
02/07/2020	 Findings of Fact, Conclusions of Law and Order <i>[130] Findings of Fact, Conclusions of Law and Order</i>	Index #130
02/12/2020	 Notice of Entry <i>[131] Notice of Entry of Findings of Facts, Conclusions of Law and Order</i>	Index #131
06/21/2021	 Motion for Production of Transcript Filed By: Defendant Zana, Mark R <i>[134] Pro Se Motion for the Production of Transcripts</i>	Index #134
09/07/2021	Case Reassigned to Department 19 <i>From Judge Michael Villani to Judge Crystal Eller</i>	
10/08/2021	 Motion for Production of Transcript Filed By: Defendant Zana, Mark R <i>[135] Pro Se Motion for the Production of Transcripts</i>	Index #135
12/08/2021	 Motion for Production of Transcript Filed By: Defendant Zana, Mark R <i>[136] Pro Se Motion for the Production of Audio/Video Transcripts</i>	Index #136
12/30/2021	 Order Denying Motion <i>[137] Order Denying Defendant's (Second Renewed) Motion for Production of Transcript</i>	Index #137
04/21/2022	 Motion to Modify Sentence Filed By: Defendant Zana, Mark R <i>[138] Motion for Modification of Sentence</i>	Index #138
05/04/2022	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[139] State's Opposition to Defendant's Motion for Modification of Sentence</i>	Index #139
05/11/2022	 Motion to Strike Filed By: Defendant Zana, Mark R <i>[140] Motion to Strike the State's Reply from the Record in Accordance with Rule 3.20 (c.)</i>	Index #140
06/03/2022	 Motion Filed By: Defendant Zana, Mark R <i>[141] Rule 60 B Motion to Correct a Mistake</i>	Index #141
06/06/2022	 Notice of Appeal (Criminal) Party: Plaintiff State of Nevada <i>[142] Defendant's Notice of Intent to Appeal</i>	Index #142
06/08/2022	 Case Appeal Statement <i>[143] Case Appeal Statement</i>	Index #143
06/09/2022	 Opposition to Motion Filed By: Plaintiff State of Nevada	Index #144

CASE SUMMARY

CASE NO. 05C218103

	<i>[144] State's Opposition to Defendant's Motion to Strike the State's Reply in Accordance With Rule 3.20(C) and Rule 60(B) Motion to Correct a Mistake</i>	
06/20/2022	 Order Denying Motion <i>[145] Order Denying Defendant's Motion for Modification of Sentence</i>	Index #145
06/29/2022	 Reply to Opposition Filed by: Defendant Zana, Mark R <i>[146] Defendants Pro Se Reply to State's Opposition to Defendant's Motion to Strike the State's Reply in Accordance with Rule 3.20(C) and Rule 60B Motion to Correct a Mistake</i>	Index #146
07/25/2022	 Notice of Appeal (Criminal) <i>[147] Notice of Appeal</i>	Index #147
07/26/2022	 Case Appeal Statement <i>[148] Case Appeal Statement</i>	Index #148
08/17/2022	 Notice of Appeal (Criminal) <i>[149] Notice of Appeal</i>	Index #149
08/18/2022	 Case Appeal Statement <i>Case Appeal Statement</i>	Index #150
	<u>DISPOSITIONS</u>	
01/01/1900	Plea (Judicial Officer: User, Conversion) 1. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 2. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 3. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 4. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 5. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:	
01/01/1900	Plea (Judicial Officer: User, Conversion) 6. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:	

CASE SUMMARY

CASE No. 05C218103

01/01/1900	Plea (Judicial Officer: User, Conversion) 7. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 8. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 9. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 12. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:

CASE SUMMARY

CASE No. 05C218103

01/01/1900	Plea (Judicial Officer: User, Conversion) 16. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 17. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 18. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 19. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 20. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
01/01/1900	Plea (Judicial Officer: User, Conversion) 21. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 3. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 4. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 5. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 8. LEWDNESS WITH CHILD UNDER 14 YEARS

CASE SUMMARY

CASE No. 05C218103

	Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 9. LEWDNESS WITH CHILD UNDER 14 YEARS Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 10. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 12. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 18. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 19. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 20. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
08/13/2007	Disposition (Judicial Officer: User, Conversion) 21. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON Not Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion) 1. OPEN OR GROSS LEWDNESS Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 2. LEWDNESS WITH A CHILD UNDER THE AGE OF 14

CASE SUMMARY

CASE No. 05C218103

	Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 6. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 7. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion) 15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN Guilty PCN: Sequence:
12/20/2007	Disposition (Judicial Officer: User, Conversion)
12/20/2007	Disposition (Judicial Officer: User, Conversion)

CASE SUMMARY**CASE NO. 05C218103**

16. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN

Guilty

PCN: Sequence:

12/20/2007 **Disposition** (Judicial Officer: User, Conversion)

12/20/2007 **Disposition** (Judicial Officer: User, Conversion)

17. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN

Guilty

PCN: Sequence:

12/20/2007 **Disposition** (Judicial Officer: User, Conversion)

12/20/2007 **Adult Adjudication** (Judicial Officer: User, Conversion)

1. OPEN OR GROSS LEWDNESS

01/01/1900 (G) 201.230 (201.230)

PCN: Sequence:

Converted Disposition:

Sentence# 0001:

Minimum 12 Months to Maximum 12 Months

Placement: CCDC

Converted Disposition:

Sentence# 0002: CREDIT FOR TIME SERVED

Minimum 107 Days to Maximum 107 Days

Converted Disposition:

Sentence# 0003: LIFETIME SUPERVISION

Converted Disposition:

Sentence# 0004: PSYCHO-SEXUAL EVALUATION FEE

Amount: \$800.00

Converted Disposition:

Sentence# 0005: DNA FEE/GENETIC MARKERS ANALYSIS

Amount: \$150.00

Converted Disposition:

Sentence# 0006: ADMINISTRATION FEE

Amount: \$25.00

12/20/2007 **Adult Adjudication** (Judicial Officer: User, Conversion)

2. LEWDNESS WITH A CHILD UNDER THE AGE OF 14

01/01/1900 (F) 201.230 (201.230)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0001

and Sentence#: 0001

12/20/2007 **Adult Adjudication** (Judicial Officer: User, Conversion)

6. LEWDNESS WITH A CHILD UNDER THE AGE OF 14

01/01/1900 (F) 201.230 (201.230)

PCN: Sequence:

Converted Disposition:

Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE

Cons/Conc: Concurrent

w/Charge Item: 0002

and Sentence#: 0001

CASE SUMMARY**CASE No. 05C218103**

12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion) 7. LEWDNESS WITH A CHILD UNDER THE AGE OF 14 01/01/1900 (F) 201.230 (201.230) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Concurrent w/Charge Item: 0006 and Sentence#: 0001</p>
12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion) 11. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN 01/01/1900 (F) 200.730 (200.730) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 36 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0007 and Sentence#: 0001</p>
12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion) 13. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN 01/01/1900 (F) 200.730 (200.730) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 36 Months Placement: NSP</p>
12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion) 14. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN 01/01/1900 (F) 200.730 (200.730) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 36 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0016 and Sentence#: 0001</p>
12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion) 15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN 01/01/1900 (F) 200.730 (200.730) PCN: Sequence:</p> <hr/> <p>Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 36 Months Placement: NSP Cons/Conc: Concurrent w/Charge Item: 0018 and Sentence#: 0001</p>

CASE SUMMARY

CASE No. 05C218103

12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion)</p> <p>16. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN</p> <p>01/01/1900 (F) 200.730 (200.730)</p> <p>PCN: Sequence:</p> <hr/> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 12 Months to Maximum 36 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0020</p> <p>and Sentence#: 0001</p>
12/20/2007	<p>Adult Adjudication (Judicial Officer: User, Conversion)</p> <p>17. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN</p> <p>01/01/1900 (F) 200.730 (200.730)</p> <p>PCN: Sequence:</p> <hr/> <p>Converted Disposition:</p> <p>Sentence# 0001:</p> <p>Minimum 12 Months to Maximum 36 Months</p> <p>Placement: NSP</p> <p>Cons/Conc: Concurrent</p> <p>w/Charge Item: 0022</p> <p>and Sentence#: 0001</p>
	<p><u>HEARINGS</u></p>
01/09/2006	<p>Initial Arraignment (9:00 AM)</p> <p><i>INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk: Connie Gleason Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</i></p> <p>Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk: Connie Gleason Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams</p> <p>Journal Entry Details:</p> <p><i>Mr. Consul advised Court he's in a medical malpractice case and requested 2 week continuance. COURT ORDERED, matter CONTINUED. BOND 01-23-06 9:00 AM ARRAIGNMENT CONTINUED ;</i></p>
01/23/2006	<p>Arraignment Continued (9:00 AM)</p> <p><i>ARRAIGNMENT CONTINUED Court Clerk: Sandra Anderson/a Heard By: Kevin Williams</i></p> <p>Matter Heard; ARRAIGNMENT CONTINUED Court Clerk: Sandra Anderson/a Heard By: Kevin Williams</p> <p>Journal Entry Details:</p> <p><i>DEFT. ZANA ARRAIGNED, PLED NOT GUILTY. COURT ORDERED, matter set for a status check in department XIV. BOND 02-06-06 9:00 AM STATUS CHECK ;</i></p>
02/06/2006	<p>Status Check (9:00 AM)</p> <p><i>STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</i></p> <p>Matter Heard; STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley</p> <p>Journal Entry Details:</p> <p><i>Mr. Carroll advised there are 7 victims and he will be invoking the State's right for a speedy trial. Mr. Consul stated there are 40-50 witnesses and he will not be ready for trial within sixty days. Following additional discussion, COURT ORDERED, matter set for trial in August with priority and expects to go forward. BOND 8/1/06 9:00 AM CALENDAR CALL (#2) 8/7/06 1:30 PM JURY TRIAL (#2) ;</i></p>
05/23/2006	<p>Motion for Discovery (9:00 AM)</p> <p>Events: 05/11/2006 Motion for Discovery</p> <p><i>DEFT'S MTN FOR DISCOVERY AND FOR CONTINUANCE OF TRIAL/6 Court Clerk: Linda</i></p>

CASE SUMMARY

CASE No. 05C218103

Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley

Granted in Part; DEFT'S MTN FOR DISCOVERY AND FOR CONTINUANCE OF TRIAL/6
Court Clerk: Linda Skinner Reporter/Recorder: Joe D'Amato Heard By: Donald Mosley

Journal Entry Details:

Court noted it is not inclined to continue this case. Mr. Consul advised the discovery he wants needs to come from the Henderson Police Department. Mr. Consul advised he needs statements from the various witnesses. Mr. Carroll stated he has provided all statements that are available; the statements that Mr. Consul is asking for are from people that are mentioned in the Police Report, however, there were no written statements. Mr. Consul advised a Search Warrant was issued for the cell phone. Mr. Carroll advised the cell phone was returned and he is not using anything from the phone. Mr. Consul stated there were copies of e-mails that he would like. Mr. Carroll advised he does not have these, they are not germane to the case, however, will try to obtain whatever is available. Mr. Consul requested Pennsylvania records. Mr. Carroll advised he has given him everything. Mr. Consul stated there were some statements by other teachers at the school. Mr. Carroll advised formal statements were not taken from the 5 individuals he has mentioned; that there is one statement from an individual that needs to be transcribed and he will have it done and give it to Mr. Consul. Mr. Carroll advised he has an open file policy and Mr. Consul has never asked to review the file. Colloquy regarding statements that are missing. Mr. Carroll stated there are no statements for the 2 individuals and he will get the statement of Maurice. COURT ORDERED, Motion GRANTED as to discovery and DENIED as to continuance. BOND ;

07/10/2006

Motion to Admit Evidence (9:00 AM)

Events: 06/27/2006 Notice of Motion

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES/7 Court Clerk: Linda

Skinner Reporter/Recorder: Maureen Schorn Heard By: Glass, Jackie

Matter Continued; STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES/7

Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Glass, Jackie

Journal Entry Details:

Mr. Consul advised he received a phone call from Defendant on 6/30 that he had hired Mr. Pitaro to represent him. Mr. Pitaro concurred. Conference at the Bench. Pursuant to conference and at request of Defendant, COURT ORDERED, Mr. Consul is WITHDRAWN and Mr. Pitaro is APPOINTED as counsel of record. FURTHER, due to the personnel relationship between this Court and Mr. Pitaro, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, trial date VACATED and this matter be REASSIGNED at random. Mr. Carroll stated he objected to the substitution of counsel and the trial being vacated and that the State invoked their right to a speedy trial and will do so in the new Dept. as well. Court so noted and ORDERED, matter be set for trial setting in the new Dept and the Motion CONTINUED as well. BOND;

07/25/2006

Motion to Admit Evidence (8:30 AM)

STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES/7 Heard By: Donald Mosley

07/25/2006

Conversion Hearing Type (8:30 AM)

TRIAL SETTING

07/25/2006

All Pending Motions (8:30 AM)

ALL PENDING MOTIONS 7/25/06 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Matter Heard; ALL PENDING MOTIONS 7/25/06 Court Clerk: Sandra Jeter

Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Journal Entry Details:

TRIAL SETTING...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES Mr. Carroll stated he is prepared to argue the State's motion today; the Court can then make a finding of relevancy and set it for hearing at a later time to determine whether the State has met the standard. Arguments by counsel. Court stated it doesn't know how the State will get over the remoteness prong of the test in reference to the 1992 case. Response by Mr. Carroll. Colloquy regarding the camera and candy. Further arguments. COURT ORDERED, it wants to go further as to the 1992 incident in Pennsylvania; the 1998 Henderson incident and testimony of Mark Barita; however, the camera is not coming in. Following a conference at the bench, COURT ORDERED, matter CONTINUED for status check and further review. BOND 10/13/06 8:30 AM STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES ;

08/01/2006

CANCELED Calendar Call (9:00 AM)

CASE SUMMARY

CASE No. 05C218103

	<i>Vacated</i>
08/07/2006	CANCELED Jury Trial (1:30 PM) <i>Vacated</i>
10/12/2006	Status Check (9:00 AM) <i>STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Court Clerk: Teri Braegelmann Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i> Matter Continued; <i>STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Court Clerk: Teri Braegelmann Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i> Journal Entry Details: <i>Court directed counsel to check with the Judicial Executive Assistant regarding a new date. COURT ORDERED, matter CONTINUED. BOND ;</i>
10/13/2006	Status Check (8:30 AM) <i>STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Heard By: Jackie Glass</i>
11/14/2006	Motion (8:30 AM) Events: 11/01/2006 Motion <i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter Relief Clerk: Judy McFadden/jm Reporter/Recorder: Francesca Haak Heard By: Glass, Jackie</i> Matter Continued; <i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter Relief Clerk: Judy McFadden/jm Reporter/Recorder: Francesca Haak Heard By: Glass, Jackie</i> Journal Entry Details: <i>Mr. Pitaro and Deft. not present. Court advised Mr. Pitaro has requested the matter be continued. COURT SO ORDERED. BOND ;</i>
11/16/2006	Motion (8:30 AM) <i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter/sj Relief Clerk: Judy McFadden Reporter/Recorder: Rachelle Hamilton & Francesca Haak Heard By: Glass, Jackie</i> Matter Continued; <i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter/sj Relief Clerk: Judy McFadden Reporter/Recorder: Rachelle Hamilton & Francesca Haak Heard By: Glass, Jackie</i> Journal Entry Details: <i>Mr. Sciscento requested the matter continued stating Mr. Pitaro is unavailable today and needs to further discuss the matter with Tom Carroll. Matter trailed for Mr. Carroll's presence. Matter recalled. Roy Nelson present for Mr. Carroll. COURT ORDERED, matter CONTINUED. BOND ;</i>
11/21/2006	Motion (8:30 AM) <i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Granted in Part; <i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Journal Entry Details: <i>Argument by Mr. Pitaro in support of his motion. Mr. Nelson advised this is Mr. Carroll's case who requested the matter submitted on the State's opposition. Court noted it did not receive the State's opposition. Argument by Mr. Nelson in opposition to deft.'s motion. Colloquy regarding Judge Burr's order. COURT ORDERED, deft.'s motion GRANTED IN PART; deft. to REPORT TWICE A MONTH FOR INTENSIVE SUPERVISION; however, deft. is to have ABSOLUTELY NO CONTACT WHATSOEVER WITH ANY CHILDREN TO INCLUDE THOSE IN HIS OWN FAMILY REGARDLESS OF THE HOLIDAYS. BOND ;</i>
02/09/2007	Status Check (9:00 AM) <i>STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Court Clerk: Sandra Jeter/sj Relief Clerk: Pamela Humphrey Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Matter Heard; <i>STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Court Clerk: Sandra Jeter/sj Relief Clerk: Pamela Humphrey Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i>

CASE SUMMARY**CASE No. 05C218103**

Journal Entry Details:

Mr. Pitaro requested argument on the issue of the sealings of the 1992 and 1998 incidents prior to any testimony. COURT SO ORDERED. Mr. Pitaro argued the State is attempting to circumvent the sealed incidents by finding persons to testify. Response by Mr. Carroll that the State hasn't made a motion to unseal yet; he agrees the 92' incident in Pennsylvania was expunged and the 98' incident involving Jill Lozano was sealed; however, he hasn't offered any sealed records and believes he can bring in the evidence through the memory of witnesses. Further arguments by counsel. Colloquy. COURT ORDERED, it will hear evidence at this time and anything obtained here will be for the purposes of this hearing only. Further, it will allow counsel to submit additional briefs and set the issue for further argument and decision at which time it will decide whether or not the incidents can come in through the independent recollection of the witnesses. Court INVOKED the EXCLUSIONARY RULE. Testimony. (See attached worksheet.) Following arguments by counsel on the clear and convincing issue, Court noted it is good on that issue, however, ORDERED, matter SET for further argument and decision on the sealing issue. Deft.'s Motion to Quash Warrant and Suppress Evidence FILED IN OPEN COURT. State requested until the 20th to file an Opposition. COURT SO ORDERED. FURTHER, matter SET for HEARING and the officer may be brought in; however, depending on what happens with the motion to suppress, it may need to hold another hearing. Mr. Pitaro expressed concern regarding his possible eye surgery on the 6th. 3/1/07 1:00 PM HEARING: ARGUMENT AND DECISION on STATE'S MOTION TO ADMIT EVIDENCE...DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE (COMPUTER) ;

03/01/2007

Hearing (1:00 PM)
ARGUMENT

03/01/2007

Motion (1:00 PM)
STATE'S MOTION TO ADMIT EVIDENCE Heard By: Jackie Glass

03/01/2007

Motion (1:00 PM)
DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE (COMPUTER)
Heard By: Jackie Glass

03/01/2007

All Pending Motions (1:00 PM)
ALL PENDING MOTIONS 3/1/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
Matter Heard; ALL PENDING MOTIONS 3/1/07 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Journal Entry Details:

ARGUMENT: STATE'S MOTION TO ADMIT EVIDENCE: Court noted it received the additional information from both sides and has reviewed same. Following arguments by counsel and in regards to the issue of the sealings, Court FINDS when you seal a case, you are sealing the case but you are not sealing the people who were involved in the case. Further, the sealing of the two cases does not seal the individuals' memories/experiences and therefore, would not prevent the individuals from testifying as to what happened; i.e., that on such and such a day, this happened to him/her. Therefore, COURT ORDERED, if the Court decides the witnesses will be permitted to testify, they will be allowed to testify within the parameters outlined and can only speak as to their experiences. In regards to the issue of clear and convincing and pursuant to NRS 48.045(2), the Court FINDS the other bad acts meet the clear and convincing test; the evidence is relevant; it would not unfairly prejudice the deft. as it goes to show motive/what motivated deft. to do what he did; therefore, it will come in. ARGUMENT: DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE: Mr. Pitaro advised Mr. Carroll informed him the Officer is unavailable today. Court noted it had to move the hearing to today as it has a conflict tomorrow; therefore, it will hear from counsel today and if it finds a hearing is necessary, it will hold one at a later date. Following arguments by counsel, Court FINDS there is no great leap of faith as alleged by deft., Judge Burr had a substantial basis to issue the warrant and the warrant is valid. Therefore, COURT ORDERED, motion DENIED. State to prepare the Order. Colloquy regarding Mr. Pitaro's potential eye surgery. Mr. Pitaro stated that based on what happened with the last surgery, he doesn't think this trial will go on the date currently scheduled. COURT ORDERED, matter CONTINUED for status check on Mr. Pitaro's eye surgery/trial readiness. BOND 3/8/07 8:30 AM STATUS CHECK: DEFENSE COUNSEL'S EYE SURGERY // TRIAL READINESS ;

03/02/2007

Hearing (9:00 AM)
ARGUMENT

CASE SUMMARY

CASE No. 05C218103

03/02/2007	<p>Motion (9:00 AM) <i>STATE'S MOTION TO ADMIT EVIDENCE Heard By: Jackie Glass</i></p>
03/02/2007	<p>Motion (9:00 AM) Events: 02/09/2007 Motion to Quash Bench Warrant <i>DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE (COMPUTER)</i> <i>Heard By: Jackie Glass</i></p>
03/08/2007	<p>Status Check (8:30 AM) <i>STATUS CHECK: DEFENSE COUNSEL'S EYE SURGERY // TRIAL READINESS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Matter Heard; STATUS CHECK: DEFENSE COUNSEL'S EYE SURGERY // TRIAL READINESS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass Journal Entry Details: <i>Mr. Pitaro advised he is having surgery on the 16th. COURT ORDERED, calendar call and trial dates, VACATED; matter RESET in the ORDINARY COURSE on a date agreed to by all counsel. Court ADMONISHED this TRIAL DATE IS IT. Mr. Carroll requested the 3/13/07 remain for status check on negotiations and the COURT SO ORDERED. BOND 3/13/07 8:30 AM STATUS CHECK: NEGOTIATIONS 7/31/07 8:30 AM CALENDAR CALL 8/06/07 10:00 AM JURY TRIAL ;</i></p>
03/13/2007	<p>CANCELED Calendar Call (8:30 AM) <i>Vacated</i></p>
03/13/2007	<p>Status Check (8:30 AM) <i>STATUS CHECK: NEGOTIATIONS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Off Calendar; STATUS CHECK: NEGOTIATIONS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass Journal Entry Details: <i>Mr. Pitaro requested the matter taken off calendar and the COURT SO ORDERED. BOND ;</i></p>
03/19/2007	<p>CANCELED Jury Trial (10:00 AM) <i>Vacated</i></p>
07/24/2007	<p>Conversion Hearing Type (8:30 AM) <i>AT REQUEST OF COURT: STATUS CHECK ON TRIAL DATE Court Clerk: Sandra Jeter Relief Clerk: Roshonda Mayfield Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Matter Heard; AT REQUEST OF COURT: STATUS CHECK ON TRIAL DATE Court Clerk: Sandra Jeter Relief Clerk: Roshonda Mayfield Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass Journal Entry Details: <i>Mr. Carroll advised he has contacted the witnesses and it is looking good for the State for the 6th. Colloquy between parties regarding jury selection. COURT ORDERED, Deft's presence WAIVED; calendar call and trial date will STAND. BOND ;</i></p>
07/31/2007	<p>Calendar Call (8:30 AM) <i>CALENDAR CALL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> Matter Heard; CALENDAR CALL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass Journal Entry Details: <i>Mr. Pitaro requested DEFT.'S PRESENCE WAIVED and the COURT SO ORDERED. Counsel announced ready for trial. COURT ORDERED, matter SET FIRM for TRIAL. COURT FURTHER ORDERED, counsel to e-mail the proposed jury instructions and Verdict form to the JEA. Mr. Carroll stated he has not received deft.'s list of witnesses. Following review of Blackstone, Court noted Mr. Pitaro electronically filed his Notice of Witnesses on 7/13/07 and FINDS same was timely filed. Colloquy reference possible witness/subpoena issues. BOND 8/6/07 1:00 PM JURY TRIAL Tom Carroll/Linda Lewis, DDAs; Thomas Pitaro, Esq. State has 15 witnesses 2 of which are out-of-state; defense has 6/7 witnesses 1 week ;</i></p>

CASE SUMMARY

CASE NO. 05C218103

08/06/2007

Jury Trial (1:00 PM)

TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Matter Continued; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Pitaro moved to sever the child pornography and lewdness counts arguing prejudicial joinder; that the State has not charged a minor under the age of 16 in the pornography counts and that the State will need an expert to testify to a reasonable degree of medical certainty that the persons depicted are under the age of 16. Arguments. Mr. Carroll requested leave to amend the Information where it says "child" to "person under the age of 16." Court FINDS Mr. Pitaro has been placed on notice that the child pornography depicts persons under the age of 16; therefore, ORDERED, Mr. Pitaro's motion DENIED, however, the State better have an expert to distinguish the age differences. Mr. Carroll advised Count 21 contains a typographical error in the file name. Mr. Pitaro argued fatal variance. COURT ORDERED, State to amend the Information to include the correct file name. Mr. Carroll expressed concern regarding media coverage and requested no photographs of the children and/or parents be taken. Mr. Pitaro stated he has no problem with the State's request. Court noted the media is not present currently but will admonish them regarding coverage parameters. **INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:** Voir Dire Oath given. Jury selection commenced. During jury selection, the Court ADMONISHED the Jury and ORDERED them to return the following day at the time given. **OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY:** Mr. Pitaro moved for a mistrial based on statements/questions reference touching that Ms. Lewis made in Voir Dire. In the alternative, Mr. Pitaro requested he be allowed to clarify. COURT ORDERED, Mr. Pitaro's oral motion for mistrial DENIED. FURTHER, Mr. Pitaro to formulate something for the Court's consideration. The Bailiff advised Juror #206 is refusing to return tomorrow morning. Outside the presence of the other prospective Jurors, Court ADMONISHED Juror #206 and ORDERED him to return the following morning or a warrant will issue for his arrest. BOND ;

08/07/2007

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Matter Continued; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Statements by Mr. Pitaro regarding suggested cure to Ms. Lewis' Voir Dire questioning reference touching. Court FINDS Ms. Lewis' questioning did not cross the line, it did not taint the Jury and it will not instruct the Jury; however, there will be no more discussion regarding touching. Mr. Pitaro's oral motion for mistrial remains DENIED. Order reference school records and Amended Information FILED IN OPEN COURT. Colloquy and arguments reference the Court's previous rulings regarding the records that were sealed and the witness' testimony of the events. Mr. Carroll requested a finding of trustworthiness under NRS 51.385 relative to Jillian Lozano's mother's and grandmother's testimony and stated a Petrocelli Hearing maybe necessary. Argument in opposition by Mr. Pitaro. Court noted it will re-address this issue at a later time. **INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:** Jury selection continued. **OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:** Scott Greenberg, Assistant General Counsel, Clark County School District, present. Court noted it is here on deft.'s ex-parte subpoena for school district records and it has ordered the School District to comply. Outside the presence of the District Attorney, Mr. Greenberg advised he has produced 12 of the 20 records requested, however, he is concerned because there are 1,000's of loose pages in the boxes which he has not reviewed. Further, Mr. Greenberg has concerns reference FERPA and notice to the parents. Court stated it is foregoing the notice requirements, however, DIRECTED Mr. Greenberg to provide the records to the parents if they call. COURT ORDERED, if Mr. Pitaro intends to use any of the records, he is provide them to the State and to the Court before hand so it can rule. Inside the presence of the District Attorneys, Mr. Carroll requested a complete copy of the records not just one piece. Court stated it does not know what is in the records, however, noted it has ordered Mr. Pitaro to provide whatever he intends to use. **INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL:** Jury SELECTED and SWORN. **OUTSIDE THE PRESENCE OF THE OTHER JURY MEMBERS,** COURT ORDERED, Juror #206 EXCUSED FOR CAUSE AND NON-PARTICIPATION. Alternate selected (Juror #4). Jury List FILED IN OPEN COURT. **OUTSIDE THE PRESENCE OF THE JURY:** Mr. Pitaro renewed his motion reference the prior bad act testimony of Jillian

CASE SUMMARY

CASE No. 05C218103

Lozano and Ms. Lozano's mother and grandmother. Response by the State. COURT ORDERED, Mr. Pitaro's oral motion DENIED; however, the Court will give a limiting instruction for each prior bad act witness after testimony. Mr. Pitaro requested the instruction be read before and after the testimony of each witness. DENIED, prior ruling STANDS. OUTSIDE THE PRESENCE OF THE OTHER JURY MEMBERS, Juror #2 indicated she may have worked at the teacher's credit union with one of deft.'s family members. Following questioning of the Juror, COURT ORDERED, the Juror will remain. OUTSIDE THE PRESENCE OF THE OTHER JURY MEMBERS, Juror #14 was EXCUSED because he recognized one of the State's witnesses as being one of his employees. OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, Alternate Juror (#4) is now a part of the Jury panel. Amended Jury List FILED IN OPEN COURT. INSIDE THE PRESENCE OF THE JURY: Introductory remarks by the Court. Clerk read the Information to the Jury and stated deft.'s plea thereto. Opening statements by Mr. Carroll and Mr. Pitaro. Court ADMONISHED the Jury and ORDERED them to return the following day at the time given. OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel reference hearsay testimony of Jillian Lozano's mother and grandmother. Court NOTED it will review the cases cited and the statute and make a ruling tomorrow. Mr. Pitaro moved to dismiss Counts 10 - 21 arguing the State never corrected the second part of the Information and just stated "naked minor" rather than "under the age of 16". Response by Mr. Carroll. COURT ORDERED, Mr. Pitaro's oral motion to dismiss DENIED. BOND ;

08/08/2007

Jury Trial (10:30 AM)

TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Matter Continued; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Court FINDS under NRS 51.385 there are sufficient guarantees of trustworthiness reference Jillian Lozano's mother's and grandmother's testimony and same will be admitted over Mr. Pitaro's objection. INSIDE THE PRESENCE OF THE JURY: Court INVOKED the EXCLUSIONARY RULE. Testimony and exhibits. OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro moved for a mistrial and requested the testimony of Karen Bjornson be stricken. Response by Mr. Carroll. COURT ORDERED, Mr. Pitaro's oral motion DENIED. INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits continue. During the testimony of witness Marcovecchio, Mr. Pitaro moved for a hearing outside the presence of the Jury. Following a conference at the bench, COURT ORDERED, Mr. Pitaro's request DENIED. Testimony continued. Court ADMONISHED the Jury and ORDERED them to return the following day at the time given. BOND ;

08/09/2007

Jury Trial (9:00 AM)

TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Matter Continued; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Mr. Carroll expressed concern reference media coverage. Court ADMONISHED the media there is to be no filming and/or pictures of the victim witnesses and/or their parents from the chest up; no faces are to be shown to include obscured shots. Mr. Pitaro advised he received deft.'s records from the School District and lodged same with the Court. INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits. (See attached worksheets.) Court ADMONISHED the Jury and ORDERED them to return the following day at the time given. OUTSIDE THE PRESENCE OF THE JURY: Court ADMONISHED deft. regarding his right not to testify. Jury Instructions settled. BOND ;

08/10/2007

Jury Trial (8:00 AM)

TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Matter Continued; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Journal Entry Details:

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro objected to the testimony of the State's expert arguing he received nothing and was told on Friday the expert would not be testifying. Response by Mr. Carroll. COURT ORDERED, the witness will be permitted to testify. Mr. Pitaro requested his expert, Dr. Hyman, be present during the testimony of the State's expert. SO ORDERED. INSIDE THE PRESENCE OF THE JURY: Testimony and

CASE SUMMARY

CASE No. 05C218103

exhibits. (See attached worksheets.) Mr. Carroll moved to AMEND the AMENDED INFORMATION by INTERLINEATION to reflect the correct spelling of Melissa Marcovecchio's last name and the COURT SO ORDERED. State rested. Defense commenced with its case. Testimony and exhibits continue. Following the testimony of witness Mancino, the defense rested. OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro moved for a mistrial based on the State's introduction of Exhibits 7 and 8. Response by Mr. Carroll. COURT ORDERED, Mr. Pitaro's oral motion DENIED. Mr. Pitaro objected to the closed-courtroom setting during the video of State's Exhibit 6/the child pornography. Response by Mr. Carroll and the Court. Mr. Pitaro renewed his motion to sever. DENIED. Mr. Carroll stated Mr. Pitaro previously objected to the State not providing him with an expert report, however, Mr. Pitaro provided the State with 52 pages of documents immediately prior to deft. testifying. Response by Mr. Pitaro. INSIDE THE PRESENCE OF THE JURY: Court instructed the Jury on the law. Closing arguments by Ms. Lewis, Mr. Pitaro and Mr. Carroll. Bailiff and matron SWORN to take charge of the Jury. At the hour of 4:43 p.m., the Jury retired to deliberate. Deliberations. Having not reached a Verdict, Court ADMONISHED the Jury and ORDERED them to return on the date and time given. BOND ;

08/13/2007

Jury Trial (8:00 AM)

TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Matter Heard; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Journal Entry Details:

Deliberations continue. OUTSIDE THE PRESENCE OF THE JURY: Court noted on Friday the Bailiff informed it after it had already notified counsel that it was sending the Jury home, that the Jury a question and same was marked as Court's Exhibit 3 with the Court's response marked as Court's Exhibit 4. INSIDE THE PRESENCE OF THE JURY: At the hour of 11:27 a.m., the Jury returned with GUILTY/NOT GUILTY Verdicts as recorded on file herein. Court thanked and excused the Jury. OUTSIDE THE PRESENCE OF THE JURY: Mr. Carroll requested deft. remanded into custody. Objection by Mr. Pitaro. COURT ORDERED, deft. REMANDED to the CUSTODY OF THE SHERIFF; NO BAIL. FURTHER, BOND, if any EXONERATED. Matter REFERRED to P&P and SET for SENTENCING. CUSTODY 10/4/07 8:30 AM SENTENCING ;

09/04/2007

Conversion Hearing Type (1:15 PM)

AT REQUEST OF COURT Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Matter Heard; AT REQUEST OF COURT Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Journal Entry Details:

Court NOTED it placed this matter on calendar because its law clerk received a phone call from Juror #8, Carol Marques, who related concerns that Juror #13, Christopher Thurman, did independent, Internet research over the weekend between Friday and Monday deliberations which had to do with the age of the girls in the videos. Thereafter, the Court directed its JEA to contact Juror #8 to ask pertinent questions. Colloquy reference possible options. Mr. Pitaro requested a continuance to research the law. COURT ORDERED, matter CONTINUED and counsel are DIRECTED to review Myer vs. State of Nevada, 119 Nev. 554 (2003) which deals with juror misconduct and sets the standards and discretion of the Court. COURT FURTHER ORDERED, no one is to discuss and/or contact anyone reference this issue at this time. Court stated it will have the JEA prepare a Memorandum regarding the Juror contacts and provide same to counsel. 9/11/07 11:00 AM FURTHER PROCEEDINGS ;

09/11/2007

Further Proceedings (11:00 AM)

FURTHER PROCEEDINGS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Matter Heard; FURTHER PROCEEDINGS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Journal Entry Details:

Conference at the bench. Mr. Pitaro advised he filed a Motion for New Trial and requested the JEA's Memorandum be made part of the record. COURT SO ORDERED. Memorandum marked as Court's Exhibit 1 to the hearing this date and will be SEALED until further order of this Court. Mr. Pitaro requested a hearing held with all Jurors placed under oath and the offending Juror's computer seized for forensic examination. Mr. Carroll stated he is in agreement that further inquiry be done of the Jurors, however, objection to seizure of the computer. In addition, Mr. Carroll requested that no contact be made with any of the Jurors by

CASE SUMMARY**CASE No. 05C218103**

any party in the interim. COURT ORDERED, matter SET for HEARING and Deft.'s Motion For New Trial will be addressed following the hearing. Request for seizure of computer DENIED. The Court will prepare a subpoena for each Juror requiring their presence at the next date; the Jurors will be segregated from one another and questioned separately. FURTHER, there is to be absolutely no contact with the Jurors by any party. Mr. Pitaro advised Mr. Oram has associated in for Appellate purposes. Court ADMONISHED K. C. Howard, reporter for the Las Vegas Review Journal who was present this date, and/or any other representatives from the media to not make contact with, call or interview any of the Jurors in an effort to preserve the integrity of the proceedings. Mr. Pitaro stated he requested the Court ask the press not to report on the case or, at the very least, that the names of the Jurors not be mentioned. Court noted Mr. Pitaro did not request a closed hearing, however, REQUESTED the media/press keep the names of the Jurors confidential and that they just be referred to as Jurors. Ms. Howard stated she will advise her Editor of the Court's concerns but the decision of what to print is left to the Editor's discretion. Mr. Pitaro requested his Motion for New Trial be SEALED and the COURT SO ORDERED. FURTHER, Jury Lists and minutes of this date and of the 9/4/07 hearing to be SEALED until further order. Sentencing date VACATED. CUSTODY 10/8/07 10:00 AM HEARING ... DEFT.'S MOTION FOR NEW TRIAL ;

10/04/2007 **CANCELED Sentencing (8:30 AM)**
Vacated

10/08/2007 **Hearing (10:00 AM)**
HEARING: DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter
Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
Matter Heard; HEARING: DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter
Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
Journal Entry Details:
Pursuant to Order of the Court and in an effort to protect the integrity of the proceedings, COURTROOM CLOSED. All Jurors examined and testified. (See attached list - SEALED until further order of this Court.) Colloquy regarding next course of action. COURT ORDERED, defense to submit their Supplemental Points and Authorities to Motion for New Trial by 10/30/07, State to file its Response by 11/20/07 and matter SET for argument. Mr. Oram stated a Reply will not be necessary. COURT FURTHER ORDERED, Court Recorder to provide copies of the disc to both the State and defense and to prepare a transcript and file under seal. CUSTODY 11/30/07 9:00 AM DEFT.'S MOTION FOR NEW TRIAL ;

11/30/2007 **Motion (9:00 AM)**
DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
Denied; DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
Journal Entry Details:
Mr. Pitaro moved to exclude the press. Mr. Carroll submitted. COURT ORDERED, OBJECTION NOTED, request DENIED and the press will remain. Arguments by counsel. Court stated its FINDINGS and ORDERED, motion DENIED. FURTHER ORDERED, matter SET for SENTENCING. CUSTODY 12/20/07 1:30 PM SENTENCING ;

12/20/2007 **Sentencing (1:30 PM)**
SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

MINUTES

Granted; SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
Journal Entry Details:

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

CASE SUMMARY

CASE No. 05C218103

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 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 ;

02/19/2008

Motion (8:30 AM)

Events: 02/04/2008 Motion

DEFT'S MTN TO PLACE ON CALENDAR TO REQUEST TRANSCRIPTS FOR APPEAL /29 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass Granted; DEFT'S MTN TO PLACE ON CALENDAR TO REQUEST TRANSCRIPTS FOR APPEAL /29 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass

Journal Entry Details:

Deft. not present and in custody at the Nevada Department of Corrections. Court noted an Affidavit has been provided which indicates deft. is indigent; therefore, ORDERED, motion GRANTED. NDC ;

04/28/2008

Minute Order (0:00 AM)

MINUTE ORDER RE: UNSEALING OF TRANSCRIPTS/MINUTES Court Clerk: Sandra Jeter Heard By: Jackie Glass

Matter Heard; MINUTE ORDER RE: UNSEALING OF TRANSCRIPTS/MINUTES Court Clerk: Sandra Jeter Heard By: Jackie Glass

Journal Entry Details:

COURT ORDERED, any previously sealed transcripts and/or minutes to be UNSEALED. NDC ;

02/02/2010

Petition for Writ of Habeas Corpus (8:15 AM)

Events: 12/14/2009 Petition for Writ of Habeas Corpus

PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Roshonda Mayfield Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael

Matter Continued; PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Roshonda Mayfield Reporter/Recorder: Michelle Ramsey Heard By: Villani, Michael

Journal Entry Details:

COURT ORDERED, matter CONTINUED. NDC ;

02/04/2010

Petition for Writ of Habeas Corpus (8:15 AM)

PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Tia Everett/te Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani

CASE SUMMARY

CASE No. 05C218103

Denied; PTN FOR WRIT OF HABEAS CORPUS Relief Clerk: Tia Everett/te
Reporter/Recorder: Michelle Ramsey Heard By: Michael Villani

Journal Entry Details:

Taking no oral argument and with decision based upon the filed briefs, Court FINDS, Defendant claims of ineffectiveness of counsel are not specific and Defendant needs to identify some basis for the ineffectiveness of counsel. Court further FINDS, Defendant has not provided enough information to warrant this Court to appoint counsel. COURT ORDERED, Petition DENIED WITHOUT PREJUDICE. Court stated Defendant may re-file his Petition with more specificity. NDC CLERK'S NOTE: The above minute order has been distributed to: MARK ZANA #1013790 LOVELOCK CORRECTIONAL CENTER 1200 PRISON ROAD LOVELOCK, NV 89419 ;

10/28/2010



Status Check (8:15 AM) (Judicial Officer: Villani, Michael)

Appointment of Counsel/Supreme Court Remand

Matter Heard; Appointment of Counsel/Supreme Court Remand

Journal Entry Details:

Craig Hendricks, Chf Dep DA, present on behalf of the State; Deft. Zana incarcerated in the Nevada Department of Corrections (NDC) and not present. Court noted Deft.'s post-conviction Petition for Writ of Habeas Corpus was DENIED without conducting an Evidentiary Hearing or appointing counsel. An Order of Reversal and Remand was filed by the Nevada Supreme Court. Therefore, COURT ORDERED, matter set for status check; Court Clerk shall contact Drew Christensen for appointment of counsel. NDC 11/09/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL CLERK'S NOTE: Court Clerk telephonically notified the office of Drew Christensen regarding the above. ;

11/09/2010



Status Check (8:15 AM) (Judicial Officer: Villani, Michael)

Confirmation of Counsel

Matter Heard; Confirmation of Counsel

Journal Entry Details:

Michael Radovic, Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. Zana, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC). Ms. Palm CONFIRMED as counsel. Court noted Deft. filed a Motion to Place on Calendar to Waive Appointment of Counsel and to Proceed Pro Per; colloquy. Court directed Ms. Palm to contact Deft. COURT ORDERED, matter set for status check. NDC 12/07/10 8:15 AM STATUS CHECK: MOTION TO WAIVE APPOINTMENT OF COUNSEL ;

11/16/2010

CANCELED Motion (8:15 AM) (Judicial Officer: Villani, Michael)

Vacated

12/07/2010



Status Check (8:15 AM) (Judicial Officer: Villani, Michael)

Deft.'s Motion to Waive Appointment of Counsel

Matter Heard; Deft.'s Motion to Waive Appointment of Counsel

Journal Entry Details:

Craig Hendricks, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. Zana, who is also present. Deft. filed a Motion to Waive Appointment of Counsel, pro se. Upon Court's inquiry, Ms. Palm advised she spoke with Deft. and he does not wish to be represented by counsel. Court noted that in Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction) filed in December 2009, Deft. stated that he was indigent and did not understand the law and needed counsel appointed to help complete a Petition and Supplement. However, Deft. is now stating in open court that he does not wish to have counsel or stand-by counsel appointed. COURT ORDERED, Ms. Palm is excused from represented Deft. at this time. COURT FURTHER ORDERED, matter set for Feretta Canvass. NDC 12/21/10 8:15 FERETTA CANVASS ;

12/21/2010



Hearing (8:15 AM) (Judicial Officer: Villani, Michael)

12/21/2010, 01/11/2011

Faretta Canvass

Matter Continued; Feretta Canvass

Matter Heard;

Matter Continued; Feretta Canvass

Matter Heard;

Journal Entry Details:

CASE SUMMARY**CASE No. 05C218103**

Jim Sweetin, Chf Dep DA, present on behalf of the State; Deft. Zana present, pro se. Court noted Deft. filed a Petition for Writ of Habeas Corpus (Post-Conviction) pro se, which the Court denied because it believed it did not have any merit. An Order of Reversal and Remand was issued by the Nevada Supreme Court because in its opinion, regardless of whether the Petition had merit, an attorney should have been appointed for Deft. This Court appointed Patricia Palm; Esq., as counsel for Deft. However, Deft. filed a Motion to WAIVE Appointment of Counsel and to Proceed Pro Per. A hearing was held on December 7, 2010, and Ms. Palm was excused; she declined to be appointed as stand-by counsel. Mr. Sweetin advised the Supreme Court remanded this matter because Deft. had indicated that he did not understand the issues as they were very complex and because Deft. is entitled to counsel. The State would prefer that Ms. Palm make representations as to her advisement of Deft. and how he came to the conclusion he wanted to represent himself; colloquy. COURT ORDERED, matter set for status check; Feretta Canvass CONTINUED. Court Clerk to contact Drew Christensen and inform him that stand-by counsel needs to be appointed for Deft. for post-conviction relief. COURT ORDERED, Deft. REMANDED to the Clark County Detention Center (CCDC) pending next court date. NDC CONTINUED TO: 01/11/11 8:15 AM CLERK'S NOTE: Court Clerk telephonically notified the office of Drew Christensen of the above. ;

01/11/2011

Status Check (8:15 AM) (Judicial Officer: Villani, Michael)

*Status Check: Appointment of Counsel
Matter Heard;*

01/11/2011

**All Pending Motions (8:15 AM)** (Judicial Officer: Villani, Michael)

Matter Heard;

Journal Entry Details:

STATUS CHECK: APPOINTMENT OF COUNSEL . . . HEARING: FERETTA CANVASS Thomas Carroll, Chf Dep DA, present on behalf of the State; Deft. Zana appearing pro se; and Michael Pandullo, Esq., appearing as stand-by counsel for Deft. Court noted this is a REMAND from the Supreme Court; the Supreme Court felt that Deft. was in need of representation because he indicated in his Petition for Writ of Habeas Corpus that he did not understand the Post-Conviction Relief laws or the laws in general; colloquy. Modified Feretta Canvass preformed by the Court. Deft. formally WAIVED his right to an attorney on the record. Court APPOINTED STAND-BY counsel for Deft. Mr. Pandullo advised he was appearing on behalf of James Oronoz, Esq., and represented that Mr. Oronoz will CONFIRM as STAND-BY counsel for Deft. Zana today. Court set the following briefing schedule: 02/08/11 - Supplemental Brief to be filed by Deft. 04/12/11 - Response 05/12/11 - Reply, if any COURT ORDERED, matter set for hearing. COURT FURTHER ORDERED, Deft. to be RELEASED to return to prison. State to prepare a Transport Order for next date. NDC 06/13/11 1:00 PM HEARING: PETITION FOR WRIT OF HABEAS CORPUS ;

03/01/2011

**Motion to Compel (8:15 AM)** (Judicial Officer: Villani, Michael)

Events: 02/15/2011 Motion to Compel

Motion to Compel Discovery

Matter Heard; Motion to Compel Discovery

Journal Entry Details:

Christopher Hamner, Dep PD, present on behalf of the State and James Oronoz, Esq., present as Stand-By counsel for Deft. Deft. is incarcerated in the Nevada Department of Corrections (NDC) and not present. This is the time set for Deft.'s Motion to Compel Discovery on the underlying file. Mr. Oronoz advised that as stand-by counsel he needs to be aware of the contents of the file so he can provide advise to Deft. , if necessary. Mr. Hamner advised that there is no open file policy with regard to post-conviction proceedings. Arguments by counsel. Court directed Mr. Oronoz to contact Christopher Oram, Esq., regarding the file as he prepared the Appellate brief. If Mr. Oram will not provide the file, Mr. Oronoz should re-notice the Motion. NDC ;

04/07/2011

CANCELED Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Villani, Michael)

Vacated

06/13/2011

CANCELED Hearing (1:00 PM) (Judicial Officer: Villani, Michael)






Vacated

07/21/2011

**Petition for Writ of Habeas Corpus (8:15 AM)** (Judicial Officer: Villani, Michael)

CASE SUMMARY




CASE No. 05C218103

	<p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Thomas Carroll, Chf Dep DA, present on behalf of the State; Deft. Zana present pro se. Court noted this matter was remanded by the Nevada Supreme Court as the Supreme Court felt that Deft. should have been provided with counsel. This Court provided Deft. with counsel but Deft. declined that representation and instead requested to represent himself. State and Deft. submitted the matter on the pleadings. COURT FINDS, the Deft. has not set forth any legal basis to grant his Petition. Therefore, COURT ORDERED, Petition DENIED; matter set for status check. State to prepare the Order. 08/04/11 8:15 AM STATUS CHECK: ORDER ;</i></p>
08/04/2011	<p> Status Check (8:15 AM) (Judicial Officer: Villani, Michael)</p> <p><i>Status Check: Order (07/21/11)</i></p> <p>Off Calendar;</p> <p>Journal Entry Details:</p> <p><i>Carrie Morton, Dep DA, present on behalf of the State; Deft. Zana present pro se. This is the time set for the Status Check on the Order from the July 21, 2011, hearing. Ms. Morton advised that the Order was submitted to the Court for signature on July 29, 2011. COURT ORDERED, matter OFF CALENDAR. ;</i></p>
07/13/2021	<p> Motion for Production of Transcript (8:30 AM) (Judicial Officer: Villani, Michael)</p> <p>Granted in Part;</p> <p>Journal Entry Details:</p> <p><i>Defendant not present. Court noted Defendant's Motion was for the 5/23/2006 and 8/6/2007 transcripts. COURT ORDERED, Motion GRANTED IN PART, 8/6/2007 transcript to be mailed to the Defendant and due to the 5/23/2006 transcript not being in Odyssey as well as Defendant not giving a specific reason for the transcript, a copy of the Minute Order from the 5/23/2006 hearing to be mailed to the Defendant. NDC CLERK'S NOTE: A copy of this Minute Order, a copy of the 8/6/2007 transcript and the Minute Order from the 5/23/2006 hearing mailed to: Mark Zana #1013790 LCC 1200 Prison Rd. Lovelock, NV 89419 (7/15/2021 sa);</i></p>
11/02/2021	<p> Motion for Production of Transcript (11:00 AM) (Judicial Officer: Eller, Crystal)</p> <p><i>Motion for Production of Transcript</i></p> <p>Denied;</p> <p>Journal Entry Details:</p> <p><i>Ms. Dunn, Deputy District Attorney appeared via BlueJeans. Defendant not present. Colloquy regarding transcripts. COURT ORDERED, matter TAKEN UNDER ADVISEMENT. NDC;</i></p>
11/09/2021	<p> Minute Order (3:00 AM) (Judicial Officer: Eller, Crystal)</p> <p>Minute Order - No Hearing Held;</p> <p>Journal Entry Details:</p> <p><i>The Court DENIES Defendant s (renewed) Motion for Production of Transcript. At the July 13, 2021 hearing on the original motion, the Court GRANTED in part and DENIED in part Defendant's request. The Court held that the May 23, 2006 transcript was not in Odyssey and, further, Defendant failed to provide a specific reason for the request. In his October 8th (renewed) motion, Defendant states that the transcripts are needed "to rebut claim made by the state in petitioner's Federal Habeas petition." Further, Defendant expressed a lack of understanding of the Court's July Minute Order and "does not know what 'Odyssey' is. This Court notes and accepts Defendant's representations that the transcript is needed for his federal case. However, upon further research into the matter, the Court cannot accommodate Defendant s request. At the time of the May 23, 2006 hearing, the Eighth Judicial District Courts were only required to maintain records for up to eight (8) years. Consequently, the records requested by Defendant have been purged from Odyssey the Court s electronic case management database and are no longer available. Accordingly, the Court must, and does, DENY Defendant's motion due to impossibility. CLERK'S NOTE: A copy of this Minute Order was mailed to: Mark R. Zana, #1013790 Lovelock Correctional Center 1200 Prison Road Lovelock, Nevada 89419 clm 11/9/21;</i></p>
12/30/2021	<p> Motion for Production of Transcript (11:00 AM) (Judicial Officer: Eller, Crystal)</p> <p><i>Motion for the Production of Audio/Video Transcripts</i></p> <p>Denied;</p> <p>Journal Entry Details:</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 05C218103

	<i>Mr. Turner, Chief Deputy District Attorney present. Defendant not present. COURT NOTED Defendant not transported and ORDERED, this matter will be decided in chambers. NDC;</i>
05/12/2022	 Motion (9:00 AM) (Judicial Officer: Eller, Crystal) <i>Motion for Modification of Sentence</i> Denied; Journal Entry Details: <i>Defendant not present. COURT stated its findings and ORDERED, motion DENIED. State to prepare the order. CLERK'S NOTE: A copy of this minute order mailed to: Mark Zana, #1013790, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. clm 5-13-22;</i>
06/02/2022	 Motion (9:00 AM) (Judicial Officer: Eller, Crystal) 06/02/2022, 06/16/2022 <i>Motion to Strike the State's Reply from the Record in Accordance with Rule 3.20 (c)</i> Matter Continued; Deferred Ruling; Journal Entry Details: <i>Defendant not present. COURT stated its findings and ORDERED, ruling DEFERRED; matter SET. NDC 09/13/22 9:00 A.M. STATUS CHECK: APPEAL CLERK'S NOTE: A copy of this minute order mailed to: Mark Zana #1013790, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419 clm 6/16/22 ;</i> Matter Continued; Deferred Ruling; Journal Entry Details: <i>Defendant not present. COURT NOTED there was no written opposition to the Motion, to which Ms. Botelho stated the appellate division advised Defendant did not properly serve the State correctly with the motion, therefore, the opposition was not untimely, further, this motion was denied on 5/12/22, so this motion was moot. COURT DIRECTED the State complete an opposition that the service was untimely and ORDERED, matter CONTINUED. NDC CONTINUED TO: 06/16/22 9:00 A.M.;</i>
06/28/2022	 Motion (9:00 AM) (Judicial Officer: Eller, Crystal) <i>Rule 60 Motion to Correct a Mistake</i> Deferred Ruling; Journal Entry Details: <i>Defendant not present. COURT NOTED Defendant not present as he was in NDC, stated its findings and ORDERED, matter DEFERRED until appeal resolved. NDC CLERK'S NOTE: A copy of this minute order mailed to: Mark Zana #1013790, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. clm 6-29-22;</i>
09/13/2022	Status Check (9:00 AM) (Judicial Officer: Eller, Crystal) <i>Status Check: Appeal</i>

DATE

FINANCIAL INFORMATION

Defendant Zana, Mark R	
Total Charges	175.00
Total Payments and Credits	175.00
Balance Due as of 8/18/2022	0.00

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 09, 2006**

05C218103

The State of Nevada vs Mark R Zana

January 09, 2006**9:00 AM****Initial Arraignment****INITIAL****ARRAIGNMENT****Court Clerk: Sandra****Anderson/sa Relief****Clerk: Connie****Gleason****Reporter/Recorder:****Kiara Schmidt Heard****By: Kevin Williams****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Consul, Vincent A.

Attorney

Laurent, Christopher J.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- Mr. Consul advised Court he's in a medical malpractice case and requested 2 week continuance.

COURT ORDERED, matter CONTINUED.

BOND

01-23-06 9:00 AM ARRAIGNMENT CONTINUED

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 23, 2006**

05C218103

The State of Nevada vs Mark R Zana

January 23, 2006**9:00 AM****Arraignment Continued****ARRAIGNMENT
CONTINUED Court
Clerk: Sandra
Anderson/a Heard
By: Kevin Williams****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**Carroll, Thomas M.
Consul, Vincent A.
Zana, Mark RAttorney
Attorney
Defendant**JOURNAL ENTRIES**

- DEFT. ZANA ARRAIGNED, PLED NOT GUILTY. COURT ORDERED, matter set for a status check in department XIV.

BOND

02-06-06 9:00 AM STATUS CHECK

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 06, 2006**

05C218103

The State of Nevada vs Mark R Zana

February 06, 2006**9:00 AM****Status Check****STATUS CHECK****Court Clerk: Linda
Skinner****Reporter/Recorder:
Maureen Schorn****Heard By: Donald
Mosley****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:** Maureen Schorn**PARTIES**

PRESENT:	Carroll, Thomas M.	Attorney
	Consul, Vincent A.	Attorney
	Zana, Mark R	Defendant

JOURNAL ENTRIES

- Mr. Carroll advised there are 7 victims and he will be invoking the State's right for a speedy trial. Mr. Consul stated there are 40-50 witnesses and he will not be ready for trial within sixty days. Following additional discussion, COURT ORDERED, matter set for trial in August with priority and expects to go forward.

BOND

8/1/06 9:00 AM CALENDAR CALL (#2)

8/7/06 1:30 PM JURY TRIAL (#2)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 23, 2006**

05C218103

The State of Nevada vs Mark R Zana

May 23, 2006**9:00 AM****Motion for Discovery**

**DEFT'S MTN FOR
DISCOVERY AND
FOR
CONTINUANCE OF
TRIAL/6 Court
Clerk: Linda Skinner
Reporter/Recorder:
Joe D'Amato Heard
By: Donald Mosley**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:** Maureen Schorn**PARTIES****PRESENT:**

Carroll, Thomas M.
Consul, Vincent A.
Zana, Mark R

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court noted it is not inclined to continue this case. Mr. Consul advised the discovery he wants needs to come from the Henderson Police Department. Mr. Consul advised he needs statements from the various witnesses. Mr. Carroll stated he has provided all statements that are available; the statements that Mr. Consul is asking for are from people that are mentioned in the Police Report, however, there were no written statements. Mr. Consul advised a Search Warrant was issued for the cell phone. Mr. Carroll advised the cell phone was returned and he is not using anything from the phone. Mr. Consul stated there were copies of e-mails that he would like. Mr. Carroll advised he does not have these, they are not germane to the case, however, will try to obtain whatever is available. Mr. Consul requested Pennsylvania records. Mr. Carroll advised he has given him

PRINT DATE: 08/18/2022

Page 4 of 69

Minutes Date: January 09, 2006

everything. Mr. Consul stated there were some statements by other teachers at the school. Mr. Carroll advised formal statements were not taken from the 5 individuals he has mentioned; that there is one statement from an individual that needs to be transcribed and he will have it done and give it to Mr. Consul. Mr. Carroll advised he has an open file policy and Mr. Consul has never asked to review the file. Colloquy regarding statements that are missing. Mr. Carroll stated there are no statements for the 2 individuals and he will get the statement of Maurice. COURT ORDERED, Motion GRANTED as to discovery and DENIED as to continuance.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 10, 2006**

05C218103

The State of Nevada vs Mark R Zana

July 10, 2006**9:00 AM****Motion to Admit Evidence**

**STATE'S MOTION
TO ADMIT
EVIDENCE OF
OTHER CRIMES/7
Court Clerk: Linda
Skinner
Reporter/Recorder:
Maureen Schorn
Heard By: Glass,
Jackie**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Linda Skinner**RECORDER:****REPORTER:** Maureen Schorn**PARTIES****PRESENT:**

Carroll, Thomas M.
Consul, Vincent A.
Nelson III, Roy L.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. Consul advised he received a phone call from Defendant on 6/30 that he had hired Mr. Pitaro to represent him. Mr. Pitaro concurred. Conference at the Bench. Pursuant to conference and at request of Defendant, COURT ORDERED, Mr. Consul is WITHDRAWN and Mr. Pitaro is APPOINTED as counsel of record. FURTHER, due to the personnel relationship between this Court and Mr. Pitaro, to avoid the appearance of impropriety and implied bias, this Court hereby disqualifies itself and ORDERS, trial date VACATED and this matter be REASSIGNED at random.

PRINT DATE: 08/18/2022

Page 6 of 69

Minutes Date: January 09, 2006

Mr. Carroll stated he objected to the substitution of counsel and the trial being vacated and that the State invoked their right to a speedy trial and will do so in the new Dept. as well. Court so noted and ORDERED, matter be set for trial setting in the new Dept and the Motion CONTINUED as well.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 25, 2006**

05C218103

The State of Nevada vs Mark R Zana

July 25, 2006**8:30 AM****All Pending Motions**

**ALL PENDING
MOTIONS 7/25/06
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES**- TRIAL SETTING...STATE'S MOTION TO ADMIT EVIDENCE OF OTHER CRIMES**

Mr. Carroll stated he is prepared to argue the State's motion today; the Court can then make a finding of relevancy and set it for hearing at a later time to determine whether the State has met the standard. Arguments by counsel. Court stated it doesn't know how the State will get over the remoteness prong of the test in reference to the 1992 case. Response by Mr. Carroll. Colloquy regarding the camera and candy. Further arguments. COURT ORDERED, it wants to go further as to the 1992 incident in Pennsylvania; the 1998 Henderson incident and testimony of Mark Barita; however, the camera is not coming in. Following a conference at the bench, COURT ORDERED, matter CONTINUED for status check and further review.

BOND

PRINT DATE: 08/18/2022

Page 8 of 69

Minutes Date: January 09, 2006

05C218103

10/13/06 8:30 AM STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF OTHER
CRIMES

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 12, 2006**

05C218103

The State of Nevada vs Mark R Zana

October 12, 2006**9:00 AM****Status Check**

**STATUS CHECK:
STATE'S MOTION
TO ADMIT
EVIDENCE OF
Court Clerk: Teri
Braegelmann
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court directed counsel to check with the Judicial Executive Assistant regarding a new date. COURT ORDERED, matter CONTINUED.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 14, 2006**

05C218103

The State of Nevada vs Mark R Zana

November 14, 2006**8:30 AM****Motion**

**DEFT'S MTN OF
CHANGING
STATUS OF
INTENSIVE
SUPERVISION/13
Court Clerk: Sandra
Jeter Relief Clerk:
Judy McFadden/jm
Reporter/Recorder:
Francesca Haak
Heard By: Glass,
Jackie**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:** Walsh, Jessica A. Attorney

JOURNAL ENTRIES

- Mr. Pitaro and Deft. not present. Court advised Mr. Pitaro has requested the matter be continued.
COURT SO ORDERED.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 16, 2006**

05C218103

The State of Nevada vs Mark R Zana

November 16, 2006**8:30 AM****Motion**

**DEFT'S MTN OF
CHANGING
STATUS OF
INTENSIVE
SUPERVISION/13
Court Clerk: Sandra
Jeter/sj Relief Clerk:
Judy McFadden
Reporter/Recorder:
Rachelle Hamilton &
Francesca Haak
Heard By: Glass,
Jackie**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Clarke, Summer C.
Nelson III, Roy L.
Sciscento, Joseph S.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Sciscento requested the matter continued stating Mr. Pitaro is unavailable today and needs to further discuss the matter with Tom Carroll. Matter trailed for Mr. Carroll's presence. Matter recalled. Roy Nelson present for Mr. Carroll. COURT ORDERED, matter CONTINUED.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 21, 2006**

05C218103

The State of Nevada vs Mark R Zana

November 21, 2006**8:30 AM****Motion**

**DEFT'S MTN OF
CHANGING
STATUS OF
INTENSIVE
SUPERVISION/13
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Nelson III, Roy L.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Argument by Mr. Pitaro in support of his motion. Mr. Nelson advised this is Mr. Carroll's case who requested the matter submitted on the State's opposition. Court noted it did not receive the State's opposition. Argument by Mr. Nelson in opposition to deft.'s motion. Colloquy regarding Judge Burr's order. COURT ORDERED, deft.'s motion GRANTED IN PART; deft. to REPORT TWICE A MONTH FOR INTENSIVE SUPERVISION; however, deft. is to have ABSOLUTELY NO CONTACT WHATSOEVER WITH ANY CHILDREN TO INCLUDE THOSE IN HIS OWN FAMILY REGARDLESS OF THE HOLIDAYS.

PRINT DATE: 08/18/2022

Page 13 of 69

Minutes Date: January 09, 2006

05C218103

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 09, 2007**

05C218103

The State of Nevada vs Mark R Zana

February 09, 2007**9:00 AM****Status Check**

**STATUS CHECK:
STATE'S MOTION
TO ADMIT
EVIDENCE OF
Court Clerk: Sandra
Jeter/sj Relief Clerk:
Pamela Humphrey
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
Holthus, Mary Kay
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. Pitaro requested argument on the issue of the sealings of the 1992 and 1998 incidents prior to any testimony. COURT SO ORDERED. Mr. Pitaro argued the State is attempting to circumvent the sealed incidents by finding persons to testify. Response by Mr. Carroll that the State hasn't made a motion to unseal yet; he agrees the 92' incident in Pennsylvania was expunged and the 98' incident involving Jill Lozano was sealed; however, he hasn't offered any sealed records and believes he can bring in the evidence through the memory of witnesses. Further arguments by counsel. Colloquy.

PRINT DATE: 08/18/2022

Page 15 of 69

Minutes Date: January 09, 2006

COURT ORDERED, it will hear evidence at this time and anything obtained here will be for the purposes of this hearing only. Further, it will allow counsel to submit additional briefs and set the issue for further argument and decision at which time it will decide whether or not the incidents can come in through the independent recollection of the witnesses. Court INVOKED the EXCLUSIONARY RULE. Testimony. (See attached worksheet.) Following arguments by counsel on the clear and convincing issue, Court noted it is good on that issue, however, ORDERED, matter SET for further argument and decision on the sealing issue. Deft.'s Motion to Quash Warrant and Suppress Evidence FILED IN OPEN COURT. State requested until the 20th to file an Opposition. COURT SO ORDERED. FURTHER, matter SET for HEARING and the officer may be brought in; however, depending on what happens with the motion to suppress, it may need to hold another hearing. Mr. Pitaro expressed concern regarding his possible eye surgery on the 6th.

3/1/07 1:00 PM HEARING: ARGUMENT AND DECISION on STATE'S MOTION TO ADMIT EVIDENCE...DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE (COMPUTER)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 01, 2007**

05C218103

The State of Nevada vs Mark R Zana

March 01, 2007**1:00 PM****All Pending Motions**

**ALL PENDING
MOTIONS 3/1/07
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Holthus, Mary Kay
Miceli, Michael J.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- ARGUMENT: STATE'S MOTION TO ADMIT EVIDENCE: Court noted it received the additional information from both sides and has reviewed same. Following arguments by counsel and in regards to the issue of the sealings, Court FINDS when you seal a case, you are sealing the case but you are not sealing the people who were involved in the case. Further, the sealing of the two cases does not seal the individuals' memories/experiences and therefore, would not prevent the individuals from testifying as to what happened; i.e., that on such and such a day, this happened to him/her. Therefore, COURT ORDERED, if the Court decides the witnesses will be permitted to testify, they will be allowed to testify within the parameters outlined and can only speak as to their experiences. In regards to the issue of clear and convincing and pursuant to NRS 48.045(2), the Court FINDS the

PRINT DATE: 08/18/2022

Page 17 of 69

Minutes Date: January 09, 2006

other bad acts meet the clear and convincing test; the evidence is relevant; it would not unfairly prejudice the deft. as it goes to show motive/what motivated deft. to do what he did; therefore, it will come in.

ARGUMENT: DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE: Mr. Pitaro advised Mr. Carroll informed him the Officer is unavailable today. Court noted it had to move the hearing to today as it has a conflict tomorrow; therefore, it will hear from counsel today and if it finds a hearing is necessary, it will hold one at a later date. Following arguments by counsel, Court FINDS there is no great leap of faith as alleged by deft., Judge Burr had a substantial basis to issue the warrant and the warrant is valid. Therefore, COURT ORDERED, motion DENIED.

State to prepare the Order. Colloquy regarding Mr. Pitaro's potential eye surgery. Mr. Pitaro stated that based on what happened with the last surgery, he doesn't think this trial will go on the date currently scheduled. COURT ORDERED, matter CONTINUED for status check on Mr. Pitaro's eye surgery/trial readiness.

BOND

3/8/07 8:30 AM STATUS CHECK: DEFENSE COUNSEL'S EYE SURGERY // TRIAL READINESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 08, 2007**

05C218103

The State of Nevada vs Mark R Zana

March 08, 2007**8:30 AM****Status Check**

STATUS CHECK:
DEFENSE
COUNSEL'S EYE
SURGERY // TRIAL
READINESS Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
 Holthus, Mary Kay
 Miceli, Michael J.
 Pitaro, Thomas F.
 Zana, Mark R

Attorney
 Attorney
 Attorney
 Attorney
 Defendant

JOURNAL ENTRIES

- Mr. Pitaro advised he is having surgery on the 16th. COURT ORDERED, calendar call and trial dates, VACATED; matter RESET in the ORDINARY COURSE on a date agreed to by all counsel. Court ADMONISHED this TRIAL DATE IS IT. Mr. Carroll requested the 3/13/07 remain for status check on negotiations and the COURT SO ORDERED.

BOND

3/13/07 8:30 AM STATUS CHECK: NEGOTIATIONS

PRINT DATE: 08/18/2022

Page 19 of 69

Minutes Date: January 09, 2006

05C218103

7/31/07 8:30 AM CALENDAR CALL
8/06/07 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 13, 2007**

05C218103

The State of Nevada vs Mark R Zana

March 13, 2007**8:30 AM****Status Check**

**STATUS CHECK:
NEGOTIATIONS
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Mr. Pitaro requested the matter taken off calendar and the COURT SO ORDERED.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 24, 2007**

05C218103

The State of Nevada vs Mark R Zana

July 24, 2007**8:30 AM****Conversion Hearing Type**

**AT REQUEST OF
COURT: STATUS
CHECK ON TRIAL
DATE Court Clerk:
Sandra Jeter Relief
Clerk: Roshonda
Mayfield
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
Holthus, Mary Kay
Pitaro, Thomas F.

Attorney
Attorney
Attorney

JOURNAL ENTRIES

- Mr. Carroll advised he has contacted the witnesses and it is looking good for the State for the 6th. Colloquy between parties regarding jury selection. COURT ORDERED, Deft's presence WAIVED; calendar call and trial date will STAND.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 31, 2007**

05C218103

The State of Nevada vs Mark R Zana

July 31, 2007**8:30 AM****Calendar Call**

CALENDAR CALL
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Lewis, Linda Y.

Attorney

Pitaro, Thomas F.

Attorney

JOURNAL ENTRIES

- Mr. Pitaro requested DEFT.'S PRESENCE WAIVED and the COURT SO ORDERED. Counsel announced ready for trial. COURT ORDERED, matter SET FIRM for TRIAL. COURT FURTHER ORDERED, counsel to e-mail the proposed jury instructions and Verdict form to the JEA. Mr. Carroll stated he has not received deft.'s list of witnesses. Following review of Blackstone, Court noted Mr. Pitaro electronically filed his Notice of Witnesses on 7/13/07 and FINDS same was timely filed. Colloquy reference possible witness/subpoena issues.

BOND**8/6/07 1:00 PM JURY TRIAL**

Tom Carroll/Linda Lewis, DDAs; Thomas Pitaro, Esq. State has 15 witnesses 2 of which are out-of-state; defense has 6/7 witnesses 1 week

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 06, 2007**

05C218103

The State of Nevada vs Mark R Zana

August 06, 2007**1:00 PM****Jury Trial**

TRIAL BY JURY
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
Lewis, Linda Y.
Miceli, Michael J.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Mr. Pitaro moved to sever the child pornography and lewdness counts arguing prejudicial joinder; that the State has not charged a minor under the age of 16 in the pornography counts and that the State will need an expert to testify to a reasonable degree of medical certainty that the persons depicted are under the age of 16. Arguments. Mr. Carroll requested leave to amend the Information where it says "child" to "person under the age of 16." Court FINDS Mr. Pitaro has been placed on notice that the child pornography depicts persons under the age of 16; therefore, ORDERED, Mr. Pitaro's motion DENIED, however, the State better have an expert to distinguish the age differences.

Mr. Carroll advised Count 21 contains a typographical error in the file name. Mr. Pitaro argued fatal

PRINT DATE: 08/18/2022

Page 24 of 69

Minutes Date: January 09, 2006

variance. COURT ORDERED, State to amend the Information to include the correct file name. Mr. Carroll expressed concern regarding media coverage and requested no photographs of the children and/or parents be taken. Mr. Pitaro stated he has no problem with the State's request. Court noted the media is not present currently but will admonish them regarding coverage parameters.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Voir Dire Oath given. Jury selection commenced. During jury selection, the Court ADMONISHED the Jury and ORDERED them to return the following day at the time given.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY: Mr. Pitaro moved for a mistrial based on statements/questions reference touching that Ms. Lewis made in Voir Dire. In the alternative, Mr. Pitaro requested he be allowed to clarify. COURT ORDERED, Mr. Pitaro's oral motion for mistrial DENIED. FURTHER, Mr. Pitaro to formulate something for the Court's consideration.

The Bailiff advised Juror #206 is refusing to return tomorrow morning. Outside the presence of the other prospective Jurors, Court ADMONISHED Juror #206 and ORDERED him to return the following morning or a warrant will issue for his arrest.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 07, 2007**

05C218103

The State of Nevada vs Mark R Zana

August 07, 2007**9:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sandra
Jeter****Reporter/Recorder:****Rachelle Hamilton****Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Lewis, Linda Y.

Attorney

Miceli, Michael J.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Statements by Mr. Pitaro regarding suggested cure to Ms. Lewis' Voir Dire questioning reference touching. Court FINDS Ms. Lewis' questioning did not cross the line, it did not taint the Jury and it will not instruct the Jury; however, there will be no more discussion regarding touching. Mr. Pitaro's oral motion for mistrial remains DENIED.

Order reference school records and Amended Information FILED IN OPEN COURT.

Colloquy and arguments reference the Court's previous rulings regarding the records that were sealed and the witness' testimony of the events. Mr. Carroll requested a finding of trustworthiness under NRS 51.385 relative to Jillian Lozano's mother's and grandmother's testimony and stated a

PRINT DATE: 08/18/2022

Page 26 of 69

Minutes Date: January 09, 2006

Petrocelli Hearing maybe necessary. Argument in opposition by Mr. Pitaro. Court noted it will re-address this issue at a later time.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Jury selection continued.

OUTSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Scott Greenberg, Assistant General Counsel, Clark County School District, present. Court noted it is here on deft.'s ex-parte subpoena for school district records and it has ordered the School District to comply. Outside the presence of the District Attorney, Mr. Greenberg advised he has produced 12 of the 20 records requested, however, he is concerned because there are 1,000's of loose pages in the boxes which he has not reviewed. Further, Mr. Greenberg has concerns reference FERPA and notice to the parents. Court stated it is foregoing the notice requirements, however, DIRECTED Mr. Greenberg to provide the records to the parents if they call. COURT ORDERED, if Mr. Pitaro intends to use any of the records, he is provide them to the State and to the Court before hand so it can rule. Inside the presence of the District Attorneys, Mr. Carroll requested a complete copy of the records not just one piece. Court stated it does not know what is in the records, however, noted it has ordered Mr. Pitaro to provide whatever he intends to use.

INSIDE THE PRESENCE OF THE PROSPECTIVE JURY PANEL: Jury SELECTED and SWORN.

OUTSIDE THE PRESENCE OF THE OTHER JURY MEMBERS, COURT ORDERED, Juror #206 EXCUSED FOR CAUSE AND NON-PARTICIPATION. Alternate selected (Juror #4). Jury List FILED IN OPEN COURT.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro renewed his motion reference the prior bad act testimony of Jillian Lozano and Ms. Lozano's mother and grandmother. Response by the State. COURT ORDERED, Mr. Pitaro's oral motion DENIED; however, the Court will give a limiting instruction for each prior bad act witness after testimony. Mr. Pitaro requested the instruction be read before and after the testimony of each witness. DENIED, prior ruling STANDS.

OUTSIDE THE PRESENCE OF THE OTHER JURY MEMBERS, Juror #2 indicated she may have worked at the teacher's credit union with one of deft.'s family members. Following questioning of the Juror, COURT ORDERED, the Juror will remain.

OUTSIDE THE PRESENCE OF THE OTHER JURY MEMBERS, Juror #14 was EXCUSED because he recognized one of the State's witnesses as being one of his employees.

OUTSIDE THE PRESENCE OF THE JURY: COURT ORDERED, Alternate Juror (#4) is now a part of the Jury panel. Amended Jury List FILED IN OPEN COURT.

INSIDE THE PRESENCE OF THE JURY: Introductory remarks by the Court. Clerk read the Information to the Jury and stated deft.'s plea thereto. Opening statements by Mr. Carroll and Mr. Pitaro. Court ADMONISHED the Jury and ORDERED them to return the following day at the time given.

OUTSIDE THE PRESENCE OF THE JURY: Arguments by counsel reference hearsay testimony of Jillian Lozano's mother and grandmother. Court NOTED it will review the cases cited and the statute and make a ruling tomorrow.

Mr. Pitaro moved to dismiss Counts 10 - 21 arguing the State never corrected the second part of the Information and just stated "naked minor" rather than "under the age of 16". Response by Mr. Carroll. COURT ORDERED, Mr. Pitaro's oral motion to dismiss DENIED.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 08, 2007**

05C218103

The State of Nevada vs Mark R Zana

August 08, 2007**10:30 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sandra
Jeter****Reporter/Recorder:****Rachelle Hamilton****Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Lewis, Linda Y.

Attorney

Miceli, Michael J.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Court FINDS under NRS 51.385 there are sufficient guarantees of trustworthiness reference Jillian Lozano's mother's and grandmother's testimony and same will be admitted over Mr. Pitaro's objection.

INSIDE THE PRESENCE OF THE JURY: Court INVOKED the EXCLUSIONARY RULE. Testimony and exhibits.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro moved for a mistrial and requested the testimony of Karen Bjornson be stricken. Response by Mr. Carroll. COURT ORDERED, Mr. Pitaro's oral motion DENIED.

INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits continue. During the testimony of

PRINT DATE: 08/18/2022

Page 29 of 69

Minutes Date: January 09, 2006

witness Marcovecchio, Mr. Pitaro moved for a hearing outside the presence of the Jury. Following a conference at the bench, COURT ORDERED, Mr. Pitaro's request DENIED. Testimony continued. Court ADMONISHED the Jury and ORDERED them to return the following day at the time given.
BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 09, 2007**

05C218103

The State of Nevada vs Mark R Zana

August 09, 2007**9:00 AM****Jury Trial**

TRIAL BY JURY
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Glass,
Jackie

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
 Lewis, Linda Y.
 Miceli, Michael J.
 Pitaro, Thomas F.
 Zana, Mark R

Attorney
 Attorney
 Attorney
 Attorney
 Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Carroll expressed concern reference media coverage. Court ADMONISHED the media there is to be no filming and/or pictures of the victim witnesses and/or their parents from the chest up; no faces are to be shown to include obscured shots. Mr. Pitaro advised he received deft.'s records from the School District and lodged same with the Court.

INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits. (See attached worksheets.) Court ADMONISHED the Jury and ORDERED them to return the following day at the time given.

OUTSIDE THE PRESENCE OF THE JURY: Court ADMONISHED deft. regarding his right not to testify. Jury Instructions settled.

PRINT DATE: 08/18/2022

Page 31 of 69

Minutes Date: January 09, 2006

05C218103

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 10, 2007**

05C218103

The State of Nevada vs Mark R Zana

August 10, 2007**8:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sandra
Jeter****Reporter/Recorder:****Rachelle Hamilton****Heard By: Glass,
Jackie****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Lewis, Linda Y.

Attorney

Miceli, Michael J.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro objected to the testimony of the State's expert arguing he received nothing and was told on Friday the expert would not be testifying. Response by Mr. Carroll. COURT ORDERED, the witness will be permitted to testify. Mr. Pitaro requested his expert, Dr. Hyman, be present during the testimony of the State's expert. SO ORDERED.

INSIDE THE PRESENCE OF THE JURY: Testimony and exhibits. (See attached worksheets.) Mr. Carroll moved to AMEND the AMENDED INFORMATION by INTERLINEATION to reflect the correct spelling of Melissa Marcovecchio's last name and the COURT SO ORDERED. State rested. Defense commenced with its case. Testimony and exhibits continue. Following the testimony of witness Mancino, the defense rested.

PRINT DATE: 08/18/2022

Page 33 of 69

Minutes Date: January 09, 2006

OUTSIDE THE PRESENCE OF THE JURY: Mr. Pitaro moved for a mistrial based on the State's introduction of Exhibits 7 and 8. Response by Mr. Carroll. COURT ORDERED, Mr. Pitaro's oral motion DENIED.

Mr. Pitaro objected to the closed-courtroom setting during the video of State's Exhibit 6/the child pornography. Response by Mr. Carroll and the Court.

Mr. Pitaro renewed his motion to sever. DENIED.

Mr. Carroll stated Mr. Pitaro previously objected to the State not providing him with an expert report, however, Mr. Pitaro provided the State with 52 pages of documents immediately prior to deft. testifying. Response by Mr. Pitaro.

INSIDE THE PRESENCE OF THE JURY: Court instructed the Jury on the law. Closing arguments by Ms. Lewis, Mr. Pitaro and Mr. Carroll. Bailiff and matron SWORN to take charge of the Jury. At the hour of 4:43 p.m., the Jury retired to deliberate.

Deliberations. Having not reached a Verdict, Court ADMONISHED the Jury and ORDERED them to return on the date and time given.

BOND

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 13, 2007**

05C218103

The State of Nevada vs Mark R Zana

August 13, 2007**8:00 AM****Jury Trial****TRIAL BY JURY****Court Clerk: Sandra
Jeter****Reporter/Recorder:****Rachelle Hamilton****Heard By: Jackie****Glass****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Lewis, Linda Y.

Attorney

Miceli, Michael J.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- Deliberations continue.

OUTSIDE THE PRESENCE OF THE JURY: Court noted on Friday the Bailiff informed it after it had already notified counsel that it was sending the Jury home, that the Jury a question and same was marked as Court's Exhibit 3 with the Court's response marked as Court's Exhibit 4.

INSIDE THE PRESENCE OF THE JURY: At the hour of 11:27 a.m., the Jury returned with GUILTY/NOT GUILTY Verdicts as recorded on file herein. Court thanked and excused the Jury.

OUTSIDE THE PRESENCE OF THE JURY: Mr. Carroll requested deft. remanded into custody.

Objection by Mr. Pitaro. COURT ORDERED, deft. REMANDED to the CUSTODY OF THE SHERIFF; NO BAIL. FURTHER, BOND, if any EXONERATED. Matter REFERRED to P&P and SET for

PRINT DATE: 08/18/2022

Page 35 of 69

Minutes Date: January 09, 2006

05C218103

SENTENCING.

CUSTODY

10/4/07 8:30 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 04, 2007**

05C218103

The State of Nevada vs Mark R Zana

September 04, 2007**1:15 PM****Conversion Hearing Type**

**AT REQUEST OF
COURT Court Clerk:
Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.
Miceli, Michael J.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
Attorney
Defendant

JOURNAL ENTRIES

- Court NOTED it placed this matter on calendar because its law clerk received a phone call from Juror #8, Carol Marques, who related concerns that Juror #13, Christopher Thurman, did independent, Internet research over the weekend between Friday and Monday deliberations which had to do with the age of the girls in the videos. Thereafter, the Court directed its JEA to contact Juror #8 to ask pertinent questions. Colloquy reference possible options. Mr. Pitaro requested a continuance to research the law. COURT ORDERED, matter CONTINUED and counsel are DIRECTED to review Myer vs. State of Nevada, 119 Nev. 554 (2003) which deals with juror misconduct and sets the standards and discretion of the Court. COURT FURTHER ORDERED, no one is to discuss and/or contact anyone reference this issue at this time. Court stated it will have the JEA prepare a Memorandum regarding the Juror contacts and provide same to counsel.

PRINT DATE: 08/18/2022

Page 37 of 69

Minutes Date: January 09, 2006

05C218103

9/11/07 11:00 AM FURTHER PROCEEDINGS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****September 11, 2007**

05C218103

The State of Nevada vs Mark R Zana

September 11, 2007**11:00 AM****Further Proceedings**

**FURTHER
PROCEEDINGS
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Miceli, Michael J.

Attorney

Oram, Christopher R.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- Conference at the bench. Mr. Pitaro advised he filed a Motion for New Trial and requested the JEA's Memorandum be made part of the record. COURT SO ORDERED. Memorandum marked as Court's Exhibit 1 to the hearing this date and will be SEALED until further order of this Court. Mr. Pitaro requested a hearing held with all Jurors placed under oath and the offending Juror's computer seized for forensic examination. Mr. Carroll stated he is in agreement that further inquiry be done of the Jurors, however, objection to seizure of the computer. In addition, Mr. Carroll requested that no contact be made with any of the Jurors by any party in the interim. COURT ORDERED, matter SET for HEARING and Deft.'s Motion For New Trial will be addressed following the hearing. Request for

PRINT DATE: 08/18/2022

Page 39 of 69

Minutes Date: January 09, 2006

seizure of computer DENIED. The Court will prepare a subpoena for each Juror requiring their presence at the next date; the Jurors will be segregated from one another and questioned separately. FURTHER, there is to be absolutely no contact with the Jurors by any party. Mr. Pitaro advised Mr. Oram has associated in for Appellate purposes.

Court ADMONISHED K. C. Howard, reporter for the Las Vegas Review Journal who was present this date, and/or any other representatives from the media to not make contact with, call or interview any of the Jurors in an effort to preserve the integrity of the proceedings. Mr. Pitaro stated he requested the Court ask the press not to report on the case or, at the very least, that the names of the Jurors not be mentioned. Court noted Mr. Pitaro did not request a closed hearing, however, REQUESTED the media/press keep the names of the Jurors confidential and that they just be referred to as Jurors. Ms. Howard stated she will advise her Editor of the Court's concerns but the decision of what to print is left to the Editor's discretion. Mr. Pitaro requested his Motion for New Trial be SEALED and the COURT SO ORDERED. FURTHER, Jury Lists and minutes of this date and of the 9/4/07 hearing to be SEALED until further order. Sentencing date VACATED.

CUSTODY

10/8/07 10:00 AM HEARING ... DEFT.'S MOTION FOR NEW TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 08, 2007**

05C218103

The State of Nevada vs Mark R Zana

October 08, 2007**10:00 AM****Hearing**

**HEARING: DEFT.'S
MOTION FOR NEW
TRIAL Court Clerk:
Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.	Attorney
Lewis, Linda Y.	Attorney
Miceli, Michael J.	Attorney
Oram, Christopher R.	Attorney
Pitaro, Thomas F.	Attorney
Zana, Mark R	Defendant

JOURNAL ENTRIES

- Pursuant to Order of the Court and in an effort to protect the integrity of the proceedings, COURTROOM CLOSED. All Jurors examined and testified. (See attached list - SEALED until further order of this Court.) Colloquy regarding next course of action. COURT ORDERED, defense to submit their Supplemental Points and Authorities to Motion for New Trial by 10/30/07, State to file its Response by 11/20/07 and matter SET for argument. Mr. Oram stated a Reply will not be necessary. COURT FURTHER ORDERED, Court Recorder to provide copies of the disc to both the State and defense and to prepare a transcript and file under seal.

PRINT DATE: 08/18/2022

Page 41 of 69

Minutes Date: January 09, 2006

05C218103

CUSTODY

11/30/07 9:00 AM DEFT.'S MOTION FOR NEW TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 30, 2007**

05C218103

The State of Nevada vs Mark R Zana

November 30, 2007**9:00 AM****Motion**

**DEFT.'S MOTION
FOR NEW TRIAL
Court Clerk: Sandra
Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Miceli, Michael J.

Attorney

Oram, Christopher R.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- Mr. Pitaro moved to exclude the press. Mr. Carroll submitted. COURT ORDERED, OBJECTION NOTED, request DENIED and the press will remain. Arguments by counsel. Court stated its FINDINGS and ORDERED, motion DENIED. FURTHER ORDERED, matter SET for SENTENCING. CUSTODY
12/20/07 1:30 PM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 20, 2007**

05C218103

The State of Nevada vs Mark R Zana

December 20, 2007**1:30 PM****Sentencing****SENTENCING****Court Clerk: Sandra
Jeter****Reporter/Recorder:****Rachelle Hamilton****Heard By: Jackie****Glass****HEARD BY:****COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Carroll, Thomas M.

Attorney

Miceli, Michael J.

Attorney

Oram, Christopher R.

Attorney

Pitaro, Thomas F.

Attorney

Zana, Mark R

Defendant

JOURNAL ENTRIES

- 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.

PRINT DATE: 08/18/2022

Page 44 of 69

Minutes Date: January 09, 2006

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 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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 19, 2008**

05C218103

The State of Nevada vs Mark R Zana

February 19, 2008**8:30 AM****Motion**

**DEFT'S MTN TO
PLACE ON
CALENDAR TO
REQUEST
TRANSCRIPTS FOR
APPEAL /29 Court
Clerk: Sandra Jeter
Reporter/Recorder:
Rachelle Hamilton
Heard By: Jackie
Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES**

PRESENT: Lewis, Linda Y. Attorney
Oram, Christopher R. Attorney

JOURNAL ENTRIES

- Deft. not present and in custody at the Nevada Department of Corrections.
Court noted an Affidavit has been provided which indicates deft. is indigent; therefore, ORDERED,
motion GRANTED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****April 28, 2008**

05C218103

The State of Nevada vs Mark R Zana

April 28, 2008**12:00 AM****Minute Order**

**MINUTE ORDER
RE: UNSEALING OF
TRANSCRIPTS/MIN
UTES Court Clerk:
Sandra Jeter Heard
By: Jackie Glass**

HEARD BY:**COURTROOM:** No Location**COURT CLERK:** Sandra Jeter**RECORDER:** Rachelle Hamilton**REPORTER:**

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- COURT ORDERED, any previously sealed transcripts and/or minutes to be UNSEALED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 02, 2010**

05C218103

The State of Nevada vs Mark R Zana

February 02, 2010**8:15 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Relief Clerk:
Roshonda Mayfield
Reporter/Recorder:
Michelle Ramsey
Heard By: Villani,
Michael****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Radovicic, Michael

Attorney

JOURNAL ENTRIES

- COURT ORDERED, matter CONTINUED.
NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****February 04, 2010**

05C218103

The State of Nevada vs Mark R Zana

February 04, 2010**8:15 AM****Petition for Writ of Habeas
Corpus****PTN FOR WRIT OF
HABEAS CORPUS
Relief Clerk: Tia
Everett/te
Reporter/Recorder:
Michelle Ramsey
Heard By: Michael
Villani****HEARD BY:****COURTROOM:** No Location**COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coumou, Frank

Attorney

JOURNAL ENTRIES

- Taking no oral argument and with decision based upon the filed briefs, Court FINDS, Defendant claims of ineffectiveness of counsel are not specific and Defendant needs to identify some basis for the ineffectiveness of counsel. Court further FINDS, Defendant has not provided enough information to warrant this Court to appoint counsel. COURT ORDERED, Petition DENIED WITHOUT PREJUDICE. Court stated Defendant may re-file his Petition with more specificity.

NDC

CLERK'S NOTE: The above minute order has been distributed to: MARK ZANA #1013790
LOVELOCK CORRECTIONAL CENTER 1200 PRISON ROAD LOVELOCK, NV 89419

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 28, 2010**

05C218103

The State of Nevada vs Mark R Zana

October 28, 2010**8:15 AM****Status Check****Appointment of
Counsel/Supreme
Court Remand****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Craig Hendricks, Chf Dep DA, present on behalf of the State; Deft. Zana incarcerated in the Nevada Department of Corrections (NDC) and not present.

Court noted Deft.'s post-conviction Petition for Writ of Habeas Corpus was DENIED without conducting an Evidentiary Hearing or appointing counsel. An Order of Reversal and Remand was filed by the Nevada Supreme Court. Therefore, COURT ORDERED, matter set for status check; Court Clerk shall contact Drew Christensen for appointment of counsel.

NDC

11/09/10 8:15 AM STATUS CHECK: CONFIRMATION OF COUNSEL

CLERK'S NOTE: Court Clerk telephonically notified the office of Drew Christensen regarding the above.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2010**

05C218103

The State of Nevada vs Mark R Zana

November 09, 2010**8:15 AM****Status Check****Confirmation of
Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Michael Radovic, Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. Zana, who is not present. Deft. is incarcerated in the Nevada Department of Corrections (NDC).

Ms. Palm CONFIRMED as counsel. Court noted Deft. filed a Motion to Place on Calendar to Waive Appointment of Counsel and to Proceed Pro Per; colloquy. Court directed Ms. Palm to contact Deft. COURT ORDERED, matter set for status check.

NDC

12/07/10 8:15 AM STATUS CHECK: MOTION TO WAIVE APPOINTMENT OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 07, 2010**

05C218103

The State of Nevada vs Mark R Zana

December 07, 2010**8:15 AM****Status Check****Deft.'s Motion to
Waive Appointment
of Counsel****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Craig Hendricks, Chf Dep DA, present on behalf of the State and Patricia Palm, Esq., present on behalf of Deft. Zana, who is also present.

Deft. filed a Motion to Waive Appointment of Counsel, pro se. Upon Court's inquiry, Ms. Palm advised she spoke with Deft. and he does not wish to be represented by counsel. Court noted that in Deft.'s Petition for Writ of Habeas Corpus (Post-Conviction) filed in December 2009, Deft. stated that he was indigent and did not understand the law and needed counsel appointed to help complete a Petition and Supplement. However, Deft. is now stating in open court that he does not wish to have counsel or stand-by counsel appointed. COURT ORDERED, Ms. Palm is excused from represented Deft. at this time. COURT FURTHER ORDERED, matter set for Feretta Canvass.

NDC

12/21/10 8:15 FERETTA CANVASS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****December 21, 2010**

05C218103

The State of Nevada vs Mark R Zana

December 21, 2010**8:15 AM****Hearing****Feretta Canvass****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Jim Sweetin, Chf Dep DA, present on behalf of the State; Deft. Zana present, pro se.

Court noted Deft. filed a Petition for Writ of Habeas Corpus (Post-Conviction) pro se, which the Court denied because it believed it did not have any merit. An Order of Reversal and Remand was issued by the Nevada Supreme Court because in its opinion, regardless of whether the Petition had merit, an attorney should have been appointed for Deft. This Court appointed Patricia Palm; Esq., as counsel for Deft. However, Deft. filed a Motion to WAIVE Appointment of Counsel and to Proceed Pro Per. A hearing was held on December 7, 2010, and Ms. Palm was excused; she declined to be appointed as stand-by counsel.

Mr. Sweetin advised the Supreme Court remanded this matter because Deft. had indicated that he did not understand the issues as they were very complex and because Deft. is entitled to counsel. The State would prefer that Ms. Palm make representations as to her advisement of Deft. and how he came to the conclusion he wanted to represent himself; colloquy. COURT ORDERED, matter set for status check; Feretta Canvass CONTINUED. Court Clerk to contact Drew Christensen and inform him that stand-by counsel needs to be appointed for Deft. for post-conviction relief. COURT ORDERED, Deft. REMANDED to the Clark County Detention Center (CCDC) pending next court date.

NDC

CONTINUED TO: 01/11/11 8:15 AM

CLERK'S NOTE: Court Clerk telephonically notified the office of Drew Christensen of the above.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****January 11, 2011**

05C218103

The State of Nevada vs Mark R Zana

January 11, 2011**8:15 AM****All Pending Motions****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- STATUS CHECK: APPOINTMENT OF COUNSEL . . . HEARING: FERETTA CANVASS

Thomas Carroll, Chf Dep DA, present on behalf of the State; Deft. Zana appearing pro se; and Michael Pandullo, Esq., appearing as stand-by counsel for Deft.

Court noted this is a REMAND from the Supreme Court; the Supreme Court felt that Deft. was in need of representation because he indicated in his Petition for Writ of Habeas Corpus that he did not understand the Post-Conviction Relief laws or the laws in general; colloquy. Modified Feretta Canvass preformed by the Court. Deft. formally WAIVED his right to an attorney on the record. Court APPOINTED STAND-BY counsel for Deft. Mr. Pandullo advised he was appearing on behalf of James Oronoz, Esq., and represented that Mr. Oronoz will CONFIRM as STAND-BY counsel for Deft. Zana today.

Court set the following briefing schedule:

02/08/11 - Supplemental Brief to be filed by Deft.

04/12/11 - Response

05/12/11 - Reply, if any

05C218103

COURT ORDERED, matter set for hearing. COURT FURTHER ORDERED, Deft. to be RELEASED to return to prison. State to prepare a Transport Order for next date.

NDC

06/13/11 1:00 PM HEARING: PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 01, 2011**

05C218103

The State of Nevada vs Mark R Zana

March 01, 2011**8:15 AM****Motion to Compel****Motion to Compel
Discovery****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Christopher Hamner, Dep PD, present on behalf of the State and James Oronoz, Esq., present as Stand-By counsel for Deft. Deft. is incarcerated in the Nevada Department of Corrections (NDC) and not present.

This is the time set for Deft.'s Motion to Compel Discovery on the underlying file. Mr. Oronoz advised that as stand-by counsel he needs to be aware of the contents of the file so he can provide advise to Deft. , if necessary. Mr. Hamner advised that there is no open file policy with regard to post-conviction proceedings. Arguments by counsel. Court directed Mr. Oronoz to contact Christopher Oram, Esq., regarding the file as he prepared the Appellate brief. If Mr. Oram will not provide the file, Mr. Oronoz should re-notice the Motion.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 21, 2011**

05C218103

The State of Nevada vs Mark R Zana

July 21, 2011**8:15 AM****Petition for Writ of Habeas
Corpus****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Thomas Carroll, Chf Dep DA, present on behalf of the State; Deft. Zana present pro se.

Court noted this matter was remanded by the Nevada Supreme Court as the Supreme Court felt that Deft. should have been provided with counsel. This Court provided Deft. with counsel but Deft. declined that representation and instead requested to represent himself.

State and Deft. submitted the matter on the pleadings. COURT FINDS, the Deft. has not set forth any legal basis to grant his Petition. Therefore, COURT ORDERED, Petition DENIED; matter set for status check.

State to prepare the Order.

08/04/11 8:15 AM STATUS CHECK: ORDER

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****August 04, 2011**

05C218103

The State of Nevada vs Mark R Zana

August 04, 2011**8:15 AM****Status Check****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Carol Donahoo**RECORDER:** Michelle Ramsey**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Carrie Morton, Dep DA, present on behalf of the State; Deft. Zana present pro se.

This is the time set for the Status Check on the Order from the July 21, 2011, hearing. Ms. Morton advised that the Order was submitted to the Court for signature on July 29, 2011. COURT ORDERED, matter OFF CALENDAR.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 13, 2021**

05C218103

The State of Nevada vs Mark R Zana

July 13, 2021**8:30 AM****Motion for Production of
Transcript****HEARD BY:** Villani, Michael**COURTROOM:** RJC Courtroom 11A**COURT CLERK:** Samantha Albrecht**RECORDER:** Kristine Santi**REPORTER:****PARTIES****PRESENT:**Meng, Yu
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present.

Court noted Defendant's Motion was for the 5/23/2006 and 8/6/2007 transcripts. COURT ORDERED, Motion GRANTED IN PART, 8/6/2007 transcript to be mailed to the Defendant and due to the 5/23/2006 transcript not being in Odyssey as well as Defendant not giving a specific reason for the transcript, a copy of the Minute Order from the 5/23/2006 hearing to be mailed to the Defendant.

NDC

CLERK'S NOTE: A copy of this Minute Order, a copy of the 8/6/2007 transcript and the Minute Order from the 5/23/2006 hearing mailed to:

Mark Zana #1013790

LCC

1200 Prison Rd.

Lovelock, NV 89419 (7/15/2021 sa)

PRINT DATE: 08/18/2022

Page 60 of 69

Minutes Date: January 09, 2006

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 02, 2021

05C218103

The State of Nevada vs Mark R Zana

**November 02, 2021 11:00 AM Motion for Production of
Transcript**

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 03E

COURT CLERK: Cynthia Moleres

RECORDER: Brittany Amoroso

REPORTER:

PARTIES

PRESENT:	Dunn, Ann Marie	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Ms. Dunn, Deputy District Attorney appeared via BlueJeans.

Defendant not present. Colloquy regarding transcripts. COURT ORDERED, matter TAKEN UNDER ADVISEMENT.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****November 09, 2021**

05C218103

The State of Nevada vs Mark R Zana

November 09, 2021**3:00 AM****Minute Order****HEARD BY:** Eller, Crystal**COURTROOM:** No Location**COURT CLERK:** Cynthia Moleres**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The Court DENIES Defendant s (renewed) Motion for Production of Transcript.

At the July 13, 2021 hearing on the original motion, the Court GRANTED in part and DENIED in part Defendant's request. The Court held that the May 23, 2006 transcript was not in Odyssey and, further, Defendant failed to provide a specific reason for the request. In his October 8th (renewed) motion, Defendant states that the transcripts are needed "to rebut claim made by the state in petitioner's Federal Habeas petition." Further, Defendant expressed a lack of understanding of the Court's July Minute Order and "does not know what 'Odyssey' is.

This Court notes and accepts Defendant's representations that the transcript is needed for his federal case. However, upon further research into the matter, the Court cannot accommodate Defendant s request. At the time of the May 23, 2006 hearing, the Eighth Judicial District Courts were only required to maintain records for up to eight (8) years. Consequently, the records requested by Defendant have been purged from Odyssey the Court s electronic case management database and are no longer available.

Accordingly, the Court must, and does, DENY Defendant's motion due to impossibility.

CLERK'S NOTE: A copy of this Minute Order was mailed to:
Mark R. Zana, #1013790
Lovelock Correctional Center
1200 Prison Road
Lovelock, Nevada 89419

clm 11/9/21

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 30, 2021

05C218103

The State of Nevada vs Mark R Zana

December 30, 2021

11:00 AM

**Motion for Production of
Transcript**

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 05A

COURT CLERK: Cynthia Moleres

RECORDER: Brittany Amoroso

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Mr. Turner, Chief Deputy District Attorney present.

Defendant not present. COURT NOTED Defendant not transported and ORDERED, this matter will be decided in chambers.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 12, 2022**

05C218103

The State of Nevada vs Mark R Zana

May 12, 2022**9:00 AM****Motion****HEARD BY:** Eller, Crystal**COURTROOM:** RJC Courtroom 05A**COURT CLERK:** Cynthia Molerres**RECORDER:** Brittany Amoroso**REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- Defendant not present. COURT stated its findings and ORDERED, motion DENIED. State to prepare the order.

CLERK'S NOTE: A copy of this minute order mailed to: Mark Zana, #1013790, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. clm 5-13-22

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 02, 2022**

05C218103

The State of Nevada vs Mark R Zana

June 02, 2022**9:00 AM****Motion****HEARD BY:** Eller, Crystal**COURTROOM:** RJC Courtroom 05A**COURT CLERK:** Cynthia Moleres**RECORDER:** Brittany Amoroso**REPORTER:****PARTIES****PRESENT:**Botelho, Agnes M
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present. COURT NOTED there was no written opposition to the Motion, to which Ms. Botelho stated the appellate division advised Defendant did not properly serve the State correctly with the motion, therefore, the opposition was not untimely, further, this motion was denied on 5/12/22, so this motion was moot. COURT DIRECTED the State complete an opposition that the service was untimely and ORDERED, matter CONTINUED.

NDC

CONTINUED TO: 06/16/22 9:00 A.M.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

June 16, 2022

05C218103

The State of Nevada vs Mark R Zana

June 16, 2022

9:00 AM

Motion

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 05A

COURT CLERK: Cynthia Moleres

RECORDER: Brittany Amoroso

REPORTER:

PARTIES

PRESENT:

Puccinelli, James Andrew
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Defendant not present.

COURT stated its findings and ORDERED, ruling DEFERRED; matter SET.

NDC

09/13/22 9:00 A.M. STATUS CHECK: APPEAL

CLERK'S NOTE: A copy of this minute order mailed to: Mark Zana #1013790, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419 clm 6/16/22

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 28, 2022**

05C218103

The State of Nevada vs Mark R Zana

June 28, 2022**9:00 AM****Motion****HEARD BY:** Eller, Crystal**COURTROOM:** RJC Courtroom 05A**COURT CLERK:** Cynthia Molerres**RECORDER:** Brittany Amoroso**REPORTER:****PARTIES****PRESENT:**

State of Nevada

Plaintiff

Wyse, Seleste A

Attorney

JOURNAL ENTRIES

- Defendant not present.

COURT NOTED Defendant not present as he was in NDC, stated its findings and ORDERED, matter DEFERRED until appeal resolved.

NDC

CLERK'S NOTE: A copy of this minute order mailed to: Mark Zana #1013790, Lovelock Correctional Center, 1200 Prison Road, Lovelock, NV 89419. clm 6-29-22

Defendants EXHIBITS

8/6/07
CASE NO. C215103

	Date Offered	Objection	Date Admitted
A. Letter written by Melissa Marcovechio	8/8/07	no	8/8/07
B. Erasure Log/Computer			
C. Poster Board - 2 girls	8/10/07	obj	8/10/07
D. Poster Board - Ath: Yang Ladies	Returned to court		
E. Poster Board - Various Ages	8/10/07	no	8/10/07
F. Poster Board - Collage/Girls	8/10/07	obj	8/10/07
G. Keeping track of Homework	8/10/07	no	8/10/07
H. Health Passes			
I. Unsat			
J. Signed Envelope Confirmation Report	8/10/07	no	8/10/07
K. Student Progress Report	8/10/07	obj	8/10/07
L. Behavior Report	8/10/07	no	8/10/07
M. Invitation Ice Cream			
N. Afternoon Rotation Reading Group	8/10/07	no	8/10/07
O. Permission Slip	8/10/07	no	8/10/07
P. Letter to Parents			
Q. Test Packet	8/10/07	no	8/10/07
R. Behavior Plan	8/10/07	no	8/10/07
S. Permission Slip/Free Math Tutoring	8/10/07	no	8/10/07
T. Contacting Zana			
U. Parent Letter - 1st Meeting			
V. Notes from Parents			
W. Email from Melissa's Mom			

CASE NO. 8/6/07
C218103

MADE IN THE U.S.A. DEFENDANT'S EXHIBIT

RECEIVED - Bureau, N. J. 2/10/02

2/10/02

EXHIBITS

AUG 06 2007

CASE NO. C218/23

[illegible]

THE SEALED EXHIBITS
LIST(S) WILL FOLLOW
VIA U.S. MAIL



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

MARK ZANA #1013790
1200 PRISON RD.
LOVELOCK, NV 89419

DATE: August 18, 2022
CASE: 05C218103

RE CASE: STATE OF NEVADA vs. MARK R. ZANA

NOTICE OF APPEAL FILED: August 17, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☒

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF INTENT TO APPEAL; CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE
OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

MARK R. ZANA,

Defendant(s).

Case No: 05C218103

Dept No: XIX

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 18 day of August 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk