

Case No. 05C218103

Pursuant to NRS 239B.030, the undersigned affirms that this document does not contain social security numbers.

IN THE Eighth JUDICIAL DISTRICT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CLARK

Electronically Filed
Dec 12 2023 11:25 AM
Elizabeth A. Brown
Clerk of Supreme Court

Mark Zana
Plaintiff

VS.

NOTICE OF APPEAL
(CRIMINAL)

State of Nevada
Defendant

Notice is given that Plaintiff, Mark Zana, in pro se, hereby
appeals to the Nevada Supreme Court the denial of his Motion to Correct
an Illegal Sentence as filed/entered on the 14th day of Sept., 20 23
(Complete if Applicable) and the Motion For Releasing,
as filed/entered on the 6th day of Nov., 20 23 in the above-entitled Court.

Dated this 5th day of Dec., 20 23

Mark Zana # 1013790

Mark Zana

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89418

Plaintiff, In Pro Se

RECEIVED
DEC 11 2023
CLERK OF THE COURT

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing NOTICE OF APPEAL
(CRIMINAL)) to the below address (es) on this 5th day of Dec. 2023

_____, 20 23

By placing same in the U.S. Mail via prison law library staff:

8th Judicial District Court

Clark County

200 S. 3rd Street

Las Vegas, Nevada 89 155

Mark Zona # 1013790

Lovelock Correctional Center

1200 Prison Road

Lovelock, Nevada 89419

Phone/Fax: _____

Mark Zona In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding Motion for Enlargement of Time
(First Request) filed in District Court Case No. _____ does not contain the social security
numbers of any person.

Dated this _____ day of _____, 20 _____.

Plaintiff in Pro Se

Mark Zana 1023740
LCC
12000 Prison Rd
Lowell, NV 89419

**INMATE LEGAL
MAIL CONFIDENTIAL**

*Eighth Judicial District Court
Clark County
200 S. 3rd Street
Las Vegas, NV 89155*

RECEIVED

DEC 11 2023

CLERK OF THE COURT

9099810159



LCC LAW LIBRARY

DEC 05 2023

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PERMIT NO. 1000

705 DEC 2023 P 12 1



1 ASTA

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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 89149

25 4. Respondent: The State of Nevada

26 Counsel:

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

1 (702) 671-2700

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

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

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

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

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

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

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

11 Type of Judgment or Order Being Appealed: Misc. Order

12 11. Previous Appeal: Yes

13 Supreme Court Docket Number(s): 50786, 55688, 58978, 80571, 84854, 85085, 85206

14 12. Child Custody or Visitation: N/A

15 Dated This 12 day of December 2023.

16 Steven D. Grierson, Clerk of the Court

17
18 /s/ Cierra Borum

19 Cierra Borum, Deputy Clerk

20 200 Lewis Ave

21 PO Box 551601

22 Las Vegas, Nevada 89155-1601

(702) 671-0512

23 cc: Mark Zana
24
25
26
27
28

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**
 § **85206**

CASE INFORMATION

| Offense | Statute | Deg | Date | Case Type: | Felony/Gross Misdemeanor |
|---|----------------|------------|-------------|-------------------|---------------------------------|
| 1. OPEN OR GROSS LEWDNESS | 201.230 | G | 01/01/1900 | Case Status: | 07/30/2023 Closed |
| 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 | | |

CASE SUMMARY**CASE No. 05C218103**

| | | | |
|--|---------|---|------------|
| 17. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A PERSON UNDER THE AGE OF SIXTEEN | 200.730 | F | 01/01/1900 |
| 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

| | |
|------------|--|
| 07/30/2023 | Other Manner of Disposition - Criminal |
| 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

CASE SUMMARY**CASE NO. 05C218103**

Converted Surety Bond #WC30503053 \$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 #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 |
| | <i>Lead Attorneys</i> |

CASE SUMMARY**CASE NO. 05C218103****Pro Se****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>Index #16</i> |

CASE SUMMARY**CASE NO. 05C218103**
















| | | |
|------------|--|------------------|
| | <i>[16] Certificate for Attendance of Out-Of-State Witness Christina Butler</i> | |
| 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> |

CASE SUMMARY
















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| | | |
|------------|--|-----------|
| 02/20/2007 |  Supplemental Brief Filed By: Defendant Zana, Mark R <i>[37] Supplemental Brief</i> | Index #37 |
| 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 | | Index #56 |

CASE SUMMARY**CASE NO. 05C218103**

















| | | |
|------------|---|-------------------|
| |  Subpoena Duces Tecum Filed by: Defendant Zana, Mark R <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> |

CASE SUMMARY**CASE NO. 05C218103**

| | | |
|------------|---|------------------|
| 10/31/2007 |  Receipt of Copy Filed by: Defendant Zana, Mark R <i>[77] Receipt of Copy</i> | <i>Index #77</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> |
















CASE SUMMARY

CASE NO. 05C218103

| | | |
|------------|--|------------|
| 04/24/2008 |  Reporters Transcript <i>[95] Transcript of Hearing Held on August 6, 2007</i> | Index #95 |
| 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 | | Index #113 |






CASE SUMMARY

CASE NO. 05C218103
















| | | |
|------------|--|-------------------|
| |  Order for Production of Inmate <i>[113] Order for Production of Inmate Mark Zana, BAC #1013790</i> | |
| 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 | | <i>Index #128</i> |

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| | | |
|------------|---|------------|
| |  NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[128] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed</i> | |
| 06/11/2012 |  Criminal Order to Statistically Close Case Filed By: Plaintiff State of Nevada <i>[129] Criminal Order to Statistically Close Case</i> | Index #129 |
| 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 |

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|------------|--|-------------------|
| 06/09/2022 |  Opposition to Motion Filed By: Plaintiff State of Nevada <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> | <i>Index #144</i> |
| 06/20/2022 |  Order Denying Motion <i>[145] Order Denying Defendant's Motion for Modification of Sentence</i> | <i>Index #145</i> |
| 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> | <i>Index #146</i> |
| 07/25/2022 |  Notice of Appeal (Criminal) <i>[147] Notice of Appeal</i> | <i>Index #147</i> |
| 07/26/2022 |  Case Appeal Statement <i>[148] Case Appeal Statement</i> | <i>Index #148</i> |
| 08/17/2022 |  Notice of Appeal (Criminal) <i>[149] Notice of Appeal</i> | <i>Index #149</i> |
| 08/18/2022 |  Case Appeal Statement <i>[150] Case Appeal Statement</i> | <i>Index #150</i> |
| 09/27/2022 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[151] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed; Rehearing Denied</i> | <i>Index #151</i> |
| 09/27/2022 |  NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[152] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i> | <i>Index #152</i> |
| 10/05/2022 |  Order Denying Motion <i>[153] Order Denying Defendant's Motion to Strike the States Reply from his Recond in Accordance with Rule 3.20 (C)</i> | <i>Index #153</i> |
| 06/21/2023 |  NV Supreme Court Clerks Certificate/Judgment - Affirmed <i>[154] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Affirmed; Rehearing Denied; Petition Denied</i> | <i>Index #154</i> |
| 07/06/2023 |  Motion to Modify Sentence Filed By: Defendant Zana, Mark R <i>[155] Motion for Modification of Sentence</i> | <i>Index #155</i> |
| 07/14/2023 |  Opposition <i>[156] States Opposition to Defendants Motion for Modification of Sentence</i> | <i>Index #156</i> |
| 07/30/2023 |  Amended Judgment of Conviction <i>[157] Amended Judgment of Conviction</i> | <i>Index #157</i> |
| 08/14/2023 |  Order Filed By: Defendant Zana, Mark R | <i>Index #158</i> |

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CASE NO. 05C218103

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| | <i>[158] Order in Regards to Defendant's Motion for Modification of Sentence</i> | |
| 09/14/2023 |  Motion to Correct Sentence Filed by: Defendant Zana, Mark R <i>[159] Motion to Correct Illegal Sentence</i> | Index #159 |
| 09/20/2023 |  Opposition Filed By: Plaintiff State of Nevada <i>[160] State's Opposition to Defendant's Motion to Correct Illegal Sentence</i> | Index #160 |
| 10/13/2023 |  Reply to Opposition Filed by: Defendant Zana, Mark R <i>[161] Reply to Opposition to Motion to Correct Illegal Sentence</i> | Index #161 |
| 10/17/2023 |  Order <i>[162] Order Denying Defendant's Motion to Correct Illegal Sentence</i> | Index #162 |
| 11/06/2023 |  Motion Filed By: Defendant Zana, Mark R <i>[163] Motion for a Rehearing</i> | Index #163 |
| 11/14/2023 |  Opposition <i>[164] State's Opposition to Defendants Motion for Rehearing</i> | Index #164 |
| 12/04/2023 |  Reply to Opposition Filed by: Defendant Zana, Mark R <i>[165] Reply to Opposition to Defendant's Motion for Rehearing</i> | Index #165 |
| 12/05/2023 |  Order <i>[166] Order Denying Defendant's Motion for Rehearing</i> | Index #166 |
| 12/11/2023 |  Notice of Appeal (Criminal) <i>[167] Notice of Appeal</i> | Index #167 |
| 12/12/2023 |  Case Appeal Statement <i>Case Appeal Statement</i> | Index #168 |

DISPOSITIONS

| | |
|------------|---|
| 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: |

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|------------|--|
| 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: |
| 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 |

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CASE No. 05C218103

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| | 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: |
| 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 |

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PCN: Sequence:

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|------------|---|
| 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 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: |

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| 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 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 |

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| | 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) 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: |
| | <hr/> 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: |

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| | <p>Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Concurrent w/Charge Item: 0001 and Sentence#: 0001</p> |
| 12/20/2007 | <p>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:</p> |
| | <p>Converted Disposition: Sentence# 0001: LIFE WITH POSSIBILITY OF PAROLE Cons/Conc: Concurrent w/Charge Item: 0002 and Sentence#: 0001</p> |
| 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> |
| | <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> |
| | <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> |
| | <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> |
| | <p>Converted Disposition: Sentence# 0001: Minimum 12 Months to Maximum 36 Months Placement: NSP</p> |

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Cons/Conc: Concurrent
w/Charge Item: 0016
and Sentence#: 0001

12/20/2007

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:

Converted Disposition:

Sentence# 0001:

Minimum 12 Months to Maximum 36 Months

Placement: NSP

Cons/Conc: Concurrent

w/Charge Item: 0018

and Sentence#: 0001

12/20/2007

Adult Adjudication (Judicial Officer: User, Conversion)

16. 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:

Converted Disposition:

Sentence# 0001:

Minimum 12 Months to Maximum 36 Months

Placement: NSP

Cons/Conc: Concurrent

w/Charge Item: 0020

and Sentence#: 0001

12/20/2007

Adult Adjudication (Judicial Officer: User, Conversion)

17. 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:

Converted Disposition:

Sentence# 0001:

Minimum 12 Months to Maximum 36 Months

Placement: NSP

Cons/Conc: Concurrent

w/Charge Item: 0022

and Sentence#: 0001

07/27/2023

Amended Adult Adjudication (Judicial Officer: User, Conversion) Reason: Amended

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:

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Sentence# 0005: DNA FEE/GENETIC MARKERS ANALYSIS

Amount: \$150.00

Converted Disposition:

Sentence# 0006: ADMINISTRATION FEE

Amount: \$25.00

Comment (7/27/23 - COURT NOTED, it has reviewed the Motion and the State's Opposition. Mr. Evans submitted on the matter. COURT ORDERED, Motion for Modification of Sentence is GRANTED IN PART as to updated credit for time served is the only change. COURT DIRECTED the State to prepare an Amended Judgment of Conviction reflecting the amount of ONE HUNDRED AND THIRTY-SIX (136) DAYS for credit time served rather than the original 107 days; State to prepare the Order.)

HEARINGS

01/09/2006

Initial Arraignment (9:00 AM)

INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk: Connie Gleason

Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams

Matter Heard; INITIAL ARRAIGNMENT Court Clerk: Sandra Anderson/sa Relief Clerk:

Connie Gleason Reporter/Recorder: Kiara Schmidt Heard By: Kevin Williams

Journal Entry Details:

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 ;

01/23/2006

Arraignment Continued (9:00 AM)

ARRAIGNMENT CONTINUED Court Clerk: Sandra Anderson/a Heard By: Kevin Williams

Matter Heard; ARRAIGNMENT CONTINUED Court Clerk: Sandra Anderson/a Heard By:

Kevin Williams

Journal Entry Details:

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 ;

02/06/2006

Status Check (9:00 AM)

STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen Schorn Heard By: Donald Mosley

Matter Heard; STATUS CHECK Court Clerk: Linda Skinner Reporter/Recorder: Maureen

Schorn Heard By: Donald Mosley

Journal Entry Details:

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) ;

05/23/2006

Motion for Discovery (9:00 AM)

Events: 05/11/2006 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

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 german 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

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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)

Vacated

08/07/2006

CANCELED Jury Trial (1:30 PM)

Vacated

10/12/2006

Status Check (9:00 AM)

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

Matter Continued; STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Court

Clerk: Teri Braegelmann Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie

Journal Entry Details:

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

10/13/2006

Status Check (8:30 AM)

STATUS CHECK: STATE'S MOTION TO ADMIT EVIDENCE OF Heard By: Jackie Glass

CASE SUMMARY

CASE No. 05C218103

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|------------|---|
| 11/14/2006 | <p>Motion (8:30 AM)</p> <p>Events: 11/01/2006 Motion</p> <p><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></p> <p>Matter Continued; 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</p> <p>Journal Entry Details:</p> <p><i>Mr. Pitaro and Deft. not present. Court advised Mr. Pitaro has requested the matter be continued. COURT SO ORDERED. BOND ;</i></p> |
| 11/16/2006 | <p>Motion (8:30 AM)</p> <p><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></p> <p>Matter Continued; 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</p> <p>Journal Entry Details:</p> <p><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></p> |
| 11/21/2006 | <p>Motion (8:30 AM)</p> <p><i>DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i></p> <p>Granted in Part; DEFT'S MTN OF CHANGING STATUS OF INTENSIVE SUPERVISION/13 Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</p> <p>Journal Entry Details:</p> <p><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></p> |
| 02/09/2007 | <p>Status Check (9:00 AM)</p> <p><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></p> <p>Matter Heard; 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</p> <p>Journal Entry Details:</p> <p><i>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;</i></p> |

CASE SUMMARY

CASE No. 05C218103

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

03/02/2007 **Motion (9:00 AM)**
STATE'S MOTION TO ADMIT EVIDENCE Heard By: Jackie Glass

03/02/2007 **Motion (9:00 AM)**
Events: 02/09/2007 Motion to Quash Bench Warrant
DEFT.'S MOTION TO QUASH WARRANT AND SUPPRESS EVIDENCE (COMPUTER)
Heard By: Jackie Glass

03/08/2007 **Status Check (8:30 AM)**
STATUS CHECK: DEFENSE COUNSEL'S EYE SURGERY // TRIAL READINESS Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass
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:

CASE SUMMARY

CASE No. 05C218103

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|------------|---|
| | <p><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> |
| 08/06/2007 | <p>Jury Trial (1:00 PM) <i>TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie</i> Matter Continued; TRIAL BY JURY Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Glass, Jackie Journal Entry Details: <i>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</i></p> |

CASE SUMMARY**CASE No. 05C218103**

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 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

CASE SUMMARY

CASE No. 05C218103

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 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 ;

CASE SUMMARY

CASE No. 05C218103

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 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 ;

CASE SUMMARY

CASE No. 05C218103

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|------------|---|
| 10/04/2007 | CANCELED Sentencing (8:30 AM) <i>Vacated</i> |
| 10/08/2007 | Hearing (10:00 AM) <i>HEARING: DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> <i>Matter Heard; HEARING: DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> <i>Journal Entry Details:</i> <i>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 ;</i> |
| 11/30/2007 | Motion (9:00 AM) <i>DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> <i>Denied; DEFT.'S MOTION FOR NEW TRIAL Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> <i>Journal Entry Details:</i> <i>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 ;</i> |
| 12/20/2007 | Sentencing (1:30 PM) <i>SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> MINUTES <i>Granted; SENTENCING Court Clerk: Sandra Jeter Reporter/Recorder: Rachelle Hamilton Heard By: Jackie Glass</i> <i>Journal Entry Details:</i> <i>DEFT. ZANA ADJUDGED GUILTY of COUNT 1 - OPEN OR GROSS LEWDNESS (GM); COUNTS 2, 6 and 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (F); and COUNTS 11, 13, 14, 15, 16 and 17 - POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF PERSON UNDER THE AGE OF SIXTEEN (F). Arguments by Mr. Carroll and Mr. Pitaro. Ann Marcovecchio, Melissa Marcovecchio and David Marcovecchio, victim speakers, SWORN and made victim impact statements to the Court. Court NOTED the psychosexual examination indicates a low risk to re-offend; however, deft. has proven he will re-offend and has done so over and over again and ORDERED, in addition to the \$25 Administrative Assessment Fee, \$800 Psychosexual Fee and \$150 DNA Analysis Fee to include submission to testing for genetic markers and/or secretor status, deft. SENTENCED as follows: COUNT 1 - to TWELVE (12) MONTHS in the CLARK COUNTY DETENTION CENTER; COUNT 2 - to LIFE in the NEVADA DEPARTMENT OF CORRECTIONS WITH THE ELIGIBILITY for PAROLE AFTER a MINIMUM term of TEN (10) YEARS HAS BEEN SERVED CONCURRENT with COUNT 1; COUNT 6 - to LIFE in the NEVADA DEPARTMENT OF CORRECTIONS WITH THE ELIGIBILITY for PAROLE AFTER a MINIMUM term of TEN (10) YEARS HAS BEEN SERVED CONSECUTIVE to COUNT 2; COUNT 7 - to LIFE in the NEVADA DEPARTMENT OF CORRECTIONS WITH THE ELIGIBILITY for PAROLE AFTER a MINIMUM term of TEN (10) YEARS HAS BEEN SERVED CONCURRENT with COUNT 6; COUNT 11 - to a MINIMUM term of TWELVE (12) MONTHS and a MAXIMUM term of THIRTY-SIX (36) MONTHS in the NEVADA DEPARTMENT OF CORRECTIONS CONSECUTIVE 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</i> |

CASE SUMMARY

CASE No. 05C218103

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

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:

CASE SUMMARY**CASE No. 05C218103**

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 Ferretta 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; Ferretta Canvass

Matter Heard;

Matter Continued; Ferretta Canvass





Matter Heard;

Journal Entry Details:

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; Ferretta 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. ;

CASE SUMMARY

CASE NO. 05C218103

| | |
|------------|---|
| 01/11/2011 | <p>Status Check (8:15 AM) (Judicial Officer: Villani, Michael)</p> <p><i>Status Check: Appointment of Counsel</i></p> <p>Matter Heard;</p> |
| 01/11/2011 | <p> All Pending Motions (8:15 AM) (Judicial Officer: Villani, Michael)</p> <p>Matter Heard;</p> <p>Journal Entry Details:</p> <p><i>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 ;</i></p> |
| 03/01/2011 | <p> Motion to Compel (8:15 AM) (Judicial Officer: Villani, Michael)</p> <p>Events: 02/15/2011 Motion to Compel</p> <p><i>Motion to Compel Discovery</i></p> <p>Matter Heard; Motion to Compel Discovery</p> <p>Journal Entry Details:</p> <p><i>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 ;</i></p> |
| 04/07/2011 | <p>CANCELED Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Villani, Michael)</p> <p><i>Vacated</i></p> |
| 06/13/2011 | <p>CANCELED Hearing (1:00 PM) (Judicial Officer: Villani, Michael)</p> <p><i>Vacated</i></p> |
| 07/21/2011 | <p> Petition for Writ of Habeas Corpus (8:15 AM) (Judicial Officer: Villani, Michael)</p> <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</i></p> |

CASE SUMMARY

CASE NO. 05C218103

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. ;

07/13/2021



Motion for Production of Transcript (8:30 AM) (Judicial Officer: Villani, Michael)

Granted in Part;

Journal Entry Details:

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);

11/02/2021



Motion for Production of Transcript (11:00 AM) (Judicial Officer: Eller, Crystal)

Motion for Production of Transcript

Denied;

Journal Entry Details:

Ms. Dunn, Deputy District Attorney appeared via BlueJeans. Defendant not present. Colloquy regarding transcripts. COURT ORDERED, matter TAKEN UNDER ADVISEMENT. NDC;

11/09/2021



Minute Order (3:00 AM) (Judicial Officer: Eller, Crystal)

Minute Order - No Hearing Held;

Journal Entry Details:

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;

12/30/2021



Motion for Production of Transcript (11:00 AM) (Judicial Officer: Eller, Crystal)

Motion for the Production of Audio/Video Transcripts

Denied;

Journal Entry Details:

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;

05/12/2022



Motion (9:00 AM) (Judicial Officer: Eller, Crystal)

Motion for Modification of Sentence

Denied;

Journal Entry Details:

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;

06/02/2022



Motion (9:00 AM) (Judicial Officer: Eller, Crystal)

06/02/2022, 06/16/2022, 09/20/2022

Motion to Strike the State's Reply from the Record in Accordance with Rule 3.20 (c)

CASE SUMMARY

CASE NO. 05C218103

Matter Continued;

Decision Made;

Denied;

Matter Continued;

Decision Made;

Denied;

Journal Entry Details:

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 ;

Matter Continued;

Decision Made;

Denied;

Journal Entry Details:

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.;

06/28/2022



Motion (9:00 AM) (Judicial Officer: Eller, Crystal)

06/28/2022, 09/20/2022

Rule 60 Motion to Correct a Mistake

Decision Made;

Denied;

Decision Made;

Denied;

Journal Entry Details:

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;

09/13/2022



Status Check (9:00 AM) (Judicial Officer: Eller, Crystal)

Status Check: Appeal

Hearing Set;

Journal Entry Details:

Defendant not present. COURT NOTED Defendant's appeal was dismissed on 9/1/22. Colloquy regarding rescheduling Defendant's motion. COURT ORDERED, motion SET. NDC 09/0/22 9:00 A.M. RULE 60 MOTION TO CORRECT A MISTAKE...MOTION TO STRIKE THE STATE'S REPLY FROM THE RECORD IN ACCORDANCE WITH RULE 3.20 (c);

09/20/2022



All Pending Motions (9:00 AM) (Judicial Officer: Eller, Crystal)

Matter Heard;

Journal Entry Details:

Defendant not present. MOTION TO STRIKE THE STATES REPLY FROM HE RECORD IN ACCORDANCE WITH RULE 3.20(C)...RULE 60 MOTION TO CORRECT A MISTAKE COURT NOTED Defendant's appeal had been denied, therefore, arguments by Ms. Reeves heard on the motion to strike. COURT stated its findings and ORDERED, motion to strike DENIED, the ruling on the Rule 60 motion which was denied STANDS. Ms. Reeves to prepare an 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 9-20-22;

07/27/2023



Motion to Modify Sentence (10:00 AM) (Judicial Officer: Eller, Crystal)

Motion for Modification of Sentence

Granted in Part;



Journal Entry Details:

Defendant not present. COURT NOTED, it has reviewed the Motion and the State's Opposition. Mr. Evans submitted on the matter. COURT ORDERED, Motion for Modification

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. 05C218103

| | <p><i>of Sentence is GRANTED IN PART as to updated credit for time served is the only change. COURT DIRECTED the State to prepare an Amended Judgment of Conviction reflecting the amount of ONE HUNDRED AND THIRTY-SIX (136) DAYS for credit time served rather than the original 107 days; State to prepare the Order. NDC CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013790, 1200 Prison Rd, Lovelock, NV 89419./ (ss 7-28-2023);</i></p> |
|------------|---|
| 10/05/2023 | <p> Motion to Correct Sentence (10:00 AM) (Judicial Officer: Eller, Crystal)</p> <p><i>Motion to Correct Illegal Sentence</i></p> <p>Motion Denied;</p> <p>Journal Entry Details:</p> <p><i>Defendant not present. COURT STATED it's FINDINGS, and ORDERED, Motion to Correct Illegal Sentence is DENIED; State to submit the Order. NDC CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013790, 1200 Prison Rd, Lovelock, NV 89419./ ss 10-6-2023;</i></p> |
| 11/28/2023 | <p> Motion (10:00 AM) (Judicial Officer: Eller, Crystal)</p> <p><i>Motion for a Rehearing</i></p> <p>Motion Denied;</p> <p>Journal Entry Details:</p> <p><i>Defendant not present. COURT STATED it's FINDINGS, and ORDERED, Motion for a Rehearing is DENIED; State to submit the Order. NDC CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013290, Lovelock Correctional Center, 1200 Prison Rd, Lovelock, NV 89419./ ss 11-29-2023;</i></p> |
| DATE | FINANCIAL INFORMATION |

Defendant Zana, Mark R

Total Charges

175.00

Total Payments and Credits

175.00

Balance Due as of 12/12/2023

0.00

Heaven S. Linn

CLERK OF THE COURT

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

MARK ZANA,
#1875973

Defendant.

CASE NO: 05C218103

DEPT NO: XIX

**ORDER DENYING DEFENDANT'S MOTION TO CORRECT ILLEGAL
SENTENCE**

DATE OF HEARING: October 5, 2023
TIME OF HEARING: 10:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 5th day of October, 2023, the Defendant not being present, IN PROPER PERSON, the Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through CHRISTOPHER PANDELIS, Chief Deputy District Attorney, and the Court having heard the arguments of counsel, based on the pleadings and good cause appearing therefor,

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1 IT IS HEREBY ORDERED that the Defendant's Motion to Correct Illegal Sentence,
2 shall be, and it is Denied.


3
4
5 Dated this 17th day of October, 2023

6 

7 STEVEN B. WOLFSON
8 Clark County District Attorney
9 Nevada Bar #001565

2B7 6B8 F831 054B
Crystal Eller
District Court Judge

10 BY


11 STACEY KOLLINS
12 Chief Deputy District Attorney
13 Nevada Bar #005391
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1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Mark R
Zana

CASE NO: 05C218103

7 DEPT. NO. Department 19

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 10/17/2023

14 Steven Wolfson

motions@clarkcountyda.com

ORDR

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
STACEY KOLLINS
Chief Deputy District Attorney
Nevada Bar #005391
200 Lewis Avenue
Las Vegas, NV 89155-2212
(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-VS-

**MARK ZANA,
#1875973**

Defendant.

CASE NO: **05C218103**

DEPT NO: **XIX**

ORDER DENYING DEFENDANT'S MOTION FOR REHEARING

DATE OF HEARING: **NOVEMBER 28, 2023**
TIME OF HEARING: **10:00 A.M.**

THIS MATTER having presented before the above entitled Court on the 28th day of
NOVEMBER, 2023; Defendant not present, IN PROPER PERSON; Plaintiff represented by
STEVEN B. WOLFSON, District Attorney, through HILARY HEAP, Chief Deputy District
Attorney; and without argument, based upon the pleadings, and with good cause appearing,

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IT IS HEREBY ORDERED that DEFENDANT'S MOTION FOR REHEARING,
shall be and is DENIED.


Dated this 5th day of December, 2023

Crista Eller

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

B70 704 2569 4F43
Crystal Eller
District Court Judge

BY


HILARY HEAP
Chief Deputy District Attorney
Nevada Bar #012395

hjc/SVU

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 The State of Nevada vs Mark R
Zana

CASE NO: 05C218103

7 DEPT. NO. Department 19

8
9 **AUTOMATED CERTIFICATE OF SERVICE**

10 This automated certificate of service was generated by the Eighth Judicial District
11 Court. The foregoing Order was served via the court's electronic eFile system to all
12 recipients registered for e-Service on the above entitled case as listed below:

13 Service Date: 12/5/2023

14 Steven Wolfson

motions@clarkcountyda.com

**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.
Consul, Vincent A.
Zana, Mark RAttorney
Attorney
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 RAttorney
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 german 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

**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. | Attorney |
| Consul, Vincent A. | Attorney |
| Nelson III, Roy L. | Attorney |
| Pitaro, Thomas F. | Attorney |
| Zana, Mark R | 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. 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.
Pitaro, Thomas F.
Zana, Mark R

Attorney
Attorney
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

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

05C218103

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. | Attorney |
| | Pitaro, Thomas F. | Attorney |
| | Zana, Mark R | 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.

Attorney

Nelson III, Roy L.

Attorney

Sciscento, Joseph S.

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

7/31/07 8:30 AM CALENDAR CALL

05C218103

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 RAttorney
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.

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: 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

**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.
 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: 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 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 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 JURYCourt Clerk: Sandra
JeterReporter/Recorder:
Rachelle HamiltonHeard 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. 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

**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.

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 SENTENCING.

05C218103

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. | Attorney |
| | Miceli, Michael J. | Attorney |
| | Pitaro, Thomas F. | Attorney |
| | Zana, Mark R | 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.

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 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.

CUSTODY

05C218103

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

SENTENCINGCourt Clerk: Sandra
JeterReporter/Recorder:
Rachelle HamiltonHeard 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. 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:**

Radovic, 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

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.

05C218103

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)

**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
State of Nevada

Attorney
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

05C218103

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 Moleres**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 Moleres**RECORDER:** Brittany Amoroso**REPORTER:****PARTIES****PRESENT:**State of Nevada
Wyse, Seleste APlaintiff
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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 13, 2022

05C218103

The State of Nevada vs Mark R Zana

September 13, 2022 9:00 AM

Status Check

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 11B

COURT CLERK: Cynthia Moleres

RECORDER: Deloris Scott

REPORTER:

PARTIES

PRESENT:

Cole, Madilyn M.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Defendant not present.

COURT NOTED Defendant's appeal was dismissed on 9/1/22. Colloquy regarding rescheduling Defendant's motion. COURT ORDERED, motion SET.

NDC

09/0/22 9:00 A.M. RULE 60 MOTION TO CORRECT A MISTAKE...MOTION TO STRIKE THE STATE'S REPLY FORM THE RECORD IN ACCORDANCE WITH RULE 3.20 (c)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****September 20, 2022**

05C218103

The State of Nevada vs Mark R Zana

September 20, 2022 9:00 AM**All Pending Motions****HEARD BY:** Eller, Crystal**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Cynthia Moleres**RECORDER:** Deloris Scott**REPORTER:****PARTIES****PRESENT:**Reeves, Taylor Renee
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present.

MOTION TO STRIKE THE STATES REPLY FROM HE RECORD IN ACCORDANCE WITH RULE 3.20(C)...RULE 60 MOTION TO CORRECT A MISTAKE

COURT NOTED Defendant's appeal had been denied, therefore, arguments by Ms. Reeves heard on the motion to strike. COURT stated its findings and ORDERED, motion to strike DENIED, the ruling on the Rule 60 motion which was denied STANDS. Ms. Reeves to prepare an 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 9-20-22

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 27, 2023**

05C218103

The State of Nevada vs Mark R Zana

July 27, 2023**10:00 AM****Motion to Modify Sentence****HEARD BY:** Eller, Crystal**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Serenity Sivongsa**RECORDER:** Cynthia Moleres**REPORTER:****PARTIES****PRESENT:**Evans, Ronald James
State of NevadaAttorney
Plaintiff**JOURNAL ENTRIES**

- Defendant not present.

COURT NOTED, it has reviewed the Motion and the State's Opposition. Mr. Evans submitted on the matter. COURT ORDERED, Motion for Modification of Sentence is GRANTED IN PART as to updated credit for time served is the only change. COURT DIRECTED the State to prepare an Amended Judgment of Conviction reflecting the amount of ONE HUNDRED AND THIRTY-SIX (136) DAYS for credit time served rather than the original 107 days; State to prepare the Order.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013790, 1200 Prison Rd, Lovelock, NV 89419./ (ss 7-28-2023)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 05, 2023

05C218103

The State of Nevada vs Mark R Zana

October 05, 2023

10:00 AM

Motion to Correct Sentence

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 11B

COURT CLERK: Serenity Sivongsa

RECORDER: Cynthia Moleres

REPORTER:

PARTIES

PRESENT:

Pandelis, Christopher P.
State of Nevada

Attorney
Plaintiff

JOURNAL ENTRIES

- Defendant not present.

COURT STATED it's FINDINGS, and ORDERED, Motion to Correct Illegal Sentence is DENIED;
State to submit the Order.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013790, 1200 Prison Rd,
Lovelock, NV 89419./ ss 10-6-2023

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 28, 2023

05C218103

The State of Nevada vs Mark R Zana

November 28, 2023 10:00 AM Motion

HEARD BY: Eller, Crystal

COURTROOM: RJC Courtroom 11B

COURT CLERK: Serenity Sivongsa

RECORDER: Cynthia Moleres

REPORTER:

PARTIES

| | | |
|-----------------|-----------------|-----------|
| PRESENT: | Heap, Hilary | Attorney |
| | State of Nevada | Plaintiff |

JOURNAL ENTRIES

- Defendant not present.

COURT STATED it's FINDINGS, and ORDERED, Motion for a Rehearing is DENIED; State to submit the Order.

NDC

CLERK'S NOTE: A copy of this minute order was mailed to Mark Zana #1013290, Lovelock Correctional Center, 1200 Prison Rd, Lovelock, NV 89419./ ss 11-29-2023

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

MAILED 10
DEPT. OF JUSTICE

DEFENDANT'S
EXHIBIT

PCNAD-Bayona, N. J.
CC
CA 9/03 8/10/07

EXHIBIT

EXHIBITS

CASE NO. C218103

U:\COURT CLERK\FORMS-Court Clerk\Exhibits\Exhibit List.doc6/9/2006

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 89418

DATE: December 12, 2023
CASE: 05C218103

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

NOTICE OF APPEAL FILED: December 11, 2023

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 *for Orders filed October 17, 2023 and December 5, 2023*

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 APPEAL (CRIMINAL); CASE APPEAL STATEMENT;
DISTRICT COURT DOCKET ENTRIES; ORDER DENYING DEFENDANT'S MOTION TO
CORRECT ILLEGAL SENTENCE; ORDER DENYING DEFENDANT'S MOTION FOR
REHEARING; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

MARK R. ZANA,

Defendant(s).

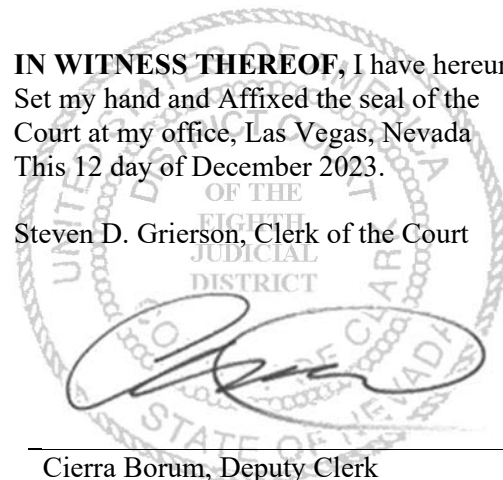
Case No: 05C218103

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 12 day of December 2023.

Steven D. Grierson, Clerk of the Court



Cierra Borum, Deputy Clerk