

FILED

JAN 10 2024

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

Mark Zane
Appellant

Supreme Court No. 87749

District Court No. 05C218103

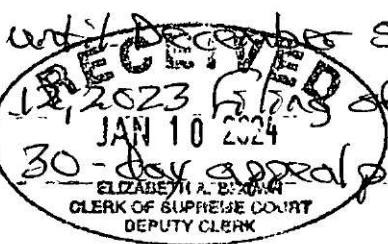
Vs.

State of Nevada
Respondent

Pro se Motion to Reconsider
Order Dismissing Appeal

On October 17, 2023 Appellant received the district court's denial of his motion to correct an illegal sentence. On October 18, 2023 Appellant mailed his motion for rehearing, which was filed on November 6, 2023 in the district court. That court ordered a hearing for November 28, 2023 on Appellant's motion for rehearing. The district court denied Appellant's motion for rehearing on November 28, 2023 and served Appellant with a copy of the denial on December 5, 2023. Appellant mailed his notice of appeal on December 5, 2023 and it was filed on December 12, 2023.

The judicial process for and disposition of Appellant's motion to correct an illegal sentence in the district court was not final until that court denied Appellant's motion for rehearing and served him with a copy on December 5, 2023. Therefore the 30-day appeal period should not have begun until December 5, 2023. Which makes Appellant's December 12, 2023 filing of his notice of appeal well within the 30-day appeal period prescribed by NRS 34.575.



1 Had Appellant filed his notice of appeal before his motion
2 for rehearing was decided, the district court would have
3 claimed lack of jurisdiction to rule on it as the notice
4 of appeal transfers jurisdiction to the Nevada Supreme
5 Court.

6 Furthermore, had the district court granted Appellant's
7 motion for rehearing, there would have been no cause
8 for Appellant to appeal.

9 Due to these facts, Appellant respectfully requests
10 his notice of appeal be accepted as timely as his
11 30-day appeal period should not have begun until
12 December 5, 2023 and his notice of appeal was
13 filed on December 12, 2023. Well within the
14 30-day appeal period.

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Thank you.

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Ma & Zana

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Pro Se Appellant

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CERTIFICATE OF SERVICE

I certify that on the date indicated below, I served a copy of this completed informal brief form upon all parties to the appeal as follows:

- ☐ By personally serving it upon him/her; or
☒ By mailing it by first-class mail with sufficient postage prepaid to the following address(es) (list names and address(es) of parties served):

Supreme Court of Nevada
201 S. Carson Street
Carson City, NV 89701

DATED this 4th day of January, 2024

Mark Zano
Signature of Appellant

Mark Zano 1013790
Print Name of Appellant

Lovelock Correctional Center
Address

1200 Potosi Road
City/State/Zip

Lovelock, NV 89419
~~Reception~~