

FILED

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAN 25 2024

Mark Zaro
Appellant

Supreme Court No. 87749

District Court No. 050218103

V.S.

State of Nevada
Respondent

Pro se Rule 60 B Motion to
Correct a Mistake

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY Melissa Fuller
DEPUTY CLERK

This pro se Rule 60 B Motion comes about due to this court
dismissing Appellant's appeal stating it was:

"... well after the expiration of the 30-day appeal

period prescribed by NRS 34.575." (Order

denying appeal page 1, lines 10-11)

NRS 34.575 is specific and only applies to writs of
habeas corpus as paragraph 1, line 2 clearly establishes.

As such, this court's use of NRS 34.575 to dismiss
Appellant's appeal was a mistake Appellant seeks to have
corrected as it does not apply to a motion to correct an
illegal sentence.

Furthermore, NRS 176.555 and Passaro confirm that
time bars, procedural bars, and other restrictions with
respect to a petition for post conviction relief do not
apply to a motion to correct an illegal sentence.

Also, this court stated:

"... no statute or court rule permits an appeal
from a district court order denying a motion for rehearing."

dismissing Appeal page 1, lines 14-15)

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JAN 24 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

- 1. -

24-02924

1 - This statement is belied by NRS 177.015(1)(b) and
2 Section 4 of Article 6 of the Nevada Constitution which
3 state that an order granting or refusing a new trial is
4 independently appealable by the defendant or the state.
5 - On page 5, lines 14-16 of Appellant's motion for
6 rehearing Appellant asked for a new trial just as he did
7 in his motion to correct an illegal sentence. When the
8 district court denied Appellant's motion for rehearing,
9 they denied his request for a new trial. Which is independently
10 appealable by Appellant according to NRS 177.015(1)(b)
11 and Section 4 of Article 6 of the Nevada Constitution.
12 - Due to these facts, Appellant respectfully requests
13 these mistakes be corrected and Appellant be allowed
14 to proceed with the appeal process with this court.

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Thank you.

Ma & Zora

CERTIFICATE OF SERVICE BY MAIL

I do certify that I mailed a true and correct copy of the foregoing Rule 60 B Motion to the below address(es) on this 19th day of January, 2024, by placing same in the U.S. Mail via prison law library staff, pursuant to NRCF 5(b):

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

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

Mark Zana In Pro Se

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding _____ filed in District Court Case No. W/A does not contain the social security number of any person.

Dated this _____ day of _____, 20____.

In Pro Se