

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KEVIN DEVON SUTTON,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 74087

FILED

FEB 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

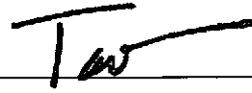
This original petition for a writ of mandamus seeks an order directing the district court to unconditionally grant Kevin Devon Sutton's postconviction petition for a writ of habeas corpus that was filed in 2002, and/or to vacate its order denying Sutton's supplemental petition. Sutton asserts the district court order filed on November 12, 2002, did not resolve all claims raised in his original pro se postconviction petition and therefore those claims still remain pending.

We conclude mandamus relief is not warranted because the November 12, 2002, order resolved all claims. *See generally* NRS 34.160 (identifying when a writ may issue). Although the order includes the statement "No decision was made on Defendant's Proper Person Petition for Writ of Habeas Corpus," this is merely a statement of fact that identified the status of the petition at the time the court appointed counsel to represent Sutton in the postconviction proceedings; it is not a statement

that the court was not going to resolve the claims raised in Sutton's pro se petition. The court specifically found all of Sutton's claims were belied by the record; his plea was entered freely, voluntarily, and knowingly; and defense counsel was not ineffective. And the court ultimately ordered the petition denied. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Kevin Devon Sutton
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk