

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DEON DONTAE SMALLEY,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79343-COA

FILED

SEP 04 2020

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

ORDER DISMISSING APPEAL

Deon Dontae Smalley appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on March 29, 2019. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Our review of this appeal reveals a jurisdictional defect. The July 16, 2019, order purportedly denying Smalley's petition did not resolve all of the claims raised in the petition. Specifically, it did not resolve Smalley's claim "that he suffered [a] complete denial of counsel during a critical stage of the proceedings" when the jury sent a note to the trial court and the trial court responded to the note in counsel's absence. Therefore, the order was not a final order. *See Sandstrom v. Second Judicial Dist. Court*, 121 Nev. 657, 659, 119 P.3d 1250, 1252 (2005) ("[A] final order [is] one that disposes of all issues and leaves nothing for future consideration.").

Accordingly, we lack jurisdiction to consider this appeal, see NRS 177.015(3), and we

ORDER this appeal DISMISSED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Valerie Adair, District Judge
Deon Dontae Smalley
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹This order constitutes our final disposition of this appeal. Any subsequent appeal shall be docketed as a new matter.