

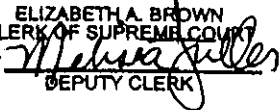
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN VINCENT KELLEY,
Appellant,
vs.
KYLE OLSON, WARDEN; AND THE
STATE OF NEVADA,
Respondents.

No. 89118-COA

FILED

SEP 03 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

John Vincent Kelley appeals from a district court order denying a postconviction petition for a writ of habeas corpus filed on April 29, 2022. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Kelley argues that the district court erred by denying his claims that trial and appellate counsel were ineffective. In particular, Kelley contends the district court erroneously failed to make specific findings of fact and conclusions of law supporting its decision to deny his claims of ineffective assistance of counsel. When reviewing a claim of ineffective assistance of counsel, we give deference to the district court's factual findings if supported by substantial evidence and not clearly erroneous but review the court's application of the law to those facts de novo. *Lader v. Warden*, 121 Nev. 682, 686, 120 P.3d 1164, 1166 (2005). Thus, to engage in this review, an "order that finally disposes of a petition . . . must contain specific findings of fact and conclusions of law supporting the decision of the court." NRS 34.830(1).

Our review of the record reveals that the district court's final order did not contain specific findings of fact and conclusions of law as to all the claims raised in Kelley's petition. *See* NRS 34.830(1); NRAP 4(b)(6)(B).

25-38313

We also note the State concedes that the district court's order did not contain the required specific findings of fact and conclusions of law and explains it has no objection to remanding this matter with instructions to the district court to issue a new order that contains the information required by NRS 34.830(1). Accordingly, we reverse the decision of the district court and remand this case to the district court to enter an order that resolves the petition and that contains specific findings of fact and conclusions of law as to the claims raised in the petition. Therefore, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Mary Kay Holthus, District Judge
The Law Firm of C. Benjamin Scroggins, Chtd.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk