

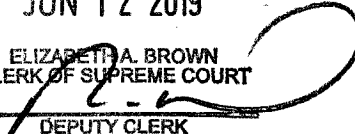
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

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. 76346-COA

FILED

JUN 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK


ORDER GRANTING PETITION

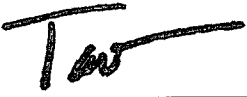
In this original petition for a writ of mandamus, Kevin Devon Sutton seeks an order directing the district court to resolve his postconviction petition for a writ of habeas corpus that was filed on May 6, 2017, in district court case number 96C139518. Because it appeared the petition had not yet been resolved, we directed respondent to file an answer to the petition. Respondent explains that, due to an inadvertent failure of the previously assigned judge, the petition remains pending. Respondent further states that it will be issuing an Order for a Writ of Habeas Corpus and order the State to file a response to the May 6, 2017, petition.


A writ of mandamus may issue “to compel the performance of an act which the law especially enjoins as a duty resulting from an office.” NRS 34.160. NRS 34.740 requires the district court to provide an expeditious examination of a postconviction petition for a writ of habeas corpus. The length of delay in the prosecution of Sutton’s May 6, 2017,

petition has prevented an expeditious examination. Therefore, we conclude mandamus relief is warranted, and we

ORDER the petition GRANTED AND DIRECT THE CLERK OF THIS COURT TO ISSUE A WRIT OF MANDAMUS instructing the district court to place Sutton's May 6, 2017, petition on its calendar and resolve it.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Joseph Hardy, Jr., District Judge
Kevin Devon Sutton
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk