

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOMONIC RONALDO MALONE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73000

FILED

NOV 15 2017

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

ORDER DENYING MOTION

Appellant has filed a motion to “stay” this appeal. Appellant indicates that he has discovered a “due process violation in regards to sentencing” and that he “must go back down to the lower district court to address this issue.”

The timely filing of a notice of appeal divests the district court of jurisdiction and vests jurisdiction in this court. *See Smith v. Emery*, 109 Nev. 737, 740, 856 P.2d 1386, 1388 (1993). If appellant believes that a limited remand is necessary to address the issue he has discovered, then he may proceed in accordance with the procedure outlined in *Foster v. Dingwall*, 126 Nev. 49, 228 P.3d 453 (2010). No cause appearing, appellant’s motion to stay this appeal is denied.

It is so ORDERED.

Cherry, C.J.

cc: Domonic Ronaldo Malone
Attorney General/Carson City
Clark County District Attorney