IN THE SUPREME COURT OF THE STATE OF NEVADA

ROY DANIELS MORAGA,
Appellant,

vs.

THE STATE OF NEVADA,
Respondent.

No. 64931

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition requesting genetic marker analysis.[1] Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

In his petition filed on January 8, 2014, appellant requested genetic marker analysis of semen and blood. Appellant asserted that he was not the source of either specimen and that DNA testing would demonstrate that he did not sexually assault the victim in this case. Appellant failed to demonstrate a reasonable possibility that he would not have been prosecuted or convicted had genetic marker analysis of the type he requested been conducted. *See* NRS 176.09183(1)(a). Appellant's defense at trial was that the victim consented to the sexual activity, and
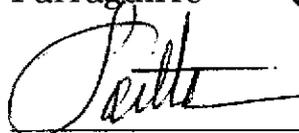
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[1]This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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the identity of the assailant was not an issue in this case. Therefore, the district court did not err in denying the petition. Accordingly, we

ORDER the judgment of the district court AFFIRMED.[2]

_____ Pickering, J.
Pickering

_____ , J.
Parraguirre

_____ , J.
Saitta

cc: Hon. Elissa F. Cadish, District Judge
     Roy Daniels Moraga
     Attorney General/Carson City
     Clark County District Attorney
     Eighth District Court Clerk

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[2]We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.