

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGORY GEORGE AMATO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67446

**FILED**

MAY 19 2015

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*


This is a pro se appeal from an order of the district court denying a post-conviction petition requesting genetic marker analysis.<sup>1</sup> Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

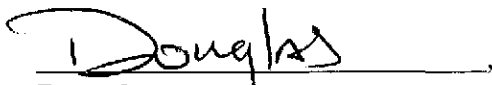
In his petition filed on October 24, 2014, appellant Gregory Amato requested genetic marker analysis of semen found on the victim's body. Amato asserted that new techniques for DNA testing would show that he was not the source of the semen and thus could not have killed the victim. Amato failed to demonstrate 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), 2(b). The identity of the killer was not an issue in this case, as Amato testified that he killed the victim in self-defense and other evidence at trial

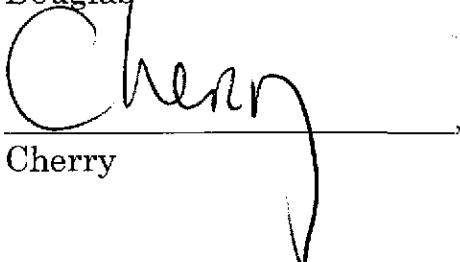
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

corroborated his testimony that he was responsible for the victim's death. Furthermore, while an expert indicated at trial that the DNA testing of the semen found on the victim was inconclusive, more accurate DNA results would not be exculpatory or contradict Amato's testimony. Therefore, we conclude that the district court did not err in denying the petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
Parraguirre J.

  
Douglas J.

  
Cherry J.

cc: Hon. Elissa F. Cadish, District Judge  
Gregory George Amato  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We deny Amato's motion to supplement the record as moot in light of this disposition.