

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON CHRISTOPHER RAGLAND,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 69383

**FILED**

JUN 22 2016

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from an order of the district court denying a postconviction petition requesting genetic marker testing pursuant to NRS 176.0918.<sup>1</sup> Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Appellant Brandon Christopher Ragland was convicted, pursuant to a jury verdict, of possession of a firearm by a felon. Ragland filed his postconviction petition for genetic marker testing on September 28, 2015. He sought genetic marker testing of a marijuana joint and a glass pipe that were not previously tested and the retesting of a semi-automatic handgun and magazine. He asserted there is a reasonable possibility he would not have been convicted if exculpatory results are obtained from the testing of the marijuana joint and glass pipe because these items are more likely to connect the gun to the person who possessed it. He also appears to have asserted the retesting of the handgun and the

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<sup>1</sup>This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

magazine using a different technique could help identify the minor contributors for the samples previously tested, which would identify the person who really possessed the handgun.


At trial, Ragland stipulated that he was a felon. An officer testified that he searched an unoccupied vehicle registered to Ragland and recovered two pieces of paperwork in Ragland's name, including a liability insurance identification card, and a loaded semi-automatic handgun. The magazine was removed from the handgun and both were tested for DNA and fingerprints.


The DNA profile obtained from the gun was a mixture of at least three individuals, a major contributor and two minor contributors, with at least one being a male. A full profile was obtained for the major contributor of the DNA recovered from the handgun. Ragland's DNA profile matched the DNA profile for the major contributor, with an estimated frequency among unrelated individuals of 1 in 600 billion. Similarly, the DNA profile obtained from the magazine was a mixture of at least three individuals, a major contributor and two minor contributors, with at least one being a male. A partial DNA profile was obtained from the magazine and Ragland could not be excluded as the major contributor for this mixture; Ragland's DNA matched the DNA profile for the major contributor with an estimated frequency of 1 in 220,000.

Even assuming DNA could be recovered from the marijuana joint or glass pipe and Ragland could be excluded as a contributor for that DNA, these results would have no bearing on whether Ragland possessed the handgun. Additionally, even if retesting of the handgun and magazine with a different process yielded more accurate results and allowed for identification of the minor contributors, Ragland did not demonstrate that

it is reasonably possible he would not have been convicted because the DNA evidence was not the only evidence introduced to support a finding Ragland possessed the handgun. As noted above, the jury heard testimony that the gun was recovered from a car registered to Ragland and there were documents inside the car that bore his name. Additionally, the jury heard testimony that a latent print recovered from the magazine inside the handgun matched Ragland's thumb print. Therefore, we conclude the district court did not err by denying the petition for genetic marker testing, *see* NRS 176.0918(3)(b); NRS 176.0918(4)(a), and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. William D. Kephart, District Judge  
Brandon Christopher Ragland  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk