

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

EDMOND WADE GREEN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 75448-COA

FILED

APR 18 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Edmond Wade Green appeals from an order of the district court denying a petition requesting genetic marker analysis filed on June 20, 2016.¹ Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

In his petition, Green sought genetic marker testing of the evidence collected from the victim in this case against the forensic evidence collected in David Middleton's case. Green argues Middleton was initially a suspect in this case and, had genetic marker testing been done, it would have shown that Middleton murdered the victim and Green was innocent. The district court denied the petition because there was "no reasonable possibility that genetic marker analysis of the requested items would produce any evidence that would exculpate Petitioner." The district court based this on its conclusion that Middleton was never a suspect in this case.


The documents provided by Green and testimony at trial indicate Middleton was initially a suspect in this case. Because it appears

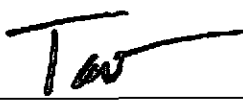
¹This appeal has been submitted for decision without oral argument. NRAP 34(f)(3).

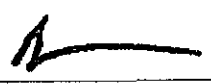
the district court denied Green's petition based on a misunderstanding of the facts of the case, the district court erred by denying the petition on this ground. However, we nevertheless affirm the denial of the petition because the district court reached the correct result. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

From the record it appears Green had DNA testing done in 2002 and 2003, including having the victim's DNA compared to hairs found in Middleton's storage locker. Green was required to identify any prior DNA testing in his petition. *See* NRS 176.0918(3)(d). Because Green failed to meet the procedural requirements of NRS 176.0918(3), we conclude the district court did not err by denying the petition. *See* NRS 176.0918(4)(a); NRS 176.0913(5)(a). Therefore, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Edmond Wade Green
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk