

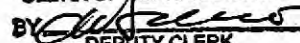
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN ANTHONY WAYNE DEGEN,
SR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 80645-COA

FILED

NOV 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

John Anthony Wayne Degen, Sr., appeals from a district court order denying a postconviction petition requesting genetic marker analysis pursuant to NRS 176.0918. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

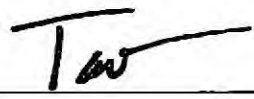
Degen sought a genetic marker analysis of pink stun guns, miscellaneous bedding, miscellaneous clothing, and blood samples. He asserted the results of a genetic marker analysis would prove “that the stun guns were not connected to the crime” and a “complete genetic marker analysis . . . would exclude [him].”

The district court found that Degen failed to establish a reasonable probability he would not have been prosecuted or convicted if the results obtained through a genetic marker analysis had been exculpatory. *See* NRS 176.0918(3)(b). We conclude the record on appeal supports the district court’s finding and the district court did not abuse its

discretion by summarily denying Degen's motion. See NRS 176.0918(4)(a).
Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. David A. Hardy, District Judge
John Anthony Wayne Degen, Sr.
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk