

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL LUIS COTA,
Appellant,
vs.
WILLIAM A. GITTERE, WARDEN,
NEVADA DEPARTMENT OF
CORRECTIONS,
Respondent.

No. 83774-COA

FILED

MAY 05 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE


Michael Luis Cota appeals from an order of the district court denying a postconviction petition requesting genetic marker analysis. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

In his August 26, 2021, petition, Cota requested testing of DNA samples contained on an assault rifle. A postconviction petition requesting genetic marker analysis must be served by registered mail upon both the Attorney General and “the district attorney in the county in which the petitioner was convicted.” NRS 176.0918(2). If the petitioner fails to satisfy the requirements of NRS 176.0918, the district court “shall enter an order dismissing” the petition. NRS 176.09183(5).

The district court found that Cota did not demonstrate that he served the State as required by NRS 176.0918. The record supports the

district court's finding. Therefore, we conclude that the district court did not err by concluding that Cota was not entitled to relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Thomas W. Gregory, District Judge
Michael Luis Cota
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹The Honorable Michael Gibbons, Chief Judge, did not participate in the decision in this matter.