

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MATHEW CURTIS YOUNG,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87147-COA

FILED

JUN 20 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Mathew Curtis Young appeals from a district court order denying a postconviction petition for genetic marker analysis filed on July 12, 2023. Eighth Judicial District Court, Clark County; Bitu Yeager, Judge.

In his petition, Young sought genetic marker analysis to compare his DNA samples to that of the victim, her clothing, and her personal items. He claimed that there was no possibility that his DNA was on any of these items. Further, he wanted testing to determine whether he and the victim were “blood relatives.”

NRS 176.0918(1) allows a person convicted of a felony to file a “postconviction petition requesting a genetic marker analysis of evidence within the possession or custody of the State.” Under the statute, the petition must include “[t]he rationale for why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted” had the testing been obtained previously. NRS 176.0918(3)(b). We review an order denying a petition for genetic marker analysis for an abuse of discretion. *Anselmo v. State*, 138 Nev. 94, 98, 505 P.3d 846, 850 (2022).

The district court found that there was no evidence within the possession or custody of the State to test. Further, the district court found that there was no reasonable possibility Young would not have been

prosecuted or convicted based on the results of any genetic testing. The district court also found that whether the victim and Young were related would not have demonstrated a reasonable possibility he would not have been prosecuted or convicted because being related was not an element of the charged crimes or the crime to which he pleaded guilty.

The record supports the findings of the district court. The property report for this case shows that no clothing or personal belongings of the victim were impounded by the State. Further, the crime was reported nearly five months after it occurred, making it unlikely that any DNA evidence would have been found on the victim or her clothing or personal items had testing occurred. Moreover, Young went to the police station and voluntarily confessed prior to a criminal investigation being opened in this case. And the victim corroborated the details provided by Young. Finally, Young failed to allege how having his and the victim's DNA tested for a familial relationship would have resulted in a reasonable possibility he would not have been prosecuted or convicted. Therefore, Young failed to demonstrate there was evidence to test or a reasonable possibility he would not have been prosecuted or convicted had any evidence been tested. Accordingly, we conclude that the district court did not abuse its discretion by denying the petition, and we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Bita Yeager, District Judge  
Mathew Curtis Young  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk