

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,
Appellant,
vs.
CHRISTOPHER PAUL JERNIGAN,
Respondent.

No. 88731

FILED

FEB 04 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order granting a new trial. Eleventh Judicial District Court, Mineral County; Jim C. Shirley, Judge.

In 2001, Frank Knight's body was found in his motel room with his throat slit and head severely bruised. His sweatpants' pockets were turned out. Christopher Jernigan was arrested for the murder and, at trial, testified that he and Knight had gotten into a physical altercation that evening and that he hit Knight multiple times. Jernigan said that by the time he left, Knight was bloodied and laying on the ground.

A friend of Jernigan's, Sylvia Brown, testified that she asked Jernigan to walk her home from a bar on the night in question and before leaving, Jernigan mentioned that he "ought to go over there and beat that old man's ass"—referring to Knight. Brown said that when she and Jernigan arrived at Knight's room, Jernigan struck Knight in the back of his head. Brown immediately left the scene and approximately ten minutes later, Jernigan arrived at her house with bloodied knuckles, saying, "Well, that's done. That old man will never rat anybody else out again. After I beat him unconscious, I [slit] his throat with his own machete."

Dawn Ahart, who knew Jernigan, also testified. Days after Knight's death, Ahart said that she had asked Jernigan if he had murdered Knight and Jernigan verbally confirmed that he killed Knight and gave a thumbs up.

Jernigan was convicted for Knight's murder and sentenced to life without the possibility of parole.¹ In 2018, Jernigan petitioned for a DNA analysis on the handle of the murder weapon (a machete), Knight's sweatpants' pockets, and a plastic baggie found in the motel room. The petition was granted, and the results excluded Jernigan from all the items and found the DNA of another male individual on both the sweatpants' pockets and the baggie.

With those results, Jernigan moved for a new trial. The district court granted the motion, concluding that Jernigan met the necessary elements for a new trial. Focusing mostly on the machete handle, the district court noted

At trial, evidence was introduced that showed that on the blade portion of the machete, Frank Knight's ("Frank") DNA was present, and the Defendant did not have DNA present. Fingerprints were not present on the handle. This new DNA analysis also identified another male's, (not Defendant's) Touch DNA on the handle of the machete. The trial contained confessions and admissions from the Defendant that he had beat Frank up and then killed him with the machete. While the admissions were crucial to determining Defendant's involvement, the Touch DNA evidence could impugn that evidence. The Touch DNA evidence could rebut the admissions and make it more

¹In 2005, Jernigan was resentenced to life with the possibility of parole.

difficult to believe that the Defendant committed in murder in contravention of his statements.

The State appeals.

The district court properly granted Jernigan's motion for a new trial

The State argues that the district court abused its discretion in granting Jernigan's motion for a new trial because the evidence does not meet the necessary criteria to justify a new trial. We review the district court's decision to grant a new trial for an abuse of discretion. *Sanborn v. State*, 107 Nev. 399, 406, 812 P.2d 1279, 1284 (1991). But we review issues involving statutory interpretation de novo. *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228 (2011). And we will not disturb the district court's findings of fact absent clear error. *Maestas v. State*, 128 Nev. 124, 138, 275 P.3d 74, 83 (2012).

Pursuant to NRS 176.515(1), the district court "may grant a new trial to a defendant . . . on the ground of newly discovered evidence."² Normally motions must be made within 2 years of trial, but this time restriction does not apply when a motion is based on favorable DNA evidence. NRS 176.515(3); NRS 176.09187(1). "[N]ew DNA test results are 'favorable' where they would make a different result reasonably probable upon retrial." *State v. Seka*, 137 Nev. 305, 305-06, 490 P.3d 1272, 1273 (2021).

²We employ the phrase "newly discovered evidence" in accordance with the identical language in NRS 176.515(1). While we note that the DNA evidence *physically* existed at the scene of Knight's death, and was therefore discoverable, its forensic significance was not ascertainable at that time due to the limitations of available testing methods. It was only through such advancements in DNA analysis that the evidence became interpretable in a legally and scientifically meaningful way.

Seven factors determine whether newly discovered DNA evidence warrants a new trial. *Id.* at 312-13, 490 P.3d at 1278. New evidence must be

newly discovered; material to the defense; such that even with the exercise of reasonable diligence it could not have been discovered and produced for trial; non-cumulative; such as to render a different result probable upon retrial; not only an attempt to contradict, impeach, or discredit a former witness, unless the witness is so important that a different result would be reasonably probable; and the best evidence the case admits.

Id. at 313, 490 P.3d at 1278 (quoting *Sanborn*, 107 Nev. at 406, 812 P.3d at 1284-85).

“[T]hese factors are conjunctive,” and therefore, “a new trial must be denied where the movant fails to satisfy any factor.” *Id.* And “[t]he weight of the new DNA evidence will ultimately depend on the facts and circumstances of each individual case, including the sufficiency of the evidence adduced at trial.” *Id.*

Application of Seka

The State argues that the district court failed to apply the proper standard from *Seka* and consider its factors. The State argues that the district court erred in concluding that the DNA evidence could “make it more difficult to believe that [Jernigan] committed murder in contravention of his statement.” The State argues the proper standard is whether a “different result [is] reasonably probable” upon retrial. We agree that that is the standard but find the State’s argument unavailing that the district court employed the wrong standard because the district court cited the proper standard and did not use anything more lenient or apply it arbitrarily.

The State also argues that, while the district court cited the *Seka* factors, it failed to analyze each.³ First, the district court considered whether the newly discovered DNA evidence could have been discovered at trial. The district court characterized the methods used to analyze the DNA as a “new and powerful advancement” that “made significant progress since the trial.” The record supports such a conclusion based on information as to the scientific accuracy and history of this procedure for analyzing such DNA.

The district court next considered the cumulateness of the DNA evidence. The State argues that the new DNA evidence is cumulative of what was already presented at trial. Jernigan argues that the jury was not presented with the new DNA evidence and when compared to evidence at trial, it exculpates him. “Evidence is cumulative when it demonstrates the same thing as other admitted evidence or is of the same kind and on the same point on which other evidence has been offered or introduced.” 23A C.J.S. *Criminal Procedure & Rights of the Accused* § 1686 (2024) (footnotes omitted). When newly discovered DNA evidence is cumulative as to what was produced at trial, a new trial is unwarranted. *Seka*, 137 Nev. at 313-314, 490 P.3d at 1278-79. The new DNA evidence is non-cumulative. The jury was not presented with this DNA evidence because it was unavailable

³One factor is whether the new DNA evidence is being used as “an attempt to contradict, impeach, or discredit a former witness, unless the witness is so important that a different result would be reasonably probable.” *Seka*, 137 Nev. at 313, 490 P.3d at 1278 (internal quotation marks omitted). The district court did not address this factor and we conclude that it did not err in omitting it. It goes without saying that the presentation of such DNA evidence would not “simply be an attempt to discredit” one particular witness because it could refute all of the testimonial evidence given during trial, except for Jernigan’s. See *Mortensen v. State*, 115 Nev. 273, 287-88, 986 P.2d 1105, 1114-15 (1999).

at the time. The State argues that the jury was aware that Jernigan's *fingerprints* were not on the murder weapon and therefore the new DNA results are cumulative. We disagree because the new evidence is helpful in ways the fingerprint evidence was not. First, Jernigan's DNA is excluded from the handle of the murder weapon, and another individual's DNA *is* on the weapon. Second, one of the DNA profiles found on the victim's pockets matched the DNA on a baggie found in the motel room. This additional evidence surpasses what was introduced at trial. Thus, the district court did not err in finding the new evidence non-cumulative.

The district court next considered the materiality of the new evidence, focusing mostly on the handle of the machete because that was the murder weapon. The district court noted that in addition to a lack of fingerprint evidence on the handle, the new DNA evidence identified *another* male's DNA. The district court concluded that the new DNA evidence could impugn Jernigan's admissions to Ahart and Brown, which were crucial in determining his involvement in the crime. The district court stated that the new evidence would "make it more difficult to believe" Jernigan was guilty. Because material evidence is a key part of one's defense such that a different result would be reasonably probable upon retrial, the district court properly addressed this factor. This is especially true considering that Jernigan aims to prove that he did not touch the murder weapon and hence did not commit the crime.

Lastly, the district court addressed whether the new DNA evidence was the "best evidence the case admits," ensuring that the evidence is the best source for that particular information. The district court stressed the importance of looking at the theory and evidence in context. The district court explained the new evidentiary value and how

Jernigan's previous confessions could be impugned by such evidence, making it more difficult to believe he was the murderer. The district court properly analyzed the materiality of the new DNA evidence and demonstrated that no other evidence could provide such value to Jernigan. Altogether, the district court did not abuse its discretion in applying the *Seka* factors.

Favorability of evidence

The State argues the new DNA evidence is not favorable to Jernigan and should therefore be time-barred pursuant to NRS 176.515(3) and NRS 176.09187(1)(a). Specifically, the State asserts that the DNA evidence on the machete handle is immaterial and the evidence on the plastic baggie and sweatpants' pockets do not point to another perpetrator. The State's argument is irrelevant. DNA results are favorable if they would make a different result reasonably probable upon retrial. Because the district court believed the evidence would contradict damaging evidence, it correctly determined the evidence was favorable. Thus, the district court did not abuse its discretion in excusing the time bar in NRS 176.515(3).

Consideration of "new evidence"


The State argues the district court abused its discretion in considering evidence not previously admitted at trial. The State argues that Jernigan relied on transcripts, documents, and conversations not admitted at trial. The State contends this is inappropriate because it would allow petitioners to present any evidence to support a motion for a new trial. The State argues that pursuant to NRS 176.09187, the evidence that may be used to support a motion for a new trial is limited to the new DNA evidence and trial evidence.

NRS 176.09187(1) allows a defendant to seek a new trial based on the favorable "results of a genetic marker analysis." The "weight of the new DNA evidence will ultimately depend on the facts and circumstances of each individual case, including the sufficiency of the evidence adduced at trial." *Seka*, 137 Nev. at 313-14, 490 P.3d at 1278-79. This includes consideration of evidence not admitted at trial because items and facts not previously material might become so with further examination in light of the new DNA evidence.

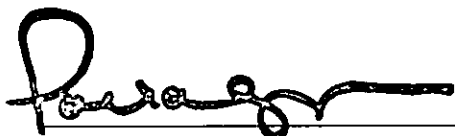
The crux of Jernigan's motion was the newly discovered DNA evidence. In addition, Jernigan attached exhibits to bring value and context to that newly discovered evidence. Thus, the district court's consideration of the motion in its entirety was proper. Furthermore, the DNA evidence alone warranted a new trial and was what the district court primarily relied on.

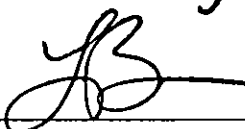
Accordingly, we


ORDER the judgment of the district court AFFIRMED.



_____, C.J.
Herndon


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Lee

cc: Hon. Jim C. Shirley, District Judge
Attorney General/Carson City
Mineral County District Attorney
Michael Best & Friedrich, LLP
Snell & Wilmer, LLP/Reno
Rocky Mountain Innocence Center
Clerk of the Court/Court Administrator