

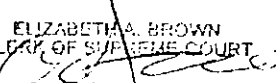
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ISIAH TAYLOR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 89105-COA

FILED

MAY 21 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

Isiah Taylor appeals from a district court order dismissing a postconviction petition for genetic marker analysis filed on March 19, 2024. Eighth Judicial District Court, Clark County; Jasmin D. Lilly-Spells, Judge.

In his petition, Taylor sought short tandem repeat (STR) analysis of evidence that had been previously tested for DNA evidence by police before Taylor entered his *Alford*<sup>1</sup> plea to two counts of attempted sexual assault. Taylor alleged that: (1) prior DNA testing of the swabs taken from the victim's body resulted in no confirmation of male DNA, including petitioner's; (2) none of the swabs were processed for STR analysis; and (3) DNA evidence taken from the towel the victim told police Taylor used after the crimes contained approximate mixture proportions of 54:46, which Taylor took issue with because the mixture was "barely over half." Taylor contended that STR analysis testing of the above items would result in exculpatory evidence.

A petitioner seeking genetic marker analysis must include in the petition, among other things, "[t]he rationale for why a reasonable

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<sup>1</sup>*North Carolina v. Alford*, 400 U.S. 25 (1970).

possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence identified.” NRS 176.0918(3)(b). And a district court may dismiss a petition for genetic marker testing if it determines the petition lacks this information. *See* NRS 176.0918(4)(a). When making this determination, a district court must first “assume that the genetic marker evidence would be exculpatory and then ask whether there is a ‘reasonable possibility’ that the petitioner would not have been convicted or prosecuted in light of the exculpatory genetic marker evidence.” *Anselmo v. State*, 138 Nev. 94, 99, 505 P.3d 846, 850 (2022). We review a district court order denying a petition for genetic marker analysis for an abuse of discretion. *Id.* at 98, 505 P.3d at 850.

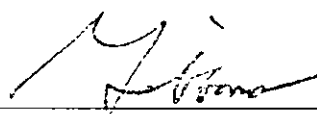
The district court found that Taylor failed to allege facts demonstrating a reasonable probability that he would not have been prosecuted or convicted but for the presumably exculpatory results of the testing he sought. This finding is supported by the record. The victim gave police a statement that included the following facts. The victim knew Taylor because he was her cousin’s ex-boyfriend. On the day of the crimes, Taylor had been released from jail after serving an eight-month sentence and called the victim asking to retrieve property from her apartment. The victim ignored the request because she did not have any of his property. Later that morning, the victim was awakened by Taylor pounding at her door. The victim told Taylor to go away, went back to bed, and was just falling asleep when Taylor entered her room. The victim explained to police that Taylor got in through a window near the stairway to her apartment. Taylor then penetrated the victim digitally and with his penis against her will. When he was done, Taylor washed his face in the bathroom, wiping it


on one of the victim's towels. The victim's testimony alone would have been sufficient evidence to prosecute Taylor. *See Alfaro v. State*, 139 Nev., Adv. Op. 24, 534 P.3d 138, 145 (2023) (providing that the testimony of a sexual assault victim alone can be sufficient to uphold a conviction).

In addition, the police found Taylor's finger and palm prints on an exterior sliding window of the victim's residence and Taylor's DNA, including DNA extracted from a sperm fraction, on the towel the victim said he used. When interviewed by police, Taylor denied going to the victim's apartment the day of the crimes or having contact with her after his release from jail. He explicitly denied having sex with her. Because Taylor failed to articulate a rationale for why a reasonable possibility exists that he would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis of the evidence, we conclude the district court did not abuse its discretion by dismissing the petition, and we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jasmin D. Lilly-Spells, District Judge  
Isiah M. Taylor  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk