

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ANTHONY OCEJA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 90031-COA

FILED

SEP 29 2025

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

ORDER OF AFFIRMANCE

Anthony Oceja appeals from a district court order denying a postconviction petition requesting genetic marker analysis filed on December 11, 2024. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

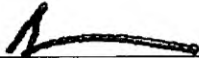
In his petition, Oceja claimed his convictions for second-degree murder and child abuse, neglect, or endangerment resulting in substantial bodily harm were wrongful because there were pages missing from the decedent's medical records produced by the State, and he opined that the missing pages would show the medical professional who provided the records "tampered with evidence to fit the theory that [LVMPD] put forth in the arrest warrant" and to fit the State's theory of the case. The only relief Oceja sought in his petition was review of the State's evidence binder or an evidentiary hearing to determine what happened to the missing pages.

The district court denied Oceja's petition because he failed to meet any of the requirements of NRS 176.0918(3). Specifically, the district court found Oceja had not (1) identified specific evidence either known or believed to be in the State's possession that could be subject to genetic marker analysis (NRS 176.0918(3)(a)); (2) satisfied his burden of showing a

reasonable possibility that he would not have been prosecuted or convicted if exculpatory results had been obtained through a genetic marker analysis (NRS 176.0918(3)(b)); (3) identified the type of genetic marker analysis he wanted to be conducted (NRS 176.0918(3)(c)); and (4) included a statement that the type of genetic marker analysis he was requesting was not available at the time of trial (NRS 176.0918(3)(e)). Based on the record before the court, we conclude the district court correctly determined Oceja's petition failed to meet the pleading requirements of NRS 176.0918(3).

Oceja also argues that the district court erred by not allowing him to be present at the hearing denying his petition. The record indicates the hearing at issue was not an evidentiary hearing, no testimony was presented, and the district court merely stated its denial on the record. Oceja fails to demonstrate that he was prejudiced by his absence at the hearing. *Cf. Gebers v. State*, 118 Nev. 500, 504, 50 P.3d 1092, 1094-95 (2002) (concluding a postconviction habeas petitioner's statutory rights were violated when she was not present at a hearing where testimony and evidence were presented). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tierra Danielle Jones, District Judge
Anthony Oceja
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk