



**EIGHTH JUDICIAL DISTRICT COURT
CLERK OF THE COURT**

REGIONAL JUSTICE CENTER
200 LEWIS AVENUE, 3rd FL.
LAS VEGAS, NEVADA 89155-1160
(702) 671-4554

Electronically Filed
Apr 16 2014 11:40 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

Steven D. Grierson
Clerk of the Court

April 16, 2014

Tracie Lindeman
Clerk of the Supreme Court
201 South Carson Street, Suite 201
Carson City, Nevada 89701-4702

RE: STATE OF NEVADA vs. ROY D. MORAGA
S.C. CASE: 64931
D.C. CASE: C092174

Dear Ms. Lindeman:

Pursuant to your Order Directing Entry and Transmission of Written Order, dated March 7, 2014, enclosed is a certified copy of the Order Denying Defendant's Post-Conviction Petition Requesting Genetic Marker Testing Pursuant to NRS 176.0918 filed April 15, 2014 in the above referenced case. If you have any questions regarding this matter, please do not hesitate to contact me at (702) 671-0512.

Sincerely,
STEVEN D. GRIERSON, CLERK OF THE COURT

A handwritten signature in black ink, which appears to read "Heather Ungermann", is written over a horizontal line.

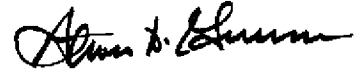
Heather Ungermann, Deputy Clerk

ORIGINAL

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JAMES R. SWEETIN
6 Chief Deputy District Attorney
7 Nevada Bar #005144
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

Electronically Filed
04/15/2014 04:15:05 PM



CLERK OF THE COURT

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 THE STATE OF NEVADA,

15 Plaintiff,

16 -vs-

17 ROY D. MORAGA,
18 #0938554

19 Defendant.

CASE NO: 89C092174

DEPT NO: VI

20 **ORDER DENYING DEFENDANT'S POST-CONVICTION PETITION**
21 **REQUESTING GENETIC MARKER TESTING**
22 **PURSUANT TO NRS 176.0918**

23 DATE OF HEARING: JANUARY 17, 2014
24 TIME OF HEARING: 8:30 A.M.

25 THIS MATTER having come on for hearing before the above entitled Court on the
26 17TH day of JANUARY, 2014, the Defendant not being present, IN PROPER PERSON, the
27 Plaintiff being represented by STEVEN B. WOLFSON, District Attorney, through JAMES
28 R. SWEETIN, Chief Deputy District Attorney, without argument, based on the pleadings and
good cause appearing therefor,

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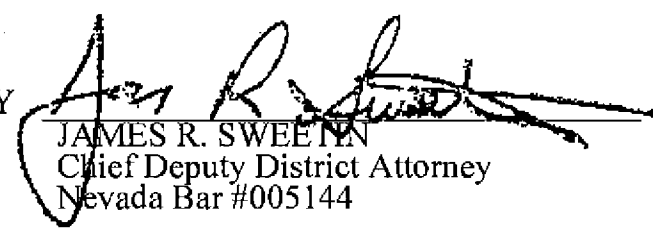
1 Defendant does not meet the requirements of NRS 176.0918(3)(b) because there does
2 not exist a reasonable possibility that Petitioner would not have been convicted if exculpatory
3 results had been obtained. Additionally, Petitioner previously raised the issue of DNA testing
4 by filing a Motion for Release of DNA Evidence Under Nevada Open Records Act on
5 December 16, 2003. On January 5, 2004, the court DENIED the motion on the merits because
6 the Petitioner admitted during trial that he had consensual sex with the victim. As this issue
7 has previously been decided on the merits, instant Petition is barred by the law of the case.

8 DATED this 27 day of March, 2014.

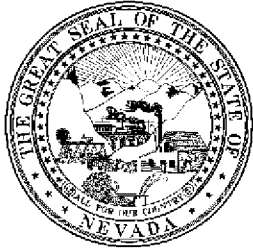
9
10 
11 DISTRICT JUDGE WSA

12 STEVEN B. WOLFSON
13 Clark County District Attorney
14 Nevada Bar #001565

15 BY

16 
17 JAMES R. SWEETEN
18 Chief Deputy District Attorney
19 Nevada Bar #005144
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hjc/SVU



Clerk of the Courts
Steven D. Grierson

200 Lewis Avenue
Las Vegas, NV 89155-1160
(702) 671-4554

April 16, 2014

Case No.: C092174

CERTIFICATION OF COPY

Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full, and correct copy of the hereinafter stated original document(s):

Order Denying Defendant's Post-Conviction Petition Requesting Genetic Marker Testing Pursuant to NRS 176.0918 filed 04/15/2014

now on file and of

In witness whereof, I have hereunto set my hand and affixed the seal of the Eighth Judicial District Court at my office, Las Vegas, Nevada, at 11:08 AM on April 16, 2014.


STEVEN D. GRIERSON, CLERK OF THE COURT