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Elizabeth A. Brown
Clerk of Supreme Court

\$2515
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Attorneys for Michael P. Anselmo

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MICHAEL PHILLIP ANSELMO,

Petitioner,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 271359
Dept. No. 6

NOTICE OF APPEAL

Petitioner Michael Phillip Anselmo hereby files his Notice of Appeal of the Second Judicial District Court Order Dismissing Petition for Genetic Marker Analysis ("Order"), entered on May 11, 2020 (attached hereto as **Exhibit "1"**). The notice of entry of the Order was filed and served on May 19, 2020. Ex. 1. Pursuant to NRS 176.09183(6), "[i]f the court enters an order dismissing a petition filed pursuant to NRS 176.0918, the person aggrieved by the order may appeal to the appellate court of competent jurisdiction pursuant to the rules fixed by the Supreme Court pursuant to Section 4 of Article 6 of the Nevada Constitution within 30

1 days after the notice of the entry of the order by filing a notice of appeal with the clerk of the
2 district court.” Notice is hereby given that Mr. Anselmo, Petitioner above named, appeals to
3 the Supreme Court of Nevada from the Order.

4 The undersigned affirms pursuant to NRS 239B.030 that the preceding document does
5 not contain the social security number of any person.

6 DATED this 18th day of June, 2020.

7
8 HOLLAND & HART, LLP

9 /s/ Sydney R. Gambee
10 J. Robert Smith (NSB #10992)
11 Jessica E. Whelan (NSB #14781)
12 Sydney R. Gambee (NSB #14201)

13 ROCKY MOUNTAIN INNOCENCE CENTER
14 Jennifer Springer (NSB #13767)

15 *Attorneys for Petitioner Michael P. Anselmo*
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CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(a), I hereby certify that on the 18th day of June, 2020, I served a true and correct copy of the foregoing **NOTICE OF APPEAL** by the following method(s):

- ☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following listed below:

Division of Probation & Parole
Jennifer Noble, Esq.
Marilee Cate, Esq.
Appellate Division
Washoe County District Attorney
1 S. Sierra Street, South Tower, 4th Floor
Reno, NV 89501

- ☒ U.S. Registered Mail: by depositing same in the United States mail, first class registered mail postage fully prepaid to the persons and addresses listed below:

Office of the Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701

- ☒ U.S. Mail: a true copy was placed in Holland & Hart LLP's outgoing mail in a sealed envelope addressed as follows:

Keith G. Munro, Esq.
Washoe County District Attorney's Office
1 S. Sierra Street, South Tower, 4th Floor
Reno, NV 89501

Michael P. Anselmo
655 W. 4th Street
Reno, NV 89503

/s/ Joyce Heilich
An Employee of Holland & Hart LLP

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INDEX OF EXHIBITS

EXHIBIT 1	Second Judicial District Court Order Dismissing Petition for Genetic Marker Analysis entered on May 11, 2020	10 Pages
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Attorneys for Michael P. Anselmo

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

MICHAEL PHILLIP ANSELMO,

Petitioner,

v.

THE STATE OF NEVADA,

Respondent.

Case No. 271359
Dept. No. 6

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

Petitioner, Michael Phillip Anselmo

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Lynne K. Simons, Second Judicial District Court of the State of Nevada
in and for Washoe County.

///

3. Identify each appellant and the name and address of counsel for each appellant:

Appellant: Michael Phillip Anselmo.

Counsel for Appellant:

J. Robert Smith, Esq. (NSB # 10992)
Sydney R. Gambee, Esq. (NSB # 14201)
Jessica E. Whelan, Esq. (NSB # 14781)
Holland & Hart LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134

Jennifer Springer, Esq. (NSB # 13767)
Rocky Mountain Innocence Center
358 South 700 East, B235
Salt Lake City, UT 84102

4. Identify each respondent and the name and address of appellate counsel, if known, for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as much and provide the name and address of that respondent's trial counsel).

Respondent: State of Nevada.

Counsel for Respondents:

Division of Probation & Parole

Jennifer Noble, Esq.
Marilee Cate, Esq.
Appellate Division
Washoe County District Attorney
1 S. Sierra Street, South Tower, 4th Floor
Reno, NV 89501

Keith G. Munro, Esq.
Washoe County District Attorney's Office
1 S. Sierra Street, South Tower, 4th Floor
Reno, NV 89501

Office of the Attorney General (served but not appearing)
State of Nevada
100 N. Carson Street
Carson City, NV 89701

5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the district court granted

1 that attorney permission to appear under SCR 42 (attach a copy of any district court
2 order granting such permission):

3 All attorneys identified in questions 3 and 4 are licensed to practice law in Nevada.

4 **6. Indicate whether appellant was represented by appointed or retained**
5 **counsel in the district court:**

6 Appellant was represented by retained counsel in the district court.

7 **7. Indicate whether appellant is represented by appointed or retained counsel**
8 **on appeal:**

9 Appellant is represented by retained counsel on appeal.

10 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**
11 **and the date of entry of the district court order granting such leave:**

12 Appellant was not granted leave to proceed in forma pauperis.

13 **9. Indicate the date the proceedings commenced in the district court (e.g.,**
14 **date complaint, indictment, information, or petition was filed):**

15 The petition requesting genetic marker analysis of evidence within the possession or
16 custody of the State of Nevada was initially filed on October 31, 2018. The petition was re-
17 filed with the affirmation required by Rule 10(7) of the Rules of Practice for the Second
18 Judicial District Court of the State of Nevada.

19 **10. Provide a brief description of the nature of the action and result in the**
20 **district court, including the type of judgment or order being appealed and the relief**
21 **granted by the district court:**

22 **Brief Nature of the Action:**

23 Petitioner, Mr. Anselmo, filed a petition requesting genetic marker analysis of evidence
24 within the custody or control of the State of Nevada, seeking genetic market analysis pursuant
25 to NRS 176.0918. Specifically, Mr. Anselmo requested testing of the victim's brown leather
26 purse, victim's pantyhose, fingernail clippings, hair strands, and a rape kit. In the district court
27 proceedings, it was confirmed that the identified evidence is indeed within the custody or
28 control of the State.

1 With his petition, supplemental briefing requested by the district court, and in oral
2 argument, Mr. Anselmo demonstrated that a reasonable possibility exists that Petitioner would
3 not have been prosecuted or convicted if exculpatory results had been obtained through a
4 genetic marker analysis of the evidence identified in the petition. Mr. Anselmo's conviction
5 rests largely on Mr. Anselmo's confession, and not physical evidence. Mr. Anselmo maintains
6 that his confession was not voluntary, and had genetic marker testing been conducted on the
7 identified evidence, certain details provided in his involuntary confession would have been
8 proven false, making there a reasonable possibility that Mr. Anselmo would not have been
9 prosecuted or convicted in light of the potentially conflicting evidence and confession.

10 **Type of Order Being Appealed:**

11 Order Dismissing Petition for Genetic Marker Analysis Pursuant to NRS 176.0918.

12 **Relief Granted/Denied by District Court:**

13 The district court denied the petition for genetic marker testing,¹ finding that Mr.
14 Anselmo did not demonstrate a reasonable possibility that Mr. Anselmo would not have been
15 prosecuted or convicted had the results of testing been exculpatory. In so doing, the district
16 court improperly weighed the evidence in the record to determine that despite any potential
17 exculpatory results, the jury would have convicted Mr. Anselmo anyway. The district court
18 noted that the jury had heard evidence that Mr. Anselmo's confession was involuntary and
19 convicted him anyway. However, the jury did not have the benefit of genetic marker testing of
20 the identified physical evidence. Mr. Anselmo is only required to show that there is a
21 *reasonable possibility* he would not have been convicted *or prosecuted* had the testing been
22 available and the results exculpatory. Mr. Anselmo made this threshold showing, in that
23 exculpatory genetic testing results could have challenged the credibility of Mr. Anselmo's
24 confession in a way no other evidence presented at trial could have. Therefore, had the
25

26
27 ¹ While NRS 176.09187 authorizes a motion for new trial if the results are favorable to the
28 Petitioner, Mr. Anselmo did not reach this stage of proceedings. The district court denied the
petition for genetic marker analysis under NRS 176.09183.

requested testing been conducted and the results been exculpatory, there is a reasonable possibility that Mr. Anselmo would not have been prosecuted or convicted.

11. Indicate whether the case has previously been the subject of an appeal to or original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number of the prior proceeding:

This case (Second Judicial District Court Case No. 271359) has previously been the subject of the following appeals to the Supreme Court:

Michael P. Anselmo v. The State of Nevada, Case No. 47579

Michael P. Anselmo v. Warden, Northern Nevada Correctional Center, Don Helling, Case No. 47232

Michael Phillip Anselmo v. The State of Nevada, Case No. 7008

Petitioner has also previously commenced the following original writ proceedings in the Supreme Court:

Michael P. Anselmo v. Connie S. Bisbee, Chairman; Susan Jackson; Tony Corda, Michael Keeler, Commissioners; and the Nevada Board of Parole Commissioners, Case No. 78576

Michael P. Anselmo v. Connie Bisbee, Chairman; Susan Jackson; Tony Corda; Adam Endel, Commissioners; and the State of Nevada Board of Parole, Case No. 67619 (First Judicial District Court Case No. 14 EW 00029)

Michael P. Anselmo v. The Eighth Judicial District Court of the State of Nevada, in and for the county of Clark, and the Honorable Mark R. Denton, District Judge, Case No. 36185 (Eighth Judicial District Court Case No. A373967)

Other appeals involving this Petitioner to the Supreme Court:

Michael P. Anselmo v. Nevada Board of Parole Commissioners, and Dorla M. Salling, Case No. 53520 (First Judicial District Court Case No. 08 EW 00071 1B)

12. Indicate whether this appeal involves child custody or visitation:

No.

13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:

N/A.

The undersigned affirms pursuant to NRS 239B.030 that the preceding document does not contain the social security number of any person.

DATED this 18th day of June, 2020.

HOLLAND & HART, LLP

/s/ Sydney R. Gambee

J. Robert Smith (NSB #10992)

Jessica E. Whelan (NSB #14781)

Sydney R. Gambee (NSB #14201)

ROCKY MOUNTAIN INNOCENCE CENTER

Jennifer Springer (NSB #13767)

Attorneys for Petitioner Michael P. Anselmo

CERTIFICATE OF SERVICE

Pursuant to Nev. R. Civ. P. 5(a), I hereby certify that on the 18th day of June, 2020, I served a true and correct copy of the foregoing **CASE APPEAL STATEMENT** by the following method(s):

- ☒ Electronic: by submitting electronically for filing and/or service with the Eighth Judicial District Court's e-filing system and served on counsel electronically in accordance with the E-service list to the following listed below:

Division of Probation & Parole
Jennifer Noble, Esq.
Marilee Cate, Esq.
Appellate Division
Washoe County District Attorney
1 S. Sierra Street, South Tower, 4th Floor
Reno, NV 89501

- ☒ U.S. Registered Mail: by depositing same in the United States mail, first class registered mail postage fully prepaid to the persons and addresses listed below:

Office of the Attorney General
State of Nevada
100 N. Carson Street
Carson City, NV 89701

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Keith G. Munro, Esq.
Washoe County District Attorney's Office
1 S. Sierra Street, South Tower, 4th Floor
Reno, NV 89501

Michael P. Anselmo
655 W. 4th Street
Reno, NV 89503

/s/ Joyce Heilich
An Employee of Holland & Hart LLP

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - 271359

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

6/19/2020

1:51:46PM

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)

Case ID: 271359

Case Type: CRIMINAL

Initial Filing Date: 7/28/1971

Parties

APPE	MICHAEL PHILIP ANSELMO - @179124
PNP	Div. of Parole & Probation - DPNP
RESP	STATE OF NEVADA - STATE
PROP	MICHAEL PHILIP ANSELMO - @179124
PLTF	STATE OF NEVADA - STATE
DA	Jennifer P. Noble, Esq. - 9446
DA	Marilee Cate, Esq. - 12563
DEFT	MICHAEL PHILIP ANSELMO - @179124
DATY	Sydney R. Gambee, Esq. - 14201
DATY	Jessica E. Whelan, Esq. - 14781
DATY	J. Robert Smith, Esq. - 10992
DATY	Joshua Halen, Esq. - 13885

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
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Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
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Release Information

Custody Status

Hearings

<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D6	Request for Submission	1/9/2019	09:51:00	3/7/2019
Event Extra Text: POST-CONVICTION PETITION REQUESTING GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA (THE ?PETITION?) ON NOVEMBER 2, 2018. - NO OPPOSITION FILED			Disposition: S200 3/7/2019 ORDER		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D6	HEARING...	4/19/2019	11:00:00	4/19/2019
Event Extra Text: COURT ORDERED = RE: EVIDENCE			Disposition: D435 4/19/2019 4/19/19 Confirmation Hearing HEARD - Court confirmed which evidence is in the possession or custody of which persons and/or entities. Evidence custodian(s) shall prepare and file, within 90 days of the Confirmation Hearing an inventory of all evidence relevant to the claims. Counsel for the Defendant granted 30 days to file Supplement to the Petition. Counsel for the State has 90 days to file Response, or file notice (within 10 days) of non-opposition.		

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)**Case ID: 271359****Case Type: CRIMINAL****Initial Filing Date: 7/28/1971**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D6	Request for Submission	6/28/2019	15:44:00	8/1/2019
Event Extra Text: PETITIONER'S MOTION FOR ORDER SHORTENING TIME		Disposition: S200 8/1/2019 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D6	Request for Submission	7/1/2019	10:11:00	8/1/2019
Event Extra Text: OPPOSITION TO MOTION FOR ORDER SHORTENING TIME (NO ORDER PROVIDED)		Disposition: S200 8/1/2019 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D6	Tickle Start Code	7/22/2019	07:00:00	7/23/2019
Event Extra Text: HAS COUNSEL SET HEARING?		Disposition: T200 7/23/2019		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6 D6	Request for Submission	12/2/2019	14:58:00	1/10/2020
Event Extra Text: RESPONSE TO PETITION FOR GENETIC MARKER ANALYSIS FILED 11/27/19		Disposition: S200 1/10/2020 ORDER		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7 D6	Tickle Start Code	12/2/2019	07:00:00	12/3/2019
Event Extra Text: DA FILED RESPONSE? IF NO, SEND ORDER TO HAVE TESTING DONE.		Disposition: T200 12/3/2019		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8 D6	PETITION...	2/25/2020	13:30:00	2/25/2020
Event Extra Text: ON GENETIC MARKER ANALYSIS		Disposition: D840 2/25/2020 PETITION FOR GENETIC MARKER ANALYSIS TAKEN UNDER ADVISEMENT AFTER ORAL ARGUMENTS; PARTIES MAY PROVIDE SUPPLEMENTAL AUTHORITY WITHIN 14; EACH COUNSEL SHALL PREPARE A PROPOSED ORDER AND SUBMIT ORDERS TO CHAMBERS WITHIN 14 DAYS; DEFENSE/PETITIONER SHALL ENTER A WRITTEN WAIVER OF DEFENDANT'S APPEARANCE AT PROCEEDINGS; APPEARANCE AT SUBSEQUENT HEARINGS SHALL BE ADDRESSED ACCORDINGLY.		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9 D6	Request for Submission	3/11/2020	07:00:00	5/11/2020
Event Extra Text: SUPPLEMENTAL PETITIONS SUBMITTED W/PROPOSED ORDERS		Disposition: S200 5/11/2020 ORDER		

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)

Case ID:	271359	Case Type:	CRIMINAL	Initial Filing Date:	7/28/1971
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Department	Event Description	Sched. Date & Time	Disposed Date
10 D6	Tickle Start Code	3/16/2020 07:00:00	3/13/2020
Event Extra Text: PROPOSED ORDERS SUBMITTED?		Disposition: T200 3/13/2020	

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
SC	Supreme Court	SCN 47232
SC	Supreme Court	SCN 47579

Actions

Action Entry Date	Code	Code Description	Text
7/28/1971	3373	Other ...	PRIOR CASH HISTORIES
7/28/1971	3370	Order ...	ORDER STAYING RJC CASE
7/28/1971	1795	Indictment	
7/29/1971	1300	Bench Warrant Filed-Case Clsd	
8/2/1971	1250	Application for Setting	
8/4/1971	MIN	***Minutes	VARIOUS
8/11/1971	1775	General Receipt	
8/18/1971	1250	Application for Setting	
9/7/1971	2490	Motion ...	MOTION FOR DISCOVERY AND INSPECTION
9/7/1971	1250	Application for Setting	
9/7/1971	1250	Application for Setting	
9/7/1971	1075	Affidavit ...	
9/7/1971	2490	Motion ...	MOTION FOR PSYCHIATRIC EXAMINATION
9/8/1971	3370	Order ...	
9/20/1971	3655	Points&Authorities Opp...	POINTS AND AUTHORITIES IN OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION
10/4/1971	3370	Order ...	ORDER GRANTING INSPECTION
10/7/1971	4185	Transcript	
10/15/1971	2490	Motion ...	MOTION FOR CONTINUANCE
10/15/1971	1250	Application for Setting	
10/15/1971	1075	Affidavit ...	
10/19/1971	1250	Application for Setting	
11/11/1971	3370	Order ...	ORDER FOR CONTINUANCE
11/17/1971	2490	Motion ...	MOTION FOR HEARING UPON THE ISSUE OF VOLUNTARINESS OF CONFESSION
11/17/1971	1075	Affidavit ...	
11/17/1971	1250	Application for Setting	
11/19/1971	1250	Application for Setting	
11/24/1971	1075	Affidavit ...	
11/24/1971	1075	Affidavit ...	
11/24/1971	3370	Order ...	

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)			
Case ID:	271359	Case Type:	CRIMINAL
		Initial Filing Date:	7/28/1971
11/24/1971	3370	Order ...	
11/24/1971	2490	Motion ...	MOTION FOR ELECTRO-ENCEPHALOGRAM
11/24/1971	2490	Motion ...	MOTION FOR PSYCHIATRIC EXAMINATION
11/24/1971	1775	General Receipt	
11/29/1971	4185	Transcript	REPORTER'S TRANSCRIPT OF PROCEEDINGS OF
12/1/1971	3370	Order ...	
12/1/1971	1075	Affidavit ...	
12/1/1971	2490	Motion ...	
12/2/1971	4185	Transcript	
12/2/1971	1250	Application for Setting	
12/13/1971	4185	Transcript	CONTINUED EVIDENTIARY HEARING
12/27/1971	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS
1/24/1972	3655	Points&Authorities Opp...	
2/1/1972	1250	Application for Setting	
2/1/1972	1250	Application for Setting	
2/1/1972	2490	Motion ...	MOTION TO CONTINUE
2/2/1972	3795	Reply...	DEFENDANT'S REPLY BRIEF
3/1/1972	1515	Decision	
3/3/1972	2515	Notice of Appeal Supreme Court	
3/16/1972	4185	Transcript	
4/7/1972	4185	Transcript	TRIAL TRANSCRIPTS
4/10/1972	2245	Mtn in Limine	
4/10/1972	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF MOTION IN LIMINE
4/10/1972	3665	Points&Authorities Support...	POINTS AND AUTHOEITIES IN SUPPORT OF MOTION TO SEQUESTER VENIREMENT DURING IMPANELL
4/10/1972	2490	Motion ...	MOTION TO SEQUESTER VENIREMEN DURING IMPANELLING OF JURY
4/18/1972	4055	Subpoena	
4/20/1972	4055	Subpoena	
4/26/1972	4055	Subpoena	
4/26/1972	1885	Jury Instructions	
4/26/1972	4055	Subpoena	
4/26/1972	4055	Subpoena	
4/26/1972	4245	Verdict(s)...	
5/30/1972	1315	** Case Closed	
6/6/1972	1850	Judgment of Conviction	
6/26/1972	1600	Designation Record on Appeal	
6/26/1972	2515	Notice of Appeal Supreme Court	
11/7/1972	4185	Transcript	SENTENCING
1/22/1973	1075	Affidavit ...	
4/23/1973	4185	Transcript	REPORTER'S TRANSCRIPT ON APPEAL

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)			
Case ID:	271359	Case Type:	CRIMINAL
		Initial Filing Date:	7/28/1971
4/23/1973	4185	Transcript	REPORTER'S TRANSCRIPT ON APPEAL
4/23/1973	4185	Transcript	REPORTER'S TRANSCRIPTS ON APPEAL
4/23/1973	4185	Transcript	REPORTER'S TRANSCRIPT ON APPEAL
4/24/1973	1695	** Exhibit(s) ...	
11/26/1973	4185	Transcript	
3/5/1974	4127	Supreme Ct Ord Dismiss Appeal	
8/10/1984	2385	Mtn Proceed Forma Pauperis	
8/10/1984	2230	Mtn Trial Trans. Public Exp	
8/16/1984	3860	Request for Submission	
9/11/1984	3060	Ord Granting Mtn ...	
9/17/1984	1075	Affidavit ...	
9/17/1984	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO RECONSIDER
9/17/1984	2175	Mtn for Reconsideration	
9/20/1984	3860	Request for Submission	
9/21/1984	3880	Response...	RESPONSE TO MOTION TO RECONSIDER
9/27/1984	3655	Points&Authorities Opp...	POINTS AND AUTHORITIES IN OPPOSITION TO MOTION TO RECONSIDER
10/4/1984	3370	Order ...	
12/13/1999	CMS	**See CMS Prior to 12/13/99	
7/29/2004	3870	Request	FOR STIPULATED ORDER OF DNA TEST NOT AVAILABLE IN 1973, OR IN THE ALTERNATIVE NON-RESPO
7/29/2004	2385	Mtn Proceed Forma Pauperis	
7/29/2004	1325	** Case Reopened	
7/29/2004	3860	Request for Submission	DOCUMENT TITLE: MOTION TO PROCEED IN FORMA PAUPERIS / REQUEST FOR ORDER
7/29/2004	1030	Affidavit in Support...	OF MOTION TO PROCEED IN FORMA PAUPERIS
9/3/2004	3035	Ord Grant in Forma Pauperis	
11/8/2004	2842	Ord Denying Motion	RE: DNA TEST
11/8/2004	1315	** Case Closed	
6/23/2005	1350	Certificate of Clerk	
2/28/2006	1120	Amended ...	FIRST AMENDMENT WRIT ACTUAL INNOCENCE
4/11/2006	2490	Motion ...	FOR FINDING IN DEFAULT
4/11/2006	3860	Request for Submission	DOCUMENT TITLE: MOTION FOR FINDING IN DEFAULT
4/24/2006	2840	Ord Denying ...	FIRST AMENDMENT WRIT ACTUAL INNOCENCE AND MOTION FOR FINDING IN DEFAULT
5/2/2006	1350	Certificate of Clerk	
5/2/2006	1365	Certificate of Transmittal	
5/2/2006	2515	Notice of Appeal Supreme Court	
5/2/2006	1310	Case Appeal Statement	
5/8/2006	1187	**Supreme Court Case No. ...	SUPREME COURT CASE NO. 47232
5/8/2006	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 47232
5/12/2006	4126	Supreme Ct Order Directing...	SUPREME COURT CASE NO. 47232
6/23/2006	1365	Certificate of Transmittal	

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)			
Case ID:	271359	Case Type:	CRIMINAL
		Initial Filing Date:	7/28/1971
10/20/2006	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 47232
11/27/2006	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 47232
11/27/2006	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 47232
11/27/2006	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 47232
12/11/2006	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 271359
12/18/2006	2490	Motion ...	MOTION FOR NEW TRIAL
1/5/2007	4134	Supreme Court Order Affirming	SUPREME COURT CASE NO. 47579
1/5/2007	4145	Supreme Court Remittitur	SUPREME COURT CASE NO. 47579
1/5/2007	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT CASE NO. 47579
3/27/2007	2610	Notice ...	OF CHANGE OF ADDRESS
5/15/2007	2490	Motion ...	TO SUBMIT: MICHAEL P. ANSELMO
6/6/2007	3860	Request for Submission	DOCUMENT TITLE: REQUEST FOR SUBMISSION OF MOTION FOR EVIDENCIARY HEARING FOR NEW TI
6/27/2007	2842	Ord Denying Motion	(ORDER DENYING MOTIN FOR A NEW TRIAL AND MOTION FOR EVIDENTIARY HEARING FOR NEW TRIA
10/31/2018	3645	Petition ...	DFX: MISSING REQUIRED AFFIRMATION - POST-CONVICTION PETITION REQUESTING GENETIC MARKE
10/31/2018	NEF	Proof of Electronic Service	Transaction 6956614 - Approved By: NOREVIEW : 10-31-2018:16:48:04
10/31/2018	NEF	Proof of Electronic Service	Transaction 6956561 - Approved By: NOREVIEW : 10-31-2018:16:42:46
10/31/2018	3645	Petition ...	DFX: NO AFFIRMATION - DUPLICATE ENTRY - POST-CONVICTION PETITION REQUESTING GENETIC M
11/1/2018	NEF	Proof of Electronic Service	Transaction 6958599 - Approved By: NOREVIEW : 11-01-2018:16:07:03
11/1/2018	1501	Cure Order - Filing Deficiency	Transaction 6958588 - Approved By: NOREVIEW : 11-01-2018:16:05:27
11/1/2018	1501	Cure Order - Filing Deficiency	Transaction 6958588 - Approved By: NOREVIEW : 11-01-2018:16:05:27
11/2/2018	3645	Petition ...	POST-CONVICTION PETITION REQUESTING GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE P
11/2/2018	NEF	Proof of Electronic Service	Transaction 6959332 - Approved By: NOREVIEW : 11-02-2018:09:52:50
1/9/2019	NEF	Proof of Electronic Service	Transaction 7058341 - Approved By: NOREVIEW : 01-09-2019:09:29:48
1/9/2019	3860	Request for Submission	POST-CONVICTION PETITION REQUESTING GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE P
3/7/2019	NEF	Proof of Electronic Service	Transaction 7155148 - Approved By: NOREVIEW : 03-07-2019:16:41:39
3/7/2019	3105	Ord Granting ...	IN PART, POST-CONVICTION PETITION REQUESTING GENETIC MARKER ANALYSIS OF EVIDENCE; ORD
3/7/2019	S200	Request for Submission Complet	ORDER
3/11/2019	2540	Notice of Entry of Ord	Transaction 7158079 - Approved By: NOREVIEW : 03-11-2019:08:53:39
3/11/2019	NEF	Proof of Electronic Service	Transaction 7158087 - Approved By: NOREVIEW : 03-11-2019:08:54:37
3/21/2019	1250	Application for Setting	APPLICATION FOR SETTING - HEARING PURSUANT TO COURT ORDER FILED 3/7/19 - APRIL 19, 2019, 11
3/21/2019	NEF	Proof of Electronic Service	Transaction 7179264 - Approved By: NOREVIEW : 03-21-2019:14:25:50
3/21/2019	2550	Notice of Hearing	COURT'S NOTICE OF HEARING - Transaction 7179754 - Approved By: YVILORIA : 03-22-2019:08:14:01
3/22/2019	NEF	Proof of Electronic Service	Transaction 7181622 - Approved By: NOREVIEW : 03-22-2019:16:12:39
3/22/2019	NEF	Proof of Electronic Service	Transaction 7181608 - Approved By: NOREVIEW : 03-22-2019:16:07:56
3/22/2019	NEF	Proof of Electronic Service	Transaction 7180176 - Approved By: NOREVIEW : 03-22-2019:08:15:02
3/22/2019	2520	Notice of Appearance	NOTICE OF APPEARANCE: MARILEE CATE DA - Transaction 7181604 - Approved By: YVILORIA : 03-22-2019
3/22/2019	1260	Application Produce Prisoner	Transaction 7181606 - Approved By: JALVAREZ : 03-22-2019:16:11:40
3/26/2019	3340	Ord to Produce Prisoner	Transaction 7184405 - Approved By: NOREVIEW : 03-26-2019:08:30:33
3/26/2019	NEF	Proof of Electronic Service	Transaction 7184410 - Approved By: NOREVIEW : 03-26-2019:08:31:31

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)				
Case ID:	271359	Case Type:	CRIMINAL	Initial Filing Date: 7/28/1971
5/6/2019	3880	Response...	RESPONSE TO THIS COURT'S ORDER OF MARCH 7, 2019 - Transaction 7255565 - Approved By: CVERA : C	
5/7/2019	NEF	Proof of Electronic Service	Transaction 7256048 - Approved By: NOREVIEW : 05-07-2019:08:18:42	
6/5/2019	NEF	Proof of Electronic Service	Transaction 7305876 - Approved By: NOREVIEW : 06-05-2019:15:37:59	
6/5/2019	3835	Report...	PETITIONER'S STATUS REPORT OF EVIDENCE INVENTORY AND REMAINING BRIEFING - Transaction 730	
6/6/2019	NEF	Proof of Electronic Service	Transaction 7306922 - Approved By: NOREVIEW : 06-06-2019:09:39:51	
6/6/2019	2610	Notice ...	Notice of Inventory - Transaction 7306878 - Approved By: SACORDAG : 06-06-2019:09:38:25	
6/28/2019	3860	Request for Submission	REQUEST FOR SUBMISSION - Transaction 7347455 - Approved By: YVILORIA : 06-28-2019:15:43:02	
6/28/2019	2520	Notice of Appearance	NOTICE OF APPEARANCE: JOSHUA HALEN ESQ / DEFT MICHAEL ANSELMO - Transaction 7347455 - Appr	
6/28/2019	NEF	Proof of Electronic Service	Transaction 7347848 - Approved By: NOREVIEW : 06-28-2019:15:44:07	
6/28/2019	2145	Mtn Ord to Show Cause	PETITIONER'S MOTION FOR ORDER TO SHOW CAUSE - Transaction 7347455 - Approved By: YVILORIA : 0	
6/28/2019	2140	Mtn Ord Shortening Time	PETITIONER'S MOTION FOR ORDER SHORTENING TIME - Transaction 7347455 - Approved By: YVILORIA :	
7/1/2019	2645	Opposition to Mtn ...	THE STATE OF NEVADA'S OPPOSITION TO MOTION FOR ORDER SHORTENING TIME - Transaction 73488	
7/1/2019	NEF	Proof of Electronic Service	Transaction 7348894 - Approved By: NOREVIEW : 07-01-2019:09:54:28	
7/1/2019	NEF	Proof of Electronic Service	Transaction 7348879 - Approved By: NOREVIEW : 07-01-2019:09:50:52	
7/1/2019	3860	Request for Submission	Transaction 7348889 - Approved By: NOREVIEW : 07-01-2019:09:53:27	
7/8/2019	2645	Opposition to Mtn ...	THE STATE'S OPPOSITION TO MOTION TO COMPEL - Transaction 7361149 - Approved By: YVILORIA : 07-0	
7/8/2019	NEF	Proof of Electronic Service	Transaction 7361087 - Approved By: NOREVIEW : 07-08-2019:16:42:05	
7/8/2019	3880	Response...	RESPONSE TO THE MOTION FOR ORDER TO SHOW CAUSE - Transaction 7361012 - Approved By: YVILOF	
7/9/2019	NEF	Proof of Electronic Service	Transaction 7361477 - Approved By: NOREVIEW : 07-09-2019:08:54:25	
7/23/2019	T200	Tickle End Code		
8/1/2019	S200	Request for Submission Complet	ORDER	
8/1/2019	S200	Request for Submission Complet	ORDER	
8/1/2019	NEF	Proof of Electronic Service	Transaction 7406817 - Approved By: NOREVIEW : 08-01-2019:13:04:28	
8/1/2019	2842	Ord Denying Motion	FOR OSC; AND ORDER DENYING MOTION FOR OST - Transaction 7406815 - Approved By: NOREVIEW : 08	
8/29/2019	2610	Notice ...	NOTICE OF NON-SUBMISSION OF SUPPLEMENTAL PETITION - Transaction 7458061 - Approved By: NMAS	
8/29/2019	NEF	Proof of Electronic Service	Transaction 7458512 - Approved By: NOREVIEW : 08-29-2019:15:53:39	
9/24/2019	3370	Order ...	DIRECTING GENETIC MARKER TESTING - Transaction 7501705 - Approved By: NOREVIEW : 09-24-2019:15	
9/24/2019	NEF	Proof of Electronic Service	Transaction 7501713 - Approved By: NOREVIEW : 09-24-2019:15:32:42	
9/25/2019	NEF	Proof of Electronic Service	Transaction 7502999 - Approved By: NOREVIEW : 09-25-2019:10:43:29	
9/25/2019	NEF	Proof of Electronic Service	Transaction 7504721 - Approved By: NOREVIEW : 09-25-2019:16:03:03	
9/25/2019	2540	Notice of Entry of Ord	Transaction 7502984 - Approved By: NOREVIEW : 09-25-2019:10:41:57	
9/25/2019	3370	Order ...	RESCINDING ORDER DIRECTING GENETIC MARKER TESTING - Transaction 7504710 - Approved By: NOR	
9/30/2019	4185	Transcript	Hearing re: Evidence - April 19,2019 - Transaction 7509941 - Approved By: NOREVIEW : 09-30-2019:09:24:57	
9/30/2019	NEF	Proof of Electronic Service	Transaction 7509954 - Approved By: NOREVIEW : 09-30-2019:09:26:20	
11/27/2019	NEF	Proof of Electronic Service	Transaction 7611935 - Approved By: NOREVIEW : 11-27-2019:14:34:58	
11/27/2019	3880	Response...	RESPONSE TO PETITION FOR GENETIC MARKER ANALYSIS - Transaction 7611850 - Approved By: CSULE	
12/2/2019	NEF	Proof of Electronic Service	Transaction 7614110 - Approved By: NOREVIEW : 12-02-2019:13:59:34	
12/2/2019	3860	Request for Submission	RESPONSE TO PETITION FOR GENETIC MARKER ANALYSIS FILED 11/27/19 - Transaction 7614096 - Apprc	
12/3/2019	T200	Tickle End Code		

Case Description: STATE VS. MICHAEL PHILIP ANSELMO (D6)				
Case ID:	271359	Case Type:	CRIMINAL	Initial Filing Date: 7/28/1971
12/13/2019	NEF	Proof of Electronic Service	Transaction 7637984 - Approved By: NOREVIEW : 12-13-2019:14:44:39	
12/13/2019	2490	Motion ...	MOTION FOR LEAVE TO FILE REPLY - Transaction 7637847 - Approved By: CSULEZIC : 12-13-2019:14:43:26	
12/19/2019	NEF	Proof of Electronic Service	Transaction 7647240 - Approved By: NOREVIEW : 12-19-2019:10:36:43	
12/19/2019	2645	Opposition to Mtn ...	OPPOSITION TO MOTION FOR LEAVE TO FILE REPLY - Transaction 7647206 - Approved By: YVILORIA : 12-	
12/31/2019	3795	Reply...	REPLY IN SUPPORT OF MOTION FOR LEAVE TO FILE REPLY - Transaction 7660866 - Approved By: CSULE	
12/31/2019	NEF	Proof of Electronic Service	Transaction 7660874 - Approved By: NOREVIEW : 12-31-2019:10:16:37	
1/8/2020	MIN	***Minutes	4/19/19 Hearing Re Evidence - Transaction 7674530 - Approved By: NOREVIEW : 01-08-2020:12:15:17	
1/8/2020	NEF	Proof of Electronic Service	Transaction 7674532 - Approved By: NOREVIEW : 01-08-2020:12:16:03	
1/10/2020	NEF	Proof of Electronic Service	Transaction 7680587 - Approved By: NOREVIEW : 01-10-2020:16:14:11	
1/10/2020	S200	Request for Submission Complet	ORDER	
1/10/2020	3060	Ord Granting Mtn ...	FOR LEAVE TO FILE REPLY; ORDER TO SET HEARING - Transaction 7680584 - Approved By: NOREVIEW :	
1/21/2020	NEF	Proof of Electronic Service	Transaction 7695209 - Approved By: NOREVIEW : 01-21-2020:12:01:53	
1/21/2020	3795	Reply...	REPLY IN SUPPORT OF PETITION FOR GENETIC MARKER ANALYSIS - Transaction 7695029 - Approved By	
1/24/2020	NEF	Proof of Electronic Service	Transaction 7703864 - Approved By: NOREVIEW : 01-24-2020:15:08:41	
1/24/2020	1250	Application for Setting	Transaction 7703848 - Approved By: NOREVIEW : 01-24-2020:15:05:51	
2/27/2020	NEF	Proof of Electronic Service	Transaction 7764641 - Approved By: NOREVIEW : 02-27-2020:15:28:52	
2/27/2020	4185	Transcript	2-25-20 Petition hearing - Transaction 7764621 - Approved By: NOREVIEW : 02-27-2020:15:26:22	
3/10/2020	NEF	Proof of Electronic Service	Transaction 7785882 - Approved By: NOREVIEW : 03-10-2020:17:06:13	
3/10/2020	4270	Waiver of Appearance	PETITIONERS WAIVER OF APPEARANCE AT ARGUMENT - Transaction 7785262 - Approved By: NOREVIEW	
3/10/2020	4105	Supplemental ...	Post-Hearing Brief - Transaction 7785879 - Approved By: NOREVIEW : 03-10-2020:17:05:23	
3/10/2020	NEF	Proof of Electronic Service	Transaction 7784697 - Approved By: NOREVIEW : 03-10-2020:13:31:38	
3/10/2020	4100	Supplemental Petition	SUPPLEMENTAL POINTS AND AUTHORITY IN SUPPORT OF PETITION REQUESTING GENETIC MARKER .	
3/10/2020	NEF	Proof of Electronic Service	Transaction 7785275 - Approved By: NOREVIEW : 03-10-2020:15:10:30	
3/13/2020	T200	Tickle End Code		
5/11/2020	3370	Order ...	DISMISSING PETITION FOR GENETIC MARKER ANALYSIS - Transaction 7870443 - Approved By: NOREVIEW	
5/11/2020	F230	Other Manner of Disposition		
5/11/2020	S200	Request for Submission Complet	ORDER	
5/11/2020	NEF	Proof of Electronic Service	Transaction 7870446 - Approved By: NOREVIEW : 05-11-2020:12:20:18	
5/19/2020	NEF	Proof of Electronic Service	Transaction 7882766 - Approved By: NOREVIEW : 05-19-2020:08:19:31	
5/19/2020	2540	Notice of Entry of Ord	Transaction 7882764 - Approved By: NOREVIEW : 05-19-2020:08:18:31	
6/18/2020	\$2515	\$Notice/Appeal Supreme Court	Transaction 7933327 - Approved By: CAGUILAR : 06-19-2020:08:32:48	
6/18/2020	1310	Case Appeal Statement	Transaction 7933333 - Approved By: NOREVIEW : 06-18-2020:16:51:32	
6/18/2020	NEF	Proof of Electronic Service	Transaction 7933339 - Approved By: NOREVIEW : 06-18-2020:16:52:28	
6/19/2020	PAYVD	**Payment Voided	Receipt Number DCDC660057 has been voided.	
6/19/2020	NEF	Proof of Electronic Service	Transaction 7934577 - Approved By: NOREVIEW : 06-19-2020:13:34:40	
6/19/2020	NEF	Proof of Electronic Service	Transaction 7933614 - Approved By: NOREVIEW : 06-19-2020:08:33:45	
6/19/2020	PAYRC	**Payment Received	A Payment of \$24.00 was made on receipt DCDC660057.	
6/19/2020	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7934574 - Approved By: N	

Code:

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

MICHAEL PHILLIP ANSELMO,

Case No. 271359

Petitioner,

Dept. No. 6

v.

THE STATE OF NEVADA,

Respondent.

ORDER DISMISSING PETITION FOR GENETIC MARKER ANALYSIS

Before this Court is the *Post-Conviction Petition Regarding Genetic Marker Analysis Evidence Within the Possession or Custody of the State of Nevada* ("Petition") filed by Petitioner Michael Philp Anselmo ("Mr. Anselmo"), by and through his counsel of record, Holland & Hart LLP. Respondent THE STATE OF NEVADA ("the State") filed its *Response to the Petition for Genetic Marker Analysis* ("Response"), by and through its counsel of record, Appellate Deputy District Attorney Marilee B. Cate. Mr. Anselmo filed his Reply in Support of Petition for Genetic Marker Analysis ("*Reply*") and the matter was originally submitted thereafter. This Court heard argument on the issues on

1 February 25, 2020 and allowed the parties to file simultaneous supplemental
2 memorandums of points and authorities, which were filed on March 10, 2020.

3 The Court has reviewed the record related to the *Petition* together with the record
4 that resulted in entry of the *Judgment of Conviction* and this Order follows.

5 **I. FACTS AND PROCEDURAL HISTORY.**

6 Mr. Anselmo was found guilty of the crime of Murder and judgment was entered
7 against him on May 26, 1972. Mr. Anselmo filed his *Petition* on November 2, 2018. On
8 March 7, 2019, this Court entered its *Order Granting, in Part, Post-Conviction Petition*
9 *Requesting Genetic Marker Analysis of Evidence; Order to Set Hearing; and Order*
10 *Directing Preservation and Inventory of Evidence* (“*Inventory Order*”). On April 19, 2019,
11 a hearing was held before this Court to confirm the existence and possession of
12 evidence held by the Washoe County Sheriff’s Office Crime Lab and the Second
13 Judicial District Court Deputy Clerk responsible for evidence retention.

14 On May 6, 2019, the Washoe County Sheriff’s Office, through counsel, filed its
15 *Response to the Inventory Order* and attached its *Evidence Inventory*. On June 6, 2019,
16 the District Attorney’s Office filed a *Notice of Inventory for the Second Judicial District*
17 *Court*, (collectively, “*Evidence Inventories*”).

18 On June 28, 2019, Mr. Anselmo filed *Petitioner’s Motion for Order to Show*
19 *Cause*, arguing the *Evidence Inventories* filed did not describe the physical evidence in
20 sufficient detail. On August 1, 2019, this Court entered its *Order Denying Motion for*
21 *Order to Show Cause; and, Order Denying Motion for Order Shortening Time*. In the
22 Court’s August 1, 2019 Order, the Court granted Mr. Anselmo additional time to
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1 supplement his *Petition* to amend the list of physical evidence he requested be
2 submitted to DNA testing based on the *Evidence Inventories* as filed.

3 On August 29, 2019, Mr. Anselmo filed his *Notice of Non-Submission of*
4 *Supplemental Petition* and reaffirmed his request for DNA testing of the physical
5 evidence outlined in his *Petition*.

6 **II. APPLICABLE LAW AND ANALYSIS.**

7 Pursuant to NRS 176.0918, a petition for genetic marker analysis must, among
8 other things, include a declaration “under the penalty of perjury attesting that the
9 information contained in the petition does not contain any material misrepresentation of
10 fact and that the petitioner has a good faith basis relying on particular facts for the
11 request.” NRS 176.0918(3). A petition for genetic marker analysis must also include:

- 12 (a) Information identifying specific evidence either known or believed to
13 be in the possession or custody of the State that can be subject to genetic
marker analysis;
- 14 (b) The rationale for why a reasonable possibility exists that the petitioner
15 would not have been prosecuted or convicted if exculpatory results had
been obtained through a genetic marker analysis of the evidence identified
in paragraph (a);
- 16 (c) An identification of the type of genetic marker analysis the petitioner is
requesting to be conducted on the evidence identified in paragraph (a);
- 17 (d) If applicable, the results of all prior genetic marker analysis performed
on evidence in the trial which resulted in the petitioner’s conviction; and
- 18 (e) A statement that the type of genetic marker analysis the petitioner is
19 requesting was not available at the time of trial or, if it was available, that
the failure to request genetic marker analysis before the petitioner was
20 convicted was not a result of a strategic or tactical decision as part of the
representation of the petitioner at the trial.

21 Id. A petition for genetic marker analysis must satisfy the several procedural
22 requirements set forth in the statute or is subject to dismissal. See NRS 176.0918(4)(a)
23 (“If a petition is filed pursuant to this section, the court may: (a) [e]nter an order
24 dismissing the petition without a hearing if the court determines, based on the

1 information contained in the petition, that the petitioner does not meet the requirements
2 set forth in this section”); see also NRS 176.09183(5)(a) (“The court shall enter an order
3 dismissing a petition filed pursuant to NRS 176.0918 if: (a) [t]he requirements for
4 ordering a genetic marker analysis pursuant to this section and NRS 176.0918 and
5 176.09187 are not satisfied”).

6 The Court has reviewed the record related to the *Petition* as well as the relevant
7 information in the record that resulted in Mr. Anselmo’s conviction. Based on its
8 review, the Court finds genetic marker analysis is not legally warranted in this case.
9 Specifically, the Court finds Mr. Anselmo has failed to demonstrate a reasonable
10 possibility he would not have been prosecuted or convicted if exculpatory results were
11 obtained through the genetic marker testing he proposes.

12 Significant to this Court is Anselmo’s assertion that he could not have killed Ms.
13 Trudy Hiler (“Ms. Hiler”) based on Dr. Laubscher’s testimony.¹ In fact, Dr. Laubscher
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15 ¹The Court’s *Inventory Order* stated:

16 In pertinent detail, the Court finds persuasive the original testing of semen
17 found in Ms. Hiler belonged to an individual who may have been sterile or
18 recently had a vasectomy, neither of which apply to Mr. Anselmo. Thus,
19 had genetic marker testing been available at the time of Mr. Anselmo's
20 trial, exculpatory results **may** have dissuaded prosecution or resulted in a
21 different verdict. Additionally, had exculpatory evidence obtained through
22 genetic marker testing of Ms. Hiler's fingernails, pantyhose, and hairs
23 found in her car may have resulted in a different verdict. The Court further
24 finds Mr. Anselmo provided evidence the specific genetic marker testing
requested was not available at the time of his trial in 1972. Although Mr.
Anselmo previously filed a *Request* in 2005 asking for testing of evidence,
the Court finds NRS 176.0918 was not enacted until October 1, 2013,
therefore a change in law supports consideration of the *Petition*.

Inventory Order, p. 5, Ins. 7-22). The Court did not find he has demonstrated a
reasonable possibility he would not have been prosecuted or convicted.

1 initially testified that semen was likely not found in the sample of seminal fluid because
2 of the degenerative nature of the substance and its presence for at least a day in the
3 environment of a dead body. Dr. Laubscher opined the degenerative nature of the
4 sample was the first reason semen was not found. Dr. Laubscher indicated that a
5 second possibility existed to explain the lack of semen, and that was the contributor
6 may have been sterile or had a vasectomy. Mr. Anselmo asserts his semen was tested
7 and there was sperm identified in his sample. Therefore, he asserts he could not have
8 been the source of the sterile semen found in Ms. Hiler. The jury heard evidence that
9 Mr. Anselmo's seminal fluid was tested and contained the presence of sperm. Mr.
10 Anselmo's counsel established in Dr. Laubscher's cross-examination that Mr. Anselmo
11 was not sterile, and his sample contained semen. Therefore, the jury heard this
12 exculpatory information. However, given the degenerative nature of sperm, the jury
13 could still conclude, based on the expert testimony of Dr. Laubscher, Mr. Anselmo's
14 semen had degenerated prior to Dr. Laubscher's collection of a sample from Ms. Hiler.

15 The Court also notes the felony murder theory was not the primary theory
16 advanced by the State at trial. The thrust of the State's evidence was focused on
17 malice and the premeditated and deliberate nature of the murder. Thus, the fact that Mr.
18 Anselmo's DNA may or may not be found inside or on Ms. Hiler is not of consequence.

19 Mr. Anselmo also requests testing of hairs found in Ms. Hiler's vehicle; however,
20 the record reveals the vehicle Ms. Hiler drove on the night she disappeared was not
21 hers. It was a roommate's vehicle shared by several women. Mr. Anselmo admits in
22 his *Petition* that the jury heard evidence the hairs did not match his. Thus, the jury
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1 heard exculpatory information of the nature Mr. Anselmo claims exists now, but
2 nonetheless convicted Mr. Anselmo.

3 At trial, Mr. Anselmo's counsel argued, based on the evidence presented, there
4 was no physical evidence connecting Mr. Anselmo to the murder. Mr. Anselmo's
5 counsel also inquired into the possibility of another male, John Soares, involvement.
6 The jury heard the evidence on which these arguments were based.

7 The Court recognizes the jury made its determination and found Mr. Anselmo
8 guilty beyond a reasonable doubt after hearing evidence of Mr. Anselmo's suspicious
9 behavior on the night Ms. Hiler disappeared , during the searches and discovery of her
10 body, as well after hearing evidence including his inconsistent statements and unique
11 knowledge regarding locations of Ms. Hiler's belongings, such as the keys to the
12 vehicle.

13 Mr. Anselmo asks this Court to disregard his confession, both before trial and
14 when he appeared before the Parole Board. Mr. Anselmo's counsel challenged his
15 pretrial confession and argued it was involuntarily made. The jury heard this information
16 and found Mr. Anselmo guilty beyond a reasonable doubt.

17 Mr. Anselmo's request that his Court find his confession to the Parole Board was
18 made for purposes other than confession to a crime he committed and provided
19 substantial argument and information highlighting cases characterized by defendants
20 exonerated after confessions.

21 The Court finds and concludes, based on its analysis and review of the record in
22 this case, as well as the *Petition* and supporting papers, Mr. Anselmo has not
23 demonstrated that a reasonable possibility exists that would not have been prosecuted
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1 or convicted if DNA-tested exculpatory results had been obtained. See NRS
2 176.0918(3)(b).

3 Because the Court decided this matter on the merits, the Court finds no ruling on
4 the timeliness of the *Petition* is required.

5 Accordingly, and good cause appearing,
6 IT IS HEREBY ORDERED that Mr. Anselmo's *Petition* is DISMISSED.

7 DATED this 10th day of May, 2020.

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10 DISTRICT JUDGE

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JENNIFER NOBLE, ESQ.
MARILEE CATE, ESQ.
J. SMITH, ESQ.
SYDNEY GAMBEE, ESQ.
JOSHUA HALEN, ESQ.

Heidi Boe

1 **CODE 2540**

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5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**

7
8 **STATE OF NEVADA,**

Case No: 271359

9 **Plaintiff,**

Dept. No: 6

10 **vs.**

11
12 **MICHAEL PHILLIP ANSELMO,**

13 **Defendant.**

14 **/**

15 **NOTICE OF ENTRY OF ORDER**

16
17 PLEASE TAKE NOTICE that on May 11, 2020, the Court entered a decision or
18 order in this matter, a true and correct copy of which is attached hereto.

19 Dated May 19, 2020.

20
21 JACQUELINE BRYANT

22 Clerk of the Court

23 /s/N. Mason

24 N. Mason-Deputy Clerk
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1 **CERTIFICATE OF SERVICE**

2 Case No. 271359

3 Pursuant to NRCP 5 (b), I certify that I am an employee of the Second
4 Judicial District Court; that on May 19, 2020, I electronically filed the Notice of Entry of
5 Order with the Court System which will send a notice of electronic filing to the following:

6
7 JENNIFER P. NOBLE, ESQ. for STATE OF NEVADA
8 JOSHUA HALEN, ESQ. for MICHAEL PHILIP ANSELMO
9 DIV. OF PAROLE & PROBATION
10 MARILEE CATE, ESQ. for STATE OF NEVADA
11 SYDNEY R. GAMBEE, ESQ. for MICHAEL PHILIP ANSELMO
12 J. ROBERT SMITH, ESQ. for MICHAEL PHILIP ANSELMO

13 I further certify that on May 19, 2020, I deposited in the Washoe
14 County mailing system for postage and mailing with the U.S. Postal Service in Reno,
15 Nevada, a true copy of the attached document, addressed to:

16 Attorney General's Office
17 100 N. Carson Street
18 Carson City, NV 89701-4717

19 Michael P. Anselmo (#10999)
20 N. Nevada Correctional Center
21 P. O. Box 7000
22 Carson City, NV 89702

23 The undersigned does hereby affirm that pursuant to NRS 239B.030 and NRS 603A.040, the
24 preceding document does not contain the personal information of any person.

25 Dated May 19, 2020.

26 /s/N. Mason
27 N. Mason- Deputy Clerk
28

Code:

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE

MICHAEL PHILLIP ANSELMO,

Case No. 271359

Petitioner,

Dept. No. 6

v.

THE STATE OF NEVADA,

Respondent.

ORDER DISMISSING PETITION FOR GENETIC MARKER ANALYSIS

Before this Court is the *Post-Conviction Petition Regarding Genetic Marker Analysis Evidence Within the Possession or Custody of the State of Nevada* ("Petition") filed by Petitioner Michael Philp Anselmo ("Mr. Anselmo"), by and through his counsel of record, Holland & Hart LLP. Respondent THE STATE OF NEVADA ("the State") filed its *Response to the Petition for Genetic Marker Analysis* ("Response"), by and through its counsel of record, Appellate Deputy District Attorney Marilee B. Cate. Mr. Anselmo filed his Reply in Support of Petition for Genetic Marker Analysis ("*Reply*") and the matter was originally submitted thereafter. This Court heard argument on the issues on

1 February 25, 2020 and allowed the parties to file simultaneous supplemental
2 memorandums of points and authorities, which were filed on March 10, 2020.

3 The Court has reviewed the record related to the *Petition* together with the record
4 that resulted in entry of the *Judgment of Conviction* and this Order follows.

5 **I. FACTS AND PROCEDURAL HISTORY.**

6 Mr. Anselmo was found guilty of the crime of Murder and judgment was entered
7 against him on May 26, 1972. Mr. Anselmo filed his *Petition* on November 2, 2018. On
8 March 7, 2019, this Court entered its *Order Granting, in Part, Post-Conviction Petition*
9 *Requesting Genetic Marker Analysis of Evidence; Order to Set Hearing; and Order*
10 *Directing Preservation and Inventory of Evidence* (“*Inventory Order*”). On April 19, 2019,
11 a hearing was held before this Court to confirm the existence and possession of
12 evidence held by the Washoe County Sheriff’s Office Crime Lab and the Second
13 Judicial District Court Deputy Clerk responsible for evidence retention.

14 On May 6, 2019, the Washoe County Sheriff’s Office, through counsel, filed its
15 *Response to the Inventory Order* and attached its *Evidence Inventory*. On June 6, 2019,
16 the District Attorney’s Office filed a *Notice of Inventory for the Second Judicial District*
17 *Court*, (collectively, “*Evidence Inventories*”).

18 On June 28, 2019, Mr. Anselmo filed *Petitioner’s Motion for Order to Show*
19 *Cause*, arguing the *Evidence Inventories* filed did not describe the physical evidence in
20 sufficient detail. On August 1, 2019, this Court entered its *Order Denying Motion for*
21 *Order to Show Cause; and, Order Denying Motion for Order Shortening Time*. In the
22 Court’s August 1, 2019 Order, the Court granted Mr. Anselmo additional time to
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24

1 supplement his *Petition* to amend the list of physical evidence he requested be
2 submitted to DNA testing based on the *Evidence Inventories* as filed.

3 On August 29, 2019, Mr. Anselmo filed his *Notice of Non-Submission of*
4 *Supplemental Petition* and reaffirmed his request for DNA testing of the physical
5 evidence outlined in his *Petition*.

6 **II. APPLICABLE LAW AND ANALYSIS.**

7 Pursuant to NRS 176.0918, a petition for genetic marker analysis must, among
8 other things, include a declaration “under the penalty of perjury attesting that the
9 information contained in the petition does not contain any material misrepresentation of
10 fact and that the petitioner has a good faith basis relying on particular facts for the
11 request.” NRS 176.0918(3). A petition for genetic marker analysis must also include:

- 12 (a) Information identifying specific evidence either known or believed to
13 be in the possession or custody of the State that can be subject to genetic
marker analysis;
- 14 (b) The rationale for why a reasonable possibility exists that the petitioner
15 would not have been prosecuted or convicted if exculpatory results had
been obtained through a genetic marker analysis of the evidence identified
in paragraph (a);
- 16 (c) An identification of the type of genetic marker analysis the petitioner is
requesting to be conducted on the evidence identified in paragraph (a);
- 17 (d) If applicable, the results of all prior genetic marker analysis performed
on evidence in the trial which resulted in the petitioner’s conviction; and
- 18 (e) A statement that the type of genetic marker analysis the petitioner is
19 requesting was not available at the time of trial or, if it was available, that
the failure to request genetic marker analysis before the petitioner was
20 convicted was not a result of a strategic or tactical decision as part of the
representation of the petitioner at the trial.

21 Id. A petition for genetic marker analysis must satisfy the several procedural
22 requirements set forth in the statute or is subject to dismissal. See NRS 176.0918(4)(a)
23 (“If a petition is filed pursuant to this section, the court may: (a) [e]nter an order
24 dismissing the petition without a hearing if the court determines, based on the

1 information contained in the petition, that the petitioner does not meet the requirements
2 set forth in this section”); see also NRS 176.09183(5)(a) (“The court shall enter an order
3 dismissing a petition filed pursuant to NRS 176.0918 if: (a) [t]he requirements for
4 ordering a genetic marker analysis pursuant to this section and NRS 176.0918 and
5 176.09187 are not satisfied”).

6 The Court has reviewed the record related to the *Petition* as well as the relevant
7 information in the record that resulted in Mr. Anselmo’s conviction. Based on its
8 review, the Court finds genetic marker analysis is not legally warranted in this case.
9 Specifically, the Court finds Mr. Anselmo has failed to demonstrate a reasonable
10 possibility he would not have been prosecuted or convicted if exculpatory results were
11 obtained through the genetic marker testing he proposes.

12 Significant to this Court is Anselmo’s assertion that he could not have killed Ms.
13 Trudy Hiler (“Ms. Hiler”) based on Dr. Laubscher’s testimony.¹ In fact, Dr. Laubscher
14

15 ¹The Court’s *Inventory Order* stated:

16 In pertinent detail, the Court finds persuasive the original testing of semen
17 found in Ms. Hiler belonged to an individual who may have been sterile or
18 recently had a vasectomy, neither of which apply to Mr. Anselmo. Thus,
19 had genetic marker testing been available at the time of Mr. Anselmo's
20 trial, exculpatory results **may** have dissuaded prosecution or resulted in a
21 different verdict. Additionally, had exculpatory evidence obtained through
22 genetic marker testing of Ms. Hiler's fingernails, pantyhose, and hairs
23 found in her car may have resulted in a different verdict. The Court further
24 finds Mr. Anselmo provided evidence the specific genetic marker testing
requested was not available at the time of his trial in 1972. Although Mr.
Anselmo previously filed a *Request* in 2005 asking for testing of evidence,
the Court finds NRS 176.0918 was not enacted until October 1, 2013,
therefore a change in law supports consideration of the *Petition*.

Inventory Order, p. 5, Ins. 7-22). The Court did not find he has demonstrated a
reasonable possibility he would not have been prosecuted or convicted.

1 initially testified that semen was likely not found in the sample of seminal fluid because
2 of the degenerative nature of the substance and its presence for at least a day in the
3 environment of a dead body. Dr. Laubscher opined the degenerative nature of the
4 sample was the first reason semen was not found. Dr. Laubscher indicated that a
5 second possibility existed to explain the lack of semen, and that was the contributor
6 may have been sterile or had a vasectomy. Mr. Anselmo asserts his semen was tested
7 and there was sperm identified in his sample. Therefore, he asserts he could not have
8 been the source of the sterile semen found in Ms. Hiler. The jury heard evidence that
9 Mr. Anselmo's seminal fluid was tested and contained the presence of sperm. Mr.
10 Anselmo's counsel established in Dr. Laubscher's cross-examination that Mr. Anselmo
11 was not sterile, and his sample contained semen. Therefore, the jury heard this
12 exculpatory information. However, given the degenerative nature of sperm, the jury
13 could still conclude, based on the expert testimony of Dr. Laubscher, Mr. Anselmo's
14 semen had degenerated prior to Dr. Laubscher's collection of a sample from Ms. Hiler.

15 The Court also notes the felony murder theory was not the primary theory
16 advanced by the State at trial. The thrust of the State's evidence was focused on
17 malice and the premeditated and deliberate nature of the murder. Thus, the fact that Mr.
18 Anselmo's DNA may or may not be found inside or on Ms. Hiler is not of consequence.

19 Mr. Anselmo also requests testing of hairs found in Ms. Hiler's vehicle; however,
20 the record reveals the vehicle Ms. Hiler drove on the night she disappeared was not
21 hers. It was a roommate's vehicle shared by several women. Mr. Anselmo admits in
22 his *Petition* that the jury heard evidence the hairs did not match his. Thus, the jury
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1 heard exculpatory information of the nature Mr. Anselmo claims exists now, but
2 nonetheless convicted Mr. Anselmo.

3 At trial, Mr. Anselmo's counsel argued, based on the evidence presented, there
4 was no physical evidence connecting Mr. Anselmo to the murder. Mr. Anselmo's
5 counsel also inquired into the possibility of another male, John Soares, involvement.
6 The jury heard the evidence on which these arguments were based.

7 The Court recognizes the jury made its determination and found Mr. Anselmo
8 guilty beyond a reasonable doubt after hearing evidence of Mr. Anselmo's suspicious
9 behavior on the night Ms. Hiler disappeared , during the searches and discovery of her
10 body, as well after hearing evidence including his inconsistent statements and unique
11 knowledge regarding locations of Ms. Hiler's belongings, such as the keys to the
12 vehicle.

13 Mr. Anselmo asks this Court to disregard his confession, both before trial and
14 when he appeared before the Parole Board. Mr. Anselmo's counsel challenged his
15 pretrial confession and argued it was involuntarily made. The jury heard this information
16 and found Mr. Anselmo guilty beyond a reasonable doubt.

17 Mr. Anselmo's request that his Court find his confession to the Parole Board was
18 made for purposes other than confession to a crime he committed and provided
19 substantial argument and information highlighting cases characterized by defendants
20 exonerated after confessions.

21 The Court finds and concludes, based on its analysis and review of the record in
22 this case, as well as the *Petition* and supporting papers, Mr. Anselmo has not
23 demonstrated that a reasonable possibility exists that would not have been prosecuted
24

1 or convicted if DNA-tested exculpatory results had been obtained. See NRS
2 176.0918(3)(b).

3 Because the Court decided this matter on the merits, the Court finds no ruling on
4 the timeliness of the *Petition* is required.

5 Accordingly, and good cause appearing,
6 IT IS HEREBY ORDERED that Mr. Anselmo's *Petition* is DISMISSED.

7 DATED this 10th day of May, 2020.

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10 DISTRICT JUDGE

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JENNIFER NOBLE, ESQ.
MARILEE CATE, ESQ.
J. SMITH, ESQ.
SYDNEY GAMBEE, ESQ.
JOSHUA HALEN, ESQ.

Heidi Boe

DC-0990087970-002
271359 MICHAEL PHILIP ANSELMO
STATE VS. MICHAEL PHILIP ANSELMO
District Court
Washoe County
08/04/1971 09:11 AM

STATE OF NEVADA

SECOND JUDICIAL DISTRICT COURT, COUNTY OF WASHOE

-VS-

MICHAEL PHILIP ANSELMO

CASE NO. 271359

DEPT. NO. 4

DISTRICT COURT PROGRESS SHEET

STATUS: Custody
(bail or custody)

1. INDICTMENT
INFORMATION FILED: July 28, 1971
(date)

2. ARRAIGNMENT: 8-4-71 DEPT. NO. 4
(date)

Judge Cramer Clerk V. S. Sapher Reprtr. Margaret Weatherford

State P. B. Moore Def. J. M. Polak Ct. Apptd. _____

Rt. to Counsel: _____ Cont. to Aug 18, 1971 Dept. # 4
(requested or waived) (date)

True name Gunn Info. read 8-18-71 Handed copy 8-18-71

Time to plead waiver Cont. to _____ Dept. # _____
(requested or waived)

Entered plea of Not Guilty Date 8-18-71

Cont. to Oct 26, 1971 Dept. # _____ For trial
(date)

Reset for trial Feb 7, 1972 vac Reset - Apr. 10, 1972 - 2 weeks

3. TRIAL _____ Judge _____ Dept. # _____

Clerk _____ Reprtr. _____

State _____ Def. _____ Ct. Apptd. _____

Verdict _____ Time for sentencing _____
(date)

Notice of Appeal _____ Disposition _____
2-1-72 - Motion for Cont granted. (bail or custody)

4. MOTIONS 9-8-71 - Motion for Discovery Cont. 9-20-71 - 1130

Motion for psychiatric exam. granted.

9-20-71 - Motion for Discovery granted as set forth in record.

State will provide Malpractice within 10 days. 10-19-71 Motion for Cont. granted.

5. SENTENCING _____ Time waived _____

Request for probation _____ Report hearing _____
(date)

SENTENCE Life Impr. N.S.P. Without

poss. of parole

TERMS OF PROBATION _____

11/19/71 Motion granted - Set 11/24 for trial

OFFICE OF
DISTRICT ATTORNEY
Washoe County
Reno, Nevada

NOTICE OF DISPOSITION: District Court No. 271359

☒ Washoe County Sheriff Case No. 64064

☐ Reno Police Department Case No. _____

☐ Sparks Police Department Case No. _____

Re: STATE OF NEVADA vs. MICHAEL PHILIP ANSELMO

☐ Misdemeanor ☒ Felony
Murder

DISPOSITION:

☐ Guilty

☐ Not Guilty

☐ Dismissed

SENTENCE: Life Imprisonment without Possibility of Parole 5/26/72

DATE ENTERED: _____

PROBATION: _____

☐ Granted

☐ Not Granted

CASE NO. 271359

STATE vs. MICHAEL PHILIP ANSELMO

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/19/2019

HONORABLE

LYNNE K.

SIMONS

DEPT. NO. 6

M. Conway

(Clerk)

J. Kernan

(Reporter)

HEARING RE: EVIDENCE

Appellate Deputy District Attorney Marilee Cate was present in Court on behalf of the State.

Sydney Gambee, Esq. and J. Robert Smith, Esq. were present in Court on behalf of Petitioner Michael Anselmo, who was present, in the custody of the Nevada Department of Corrections.

11:02 p.m. - Court convened.

COURT reviewed the Post-Conviction Petition Requesting Genetic Marker Analysis of Evidence within the Possession or Custody of the State of Nevada and this Court's Order Granting in Part, Post-Conviction Petition Requesting Genetic marker Analysis of Evidence; Order to Set Hearing; and Order Directing Preservation and Inventory of Evidence.

COURT noted that District Judge James J. Guinan presided over Petitioner's jury trial and sentencing, District Judge Brent T. Adams (retired) presided over post-conviction writs/petitions and that Department 6 (Honorable Lynne K. Simons) now presides over this matter.

COURT finds all parties have been duly served and reviewed NRS 176.0918 subsection (2) and (3).

Counsel Gambee addressed the Court and confirmed that Petitioner Anselmo's representatives visited the 2nd Judicial courthouse evidence room in March 2013 and viewed the items in evidence but that the rape kit was not present and its whereabouts are unknown.

COURT advised the parties that the next step is that within ninety (90) days from today's date (the confirmation hearing) the evidence custodian(s) shall prepare an inventory of all evidence relevant to the claims in the Petition.

Counsel Cate addressed and advised the Court that the Washoe County Sheriff's Office provided a computer list of the evidence they have.

Counsel Cate read aloud the list of evidence retained by the Washoe County Sheriff's office into the record. Counsel Cate advised the Court that she has not provided this list to the Petitioner. Counsel Cate related her concerns regarding the "glass slides" contained in the inventory and stated she does not know what they are and has been unable to get a further description from the Sheriff's office.

COURT and respective counsel discussed and reviewed the service requirements as it relates to the Attorney General's Office, Court Administration and the evidence custodians.

Counsel Gambee confirmed that a representative saw the brown leather purse during the March 2013 viewing of evidence. Counsel Gambee called **Evidence Clerk Mario Lopez**, who was sworn and testified under direct examination. Evidence Clerk Mario Lopez read aloud a list of evidence retained by the 2nd Judicial District Court

Counsel Cate conducted cross-examination.

COURT ORDERED that the Court Administrator/Clerk of Court, the Washoe County Sheriff and the State of Nevada, together with agencies and employees reporting to them, along with evidence custodians shall preserve all evidence within the evidence custodians' possession or custody.

COURT and respective discussed the items of evidence contained on the lists as discussed at these hearing and which items may be subjected to genetic marker analysis.

Counsel Gambee moved to supplement the Post-Conviction Petition Requesting Genetic Marker Analysis of Evidence to include additional items to be tested.

COURT ORDERED the evidence custodians shall, within ninety (90) days from this confirmation hearing, submit by filing with the Court, a copy of the inventory.

COURT ORDERED Petitioner shall have 30 days after the filing of the inventory to supplement the Post-Conviction Petition Requesting Genetic Marker Analysis of Evidence.

COURT ORDERED within ninety (90) days after the inventory and/or the supplement to the Petition is filed, the State may file a written response to the Petition.

The Defendant was remanded to the custody of the Nevada Department of corrections.

12:10 p.m. – Court stood in recess.

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Case No. 271359

Plaintiff,

Dept. No. 6

vs.

MICHAEL PHILIP ANSELMO,

Defendant.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 19th day of June, 2020, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 19th day of June, 2020.

Jacqueline Bryant
Clerk of the Court
By /s/Cynthia Aguilar
Cynthia Aguilar
Deputy Clerk