

FILED

APR 25 2022

Genaro Richard Perry ID NO. 1153366

SOUTHERN DESERT CORRECTIONAL CTN.
20825 COLD CREEK RD.
P.O. BOX 208
INDIAN SPRINGS, NV 89070

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Court of Appeals In The
Supreme Court of Nevada

Genaro Richard Perry
Appellant

v.

State of Nevada
Respondant

CASE NO.: 82931-COA

DEPT. NO.:

DOCKET:

Petition For Rehearing under NRAP 40

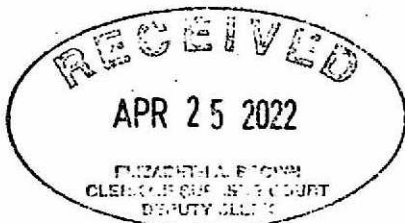
COMES NOW, Genaro Richard Perry, herein above respectfully
moves this Honorable Court for an Rehearing under NRAP rule 40

This Motion is made and based upon the accompanying Memorandum of Points and
Authorities,

DATED: this 2 day of April, 2022

BY: Genaro R. Perry

Genaro Richard Perry #1153366
Defendant In Proper Personam



22-13043

ADDITIONAL FACTS OF THE CASE:

Comes now appellant Genaro Richard Perry with this petition for Rehearing under NRAP Rule 40.

Appellant filed a motion for extension of time to file this petition for Rehearing.

As Mr. Perry recieved the court order of affirmance that was filed on 2-18-2022. And was mailed from Mr. Perry's appellant counsel. But wasn't recieved by appellant until 3-22-2022.

Which didn't leave enough time to do research and prepare this petition for Rehearing.

Legal Argument

(1)

The court has overlooked or misapprehended a serious fact in Mr. Perry's defense.

Appellant claimed in trial and in his motion under NRS 176.0918. That the girlfriend cut Mr. Perry with the knife.

This fact shows that the girlfriend was the agressor in that act.

Therefore when Mr. Perry's blood is found on the knife blade. That fully supports his self-defense theory. And would raise the

Legal Argument

reasonable possibility that Mr. Perry wouldn't have been prosecuted on these charges.

(2) Mr. Perry's appellant counsel Jean Schwartz Esq. failed to list any statute or NRS specifically for the fingerprint analysis. Counsel filed the active motion and appeal under NRS 176.0918

Appellant counsel failed to reference Mahan v State 752 P.2d 208.

Wich after much research. Seem's to be Nevada's only reference to testing fingerprints evidence upon appeal.

Wich in this day and age seem's a little unbelievable. But according to the very limited amount of information in the Southern Desert Correctional Center's Law Library. This is the only case with any reference to petitioning the district court to have the fingerprints tested.

Appellant counsel's failure to list the proper supporting case and argument in the district court motion and this appeal. Should not be taken out on appellant.

Legal Argument

This is ineffective assistance of Appellant counsel at the highest level.

Strickland v Washington 966 U.S. 668 (1984)

And a Due Process violation of Mr. Perry's 14th Amendment rights to the U.S. Constitution.

Conclusion

Appellant would ask the court to consider these factors in this petition for Rehearing.

Then reverse the courts affirmance of this appeal and produce a order for the Metropolitan Police Department to conduct genetic marker and latent fingerprints analysis of evidence impounded at the crime scene.

CERTIFICATE OF SERVICE BY MAILING

I, Genaro Richard Perry, hereby certify, pursuant to NRCP 5(b), that on this 2
day of April, 2022, I mailed a true and correct copy of the foregoing, “

petition for Rehearing”

by placing document in a sealed pre-postage paid envelope and deposited said envelope in the
United State Mail addressed to the following:

Court of Appeals / NV Supreme Court
201 South Carson Street
Carson City NV
89701

District Attorney
Regional Justice Center
200 Lewis Ave
PO Box 52212
LV NV
89155-2212

CC: FILE

DATED: this 2 day of April, 2022

Genaro Richard Perry
Genaro Richard Perry #1153366
/In Propria Personam
Post Office Box 208, S.D.C.C.
Indian Springs, Nevada 89018
IN FORMA PAUPERIS:

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

petition for Rehearing
(Title of Document)

filed in Court Case number 82931

☒ Does not contain the social security number of any person.

-OR-

☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application
for a federal or state grant.

Genaro L. Perry 4-2-22
Signature Date

Genaro Richard Perry
Print Name

Title