NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
571

INMATE GENETIC MARKER TESTING (TEMPORARY)

Supersedes: NEW
Effective Date: 05/02/10

AUTHORITY:

NRS 176.0918
AB 179

RESPONSIBILITY

The Wardens of each institution/facility will ensure that the Inmate Genetic Marker form is available for use by inmates.

571.01 PROCEDURES

1. Certain inmates convicted of a category A or B felony may petition the court for post conviction genetic marker analysis.

2. Inmates meeting the requirements for this testing must submit their petition to the court on the attached DOC Form-2083, Genetic Marker Testing.

APPLICABILITY

1. This Administrative Regulation does not require an operational procedure.

2. This Administrative Regulation does not require an audit.

ATTACHMENTS

DOC Form-2083, Genetic Marker Testing

Howard Skolnik, Director

4/13/10
Date

CASE NO. _____

DEPT. NO. . _____

IN THE _____ JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF _____

_____, Petitioner vs. STATE OF NEVADA, Respondent	**POSTCONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA (NRS 176.0918)**

TO: THE CLERK OF THE COURT FOR _____ COUNTY,
(County Where Petitioner Was Convicted)
STATE OF NEVADA; THE ATTORNEY GENERAL OF THE STATE OF NEVADA, AND; THE OFFICE OF THE DISTRICT ATTORNEY FOR THE STATE OF NEVADA, COUNTY OF _____.
(County of District Attorney Where Petitioner Was Convicted)

1. I, _____, am the Petitioner in this matter. This
(Name of Petitioner / Convicted Inmate)
Petition requests this Court to issue an Order for a Genetic Marker Analysis of evidence pursuant to NRS 176.0918.

2. Petitioner is informed and believes, and on the basis of such belief, alleges in good faith that the State of Nevada, or a political subdivision of the State of Nevada, has possession and control evidence in the form of Genetic Marker Information relating to the investigation or prosecution that resulted in Petitioner's Judgment of Conviction.

3. The Petitioner was convicted of committing all of the following Category A or Category B felony / felonies:

Crime's NRS	Title of Crime	Category A or B	Date of Conviction
Crime's NRS	Title of Crime	Category A or B	Date of Conviction
Crime's NRS	Title of Crime	Category A or B	Date of Conviction
Crime's NRS	Title of Crime	Category A or B	Date of Conviction

4. (If applicable) The Petitioner was sentenced to death and the date set for the execution is _____.
(Date of Execution if known)

5. Pursuant to NRS 176.0918(3)(a), the following information identifies the specific evidence either known or believed by the Petitioner to be in the possession or custody of the State of Nevada that can be subject to Genetic Marker Analysis. (Set forth the identity of such evidence here)

_____
_____
_____
_____
_____
_____
_____
_____

6. Pursuant to NRS 176.0918(3)(b), the following is the Petitioner's rationale as to why a reasonable possibility exists that the petitioner would not have been prosecuted or convicted if exculpatory results had been obtained through Genetic Marker Analysis of the evidence identified in paragraph 5. (Set forth your rationale here)

_____
_____
_____
_____
_____
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_____

7. Pursuant to NRS 176.0918(3)(c), the type of Genetic Marker Analysis the Petitioner is requesting to be conducted on the evidence identified in paragraph 5 is:

_____
_____
_____
_____
_____
_____

8. [If applicable] Pursuant to NRS 176.0918(3)(d), the following are the results of all prior Genetic Marker Analysis performed on the evidence in the trial which resulted in the Petitioner's conviction. (Set forth all of such evidence here)

_____
_____
_____
_____
_____
_____
_____
_____

9. (If applicable) Pursuant to NRS 176.0918(3)(e), the following is a statement of the Petitioner that the type of Genetic Marker Analysis the Petitioner is 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 convicted was not a result of a strategic or tactical decision as part of the representation of the Petitioner at the trial. (Set forth the applicable facts here)

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PRAYER FOR GRANTING OF PETITION

The petitioner respectfully requests that the Court, pursuant to NRS 176.0918, grant the Petitioner's POSTCONVICTION PETITION REQUESTING A GENETIC MARKER ANALYSIS OF EVIDENCE WITHIN THE POSSESSION OR CUSTODY OF THE STATE OF NEVADA and the Petitioner requests this Court to issue an Order for a Genetic Marker Analysis of evidence pursuant to NRS 176.0918 (9).

Dated this _____ day of _____

_____
(Petitioner's Signature Here)

DECLARATION OF PETITIONER

I, _____, declare and attest under penalty of perjury
(Name of Petitioner / Convicted Inmate)
of the laws of the State of Nevada that the information contained in this Petition does not contain any material misrepresentation of fact and that I have a good faith basis for relying on particular facts for the request.

Dated this _____ day of _____

_____
(Petitioner's/Declarant's Signature here)

DOC 2083 (04/10)