

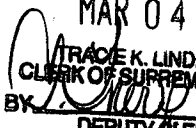
IN THE SUPREME COURT OF THE STATE OF NEVADA

SANDRA RENEE MURPHY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 51560

**FILED**

ORDER OF AFFIRMANCE

MAR 04 2009  
TRACE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

This is an appeal from an order of the district court denying appellant Sandra Renee Murphy's motion to dismiss or, in the alternative, motion for a new trial based on newly discovered evidence. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

On November 23, 2004, the district court convicted Murphy, pursuant to a jury verdict, of one count each of conspiracy, burglary, and grand larceny. The district court sentenced Murphy to concurrent terms of imprisonment amounting to 12 to 60 months and awarded her 1,406 days credit for time served. We affirmed the judgment of conviction on direct appeal. Murphy v. State, Docket No. 45126 (Order of Affirmance, March 3, 2008).

On November 27, 2006, Murphy filed a motion to dismiss, or in the alternative, motion for a new trial based on newly discovered evidence. The State filed an opposition; Murphy filed an amended motion; the district court conducted a hearing and ordered the State to supplement its opposition with additional documents; the State filed a supplemental opposition; and the district court heard argument, found that Murphy was

provided with the alleged newly discovered evidence, and denied her motion. This appeal followed.

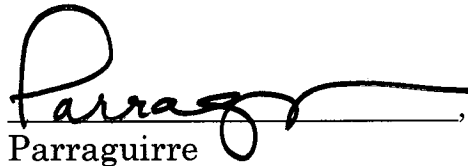
Murphy contends that the district court abused its discretion by summarily denying her motion to dismiss or, in the alternative, motion for a new trial based on newly discovered evidence. Murphy claims that her motion should have been granted because the prosecution violated Brady v. Maryland, 373 U.S. 83, 87 (1963), by providing a police report that omitted exculpatory information. Murphy asserts that the State knew and failed to disclose the fact that Detective Sergeant Steve Huggins deliberately omitted information from his report regarding Sheriff Wade Lieseke's belief that there was no case against codefendant Richard Tabish. Murphy argues that the fact that the State knew that the police report was incomplete was material to her defense of entrapment by estoppel because it would have allowed her "to cross-examine Lieseke on whether he may have given Tabish permission to remove the silver from the vault."

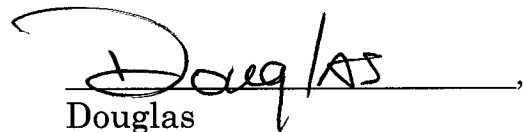
We note that Murphy's claim is substantially similar to a claim that she raised in her direct appeal. There, Murphy claimed that the district court erred by denying her motion for a new trial based on newly discovered evidence, which included Detective Sergeant Huggins' assertion "that Sheriff Lieseke committed perjury concerning . . . whether he gave Tabish permission to enter the vault site." Murphy, Docket No. 45126 (Order of Affirmance, March 3, 2008) at 9-10. We held "that any additional evidence suggesting that Sheriff Lieseke had given anyone permission to enter the vault site would be unlikely to render a different result reasonably probable because Tabish claimed at trial that Sheriff

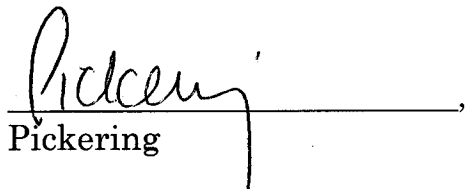
Lieseke gave him permission to enter the vault and Sheriff Lieseke denied it." Id. at 10.

We conclude that the claim Murphy raised in her motion to dismiss or, in the alternative, motion for a new trial based on newly discovered evidence was barred by the doctrine of law of the case. Hall v. State, 91 Nev. 314, 315, 535 P.2d 797, 798 (1975). Accordingly, Murphy has not demonstrated that the district court abused its discretion by denying her motion, and we

ORDER the judgment of the district court AFFIRMED.

 J.  
Parraguirre

 J.  
Douglas

 J.  
Pickering

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
James Andre Boles  
Attorney General Catherine Cortez Masto/Carson City  
Clark County District Attorney David J. Roger  
Eighth District Court Clerk