

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARNIE MARIE PEOT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 34781

**FILED**

**JUL 09 2001**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's proper person motion for a new trial.

On September 1, 1995, the district court convicted appellant, pursuant to a jury verdict, of two counts of first degree murder with the use of a deadly weapon. The district court sentenced appellant to serve four consecutive life terms with the possibility of parole in the Nevada State Prison. This court dismissed appellant's appeal from her judgment of conviction and sentence.<sup>1</sup>

On June 15, 1999, appellant filed a proper person motion for a new trial based on newly discovered evidence in the district court. The State opposed the motion. On August 18, 1999, the district court denied appellant's motion.

In her motion for a new trial, appellant contended that the murders she was convicted of were justified because she had newly discovered evidence that demonstrated that she acted in self-defense. We conclude that the district court did not err in denying appellant's motion. NRS 176.515(3) provides that "[a] motion for a new trial based on the ground of newly discovered evidence may be made only within 2 years

<sup>1</sup>Peot v. State, Docket No. 27651 (Order Dismissing Appeal, July 15, 1997).

after the verdict or finding of guilt." Appellant filed her motion for a new trial more than three years after the jury verdict. Therefore, appellant's motion was untimely filed. We conclude that the district court did not err in denying her motion.

Having reviewed the record on appeal and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted.<sup>2</sup> Accordingly we

ORDER the judgement of the district court affirmed.

Maupin, C.J.  
Maupin

Young, J.  
Young

Leavitt, J.  
Leavitt

cc: Hon. John S. McGroarty, District Judge  
Attorney General  
Clark County District Attorney  
Marnie Marie Peot  
Clark County Clerk

---

<sup>2</sup>See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976).