

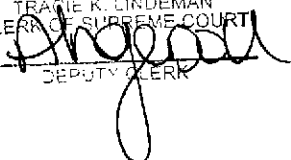
IN THE SUPREME COURT OF THE STATE OF NEVADA

SERENA GATEB,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62853

FILED

DEC 12 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a post-conviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; David B. Barker, Judge.

In her petition filed on December 12, 2012, appellant raised several claims that were previously raised on direct appeal: the district court erred by admitting evidence of uncharged bad acts; the district court erred by denying appellant's motion to dismiss, motion for mistrial, and motion for new trial based on prosecutorial misconduct; the district court erred by denying appellant's objections to jury instructions 14 to 16; there was insufficient evidence of appellant's guilt as to counts 5 to 10; and cumulative error. *See Gateb v. State*, Docket No. 56304 (Order of Affirmance, December 7, 2011). These claims are barred by the doctrine of law of the case which "cannot be avoided by a more detailed and precisely


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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

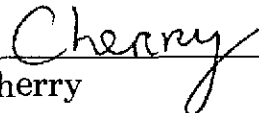
focused argument.” *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, the district court did not err in denying these claims.

Next, appellant claimed that the safe was illegally searched and seized, the state committed prosecutorial misconduct, and witnesses provided inconsistent testimony. These claims could have been raised on direct appeal and appellant failed demonstrate good cause and prejudice to overcome the procedural bar. *See* NRS 34.810(1)(b). Accordingly, the district court did not err in denying the petition, and we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

 \_\_\_\_\_, C.J.  
Pickering

 \_\_\_\_\_, J.  
Hardesty

 \_\_\_\_\_, J.  
Cherry

cc: Hon. David B. Barker, District Judge  
Serena Gateb  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.