

IN THE SUPREME COURT OF THE STATE OF NEVADA

TATIANA LEIBEL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68113

FILED

DEC 18 2015

TANCIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK


ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of second-degree murder with the use of a firearm. Ninth Judicial District Court, Douglas County; Nathan Tod Young, Judge.

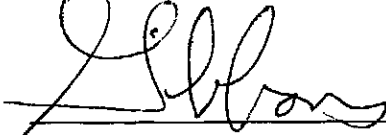
First, appellant contends that the prosecutor committed misconduct during closing argument when he referenced O.J. Simpson's criminal trial, pointing out that the defense in Simpson's case focused on inadequacies in the police investigation. She further argues that this misconduct was exacerbated by the prosecutor's comment that a defense expert had a low opinion of local law enforcement. The district court overruled appellant's objection to the reference to Simpson's trial. To the extent the prosecutor's comments suggested that appellant's argument regarding the allegedly sub-par performance by law enforcement in this case was a ploy used by all defendants to escape liability since the Simpson verdict, they were inappropriate. *See Valdez v. State*, 124 Nev. 1172, 1191, 196 P.3d 465, 478 (2008); *Williams v. State*, 103 Nev. 106, 110, 734 P.2d 700, 703 (1987). However, any misconduct was harmless. *See Valdez*, 124 Nev. at 1189, 196 P.3d at 476 (describing non-constitutional harmless error). To the extent appellant independently challenges the prosecutor's comment regarding the defense expert, she did not object, and

has not demonstrated plain error affecting her substantial rights.¹ *See id.*
at 1190, 196 P.3d at 477. Accordingly, we

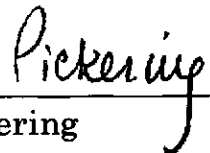
ORDER the judgment of conviction AFFIRMED.

 _____, J.

Saitta

 _____, J.

Gibbons

 _____, J.

Pickering

cc: Hon. Nathan Tod Young, District Judge
Jamie C. Henry
Kristine L. Brown
Attorney General/Carson City
Douglas County District Attorney/Minden
Douglas County Clerk

¹Appellant also contends that the district court erred by “allow[ing] expert testimony on causation that did not rise to a level of reasonable scientific certainty.” No relief is warranted because the expert testified at trial that his conclusions were to a reasonable degree of scientific certainty.