

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JANET RUTH HILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 68897

FILED

JUL 26 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Hendrick*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction entered pursuant to a jury verdict of establishing or possessing a financial forgery laboratory. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

Appellant Janet Hiller claims the prosecutor committed misconduct by calling a defense witness a liar during closing argument. Because Hiller failed to object, she would only be entitled to relief upon demonstration of plain error. *See Valdez v. State*, 124 Nev. 1172, 1190, 196 P.3d 465, 477 (2008).

We conclude Hiller fails to demonstrate plain error. The prosecutor's comments were a fair response to Hiller's closing argument, *see Bridges v. State*, 116 Nev. 752, 764, 6 P.3d 1000, 1009 (2000) (holding no error where prosecutor's remarks are fair response to defense arguments), and the Nevada Supreme Court has held "reasonable latitude should be given to the prosecutor to argue the credibility of the witness—even if this means occasionally stating in argument that a witness is lying," *Rowland v. State*, 118 Nev. 31, 39, 39 P.3d 114, 119 (2002).


Hiller also claims evidence of the search of the home should have been excluded from trial because the initial police officer at the scene


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conducted an illegal search. Hiller did not file a motion to suppress below, see *Hardison v. State*, 84 Nev. 125, 128, 437 P.2d 868, 870 (1968) (failure to file a motion to suppress generally precludes appellate consideration of an issue), or challenge the introduction of the search evidence at trial, see *McLellan v. State*, 124 Nev. 263, 269, 182 P.3d 106, 110 (2008) (failure to object to the admission of evidence precludes appellate review absent plain error). We conclude the record is inadequate to review this claim, and we decline to address it. See *Greene v. State*, 96 Nev. 555, 558, 612 P.2d 686, 688 (1980) (“The burden to make a proper appellate record rests on appellant.”).

Finally, Hiller claims cumulative error entitles her to relief. Because we have found no error, there are no errors to cumulate.¹

We conclude Hiller is not entitled to relief, and we
ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹To the extent Hiller claims this court should cumulate other alleged errors at trial with the claims raised on appeal, Hiller fails to support these errors with relevant authority and cogent argument. See *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987). Therefore, we decline to address them. *Id.*

cc: Hon. Linda Marie Bell, District Judge
Aisen Gill & Associates LLP
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk