

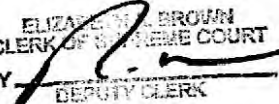
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARKIECE PALMER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77321-COA

FILED

SEP 10 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Markiece Palmer appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 29, 2018. Eighth Judicial District Court, Clark County; William D. Kephart, Judge.

Palmer filed his petition within one year after issuance of the remittitur on direct appeal on February 20, 2018. *See Palmer v. State*, Docket No. 67565 (Order of Affirmance, January 25, 2018). Thus, Palmer's petition was timely filed. *See* NRS 34.726(1). However, Palmer's petition was successive because he had previously filed a postconviction petition for a writ of habeas corpus, and it constituted an abuse of the writ as he raised claims new and different from those raised in his previous petition.<sup>1</sup> *See* NRS 34.810(1)(b)(2); NRS 34.810(2). Palmer's petition was procedurally barred absent a demonstration of good cause and actual prejudice. *See* NRS 34.810(1)(b); NRS 34.810(3).

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<sup>1</sup>*Palmer v. State*, Docket No. 70970 (Order of Affirmance, March 15, 2018).

As good cause to overcome the procedural bars, Palmer argued the district court in prior proceedings erred by construing his previous postconviction "motion to suppress evidence of statement" as a postconviction petition for a writ of habeas corpus. The Nevada Supreme Court already considered and rejected this claim. *See Palmer v. State*, Docket No. 70970 (Order of Affirmance, March 15, 2018). Therefore, this claim is barred by the doctrine of law of the case, which "cannot be avoided by more detailed and precisely focused argument." *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Accordingly, we conclude the district court did not err by denying the petition as procedurally barred, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. William D. Kephart, District Judge  
Markiece Palmer  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk