

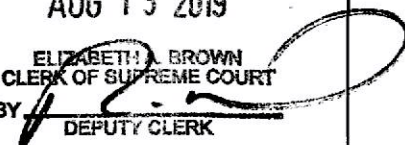
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILLIAM MITCHELL BELL,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 77150-COA

**FILED**

AUG 13 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

*ORDER OF AFFIRMANCE*

William Mitchell Bell appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus.<sup>1</sup> Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Bell filed his petition on April 20, 2018, more than 11 years after entry of the judgment of conviction on February 13, 2007.<sup>2</sup> Thus, Bell's petition was untimely filed. See NRS 34.726(1). Moreover, Bell's petition constituted an abuse of the writ as he raised claims new and different from those raised in his previous petitions.<sup>3</sup> See NRS 34.810(2). Bell's petition was procedurally barred absent a demonstration of good cause and actual prejudice. See NRS 34.726(1); NRS 34.810(3). Moreover, because the State

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<sup>1</sup>This appeal has been submitted for decision without oral argument and we conclude the record is sufficient for our review and briefing is unwarranted. NRAP 34(f)(3), (g).

<sup>2</sup>Bell did not pursue a direct appeal.

<sup>3</sup>*Bell v. State*, Docket No. 72028 (Order of Affirmance, July 11, 2017); *Bell v. State*, Docket Nos. 57831 and 58082 (Order of Affirmance and Dismissing Appeal, September 15, 2011). Bell also filed a postconviction petition for a writ of habeas corpus in the district court on June 19, 2015, but he did not appeal from the denial of that petition.

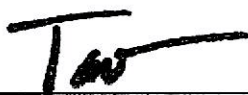
specifically pleaded laches, Bell was required to overcome the rebuttable presumption of prejudice to the State. See NRS 34.800(2).

Bell did not attempt to demonstrate good cause to overcome the procedural bars. To the extent Bell claimed he was actually innocent and he would suffer a fundamental miscarriage of justice if his claims were not reviewed on their merits, he was not entitled to relief. Bell based his innocence claim upon an assertion that the shooting was accidental. However, Bell raised this actual-innocence claim in two of his prior petitions and the Nevada Supreme Court concluded this claim lacked merit. *Bell v. State*, Docket No. 72028 (Order of Affirmance, July 11, 2017); *Bell v. State*, Docket Nos. 57831 and 58082 (Order of Affirmance and Dismissing Appeal, September 15, 2011). The doctrine of the law of the case prevents further consideration of this claim and “cannot be avoided by a more detailed and precisely focused argument.” *Hall v. State*, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, the district court did not err by denying Bell’s actual-innocence claim.

Finally, Madrid failed to overcome the rebuttable presumption of prejudice to the State. See NRS 34.800(2). Therefore, the district court did not err by denying the petition as procedurally barred. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Jerry A. Wiese, District Judge  
William Mitchell Bell  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk