

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD V. BROWN, SR. A/K/A
HOWARD V. BROWN,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 53366

FILED

FEB 04 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

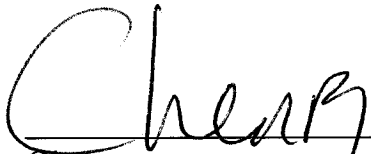


This is a proper person appeal from an order of the district court denying appellant's motion to withdraw his guilty plea.¹ Eighth Judicial District Court, Clark County; Jennifer Togliatti, Judge.

In his motion, filed January 26, 2009, Appellant claimed that he was incompetent to enter a guilty plea and that the district court should have conducted a competency hearing prior to accepting the plea. First, the equitable doctrine of laches precluded consideration of the motion because there was more than a six-year delay from entry of the judgment of conviction, an implied waiver exists from appellant's knowing acquiescence in existing conditions, and the State would suffer prejudice if the matter had to be brought to trial after a six-year delay. See Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). As a second and

¹This 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 Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

independent ground to deny relief, the law of the case prohibits further litigation of this issue as we denied this claim on the merits in an order affirming the district court's denial of appellant's November 19, 2003, post-conviction petition for a writ of habeas corpus. See Brown v. State, Docket No. 42784 (Order of Affirmance, August 19, 2004); Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975) ("The doctrine of the law of the case cannot be avoided by a more detailed and precisely focused argument subsequently made after reflection upon the previous proceedings."). We therefore conclude the district court did not err in denying appellant's motion and, accordingly,

ORDER the judgment of the district court AFFIRMED.²

 _____, J.
Cherry
 _____, J.
Saitta
 _____, J.
Gibbons

²Although appellant has not been granted permission to file documents in this matter in proper person, see NRAP 46(b), we have reviewed all documents that he 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.

cc: Hon. Jennifer Togliatti, District Judge
Howard V. Brown Sr.
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk