

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRANCE L. OLIVER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54322

FILED

MAR 11 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 a motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; David B. Barker, Judge.


In a motion filed on July 13, 2009, appellant claimed that his conviction was invalid because the criminal complaint was improperly filed in the justice court, thereby depriving the district court of jurisdiction. The equitable doctrine of laches precluded consideration of the motion because there was an almost two-year delay from entry of the judgment of conviction on November 16, 2007, an implied waiver exists from appellant's knowing acquiescence in existing conditions and appellant's failure to raise this claim in his timely post-conviction petition for a writ of habeas corpus, and the State may suffer prejudice from the

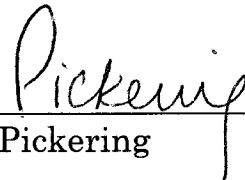
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

delay. Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Moreover, the claim fell outside the scope of claims permissible in a motion to withdraw a guilty plea. Id. at 564, 1 P.3d at 973. (“Only issues relating to the validity of the plea are pertinent to [a] motion [to withdraw the plea].”) Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. David B. Barker, District Judge
Terrance L. Oliver
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk