IN THE SUPREME COURT OF THE STATE OF NEVADA

TOM IOZZIA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 54447

FILED

FEB 04 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to vacate a stipulation to lifetime supervision.[1] Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

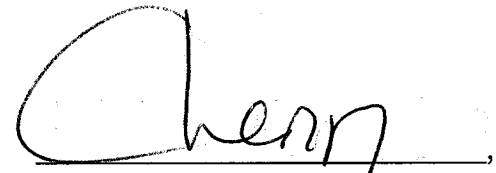
In a motion filed on August 7, 2009, appellant claimed that his guilty plea was invalid because he was not informed of the conditions he would be subject to under lifetime supervision.

Because of the nature of the relief sought, we conclude that appellant's motion is properly construed as a motion to withdraw the guilty plea. The equitable doctrine of laches precluded consideration of the motion because there was a more than ten-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

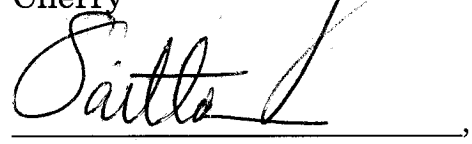
[1]This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

the matter had to be brought to trial after a ten-year delay. Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Accordingly, we

ORDER the judgment of the district court AFFIRMED.[2]



_____, J.
Cherry



_____, J.
Saitta

_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
Tom Iozzia
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

---

[2]We have reviewed all documents that appellant 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.