

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIBEL G. LONG A/K/A MARIBEL G.  
MOORE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 54902

**FILED**

JUN 09 2010

TRACIE K. LINDEMAN  
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ORDER OF AFFIRMANCE

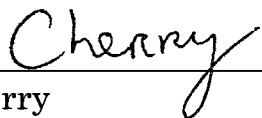
This is an appeal from a district court order denying appellant Maribel G. Long's post-conviction motion to withdraw her guilty plea. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

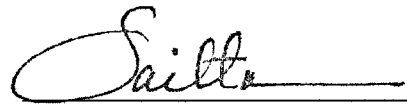
Long contends that the district court erred by denying her motion because counsel's ineffective assistance rendered her guilty plea invalid. During the hearing on the motion, the district court addressed the motion's merits and noted that the State would be prejudiced if Long were allowed to withdraw her plea due to the age of the case; the court then entered a summary order denying the motion. We conclude that because the motion was filed almost nine years after entry of the judgment of conviction on August 31, 2000, and Long did not provide any excuse for the delay in seeking relief, the district court should have applied the equitable doctrine of laches and declined to consider the motion on its merits. See Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). We therefore affirm the denial of appellant's motion. See Picetti v. State, 124 Nev. \_\_\_, \_\_\_ n.14, 192 P.3d 704, 709 n.14 (2008) (this court will affirm

the district court's judgment if it reached the correct result for the wrong reason).

Moreover, as a separate and independent ground to affirm the denial of the motion, the claim lacked merit. Long asserted that counsel's failure to recognize and inform her that the discovery was insufficient to sustain her guilty plea rendered her plea invalid. We conclude that Long failed to demonstrate that counsel was ineffective. See Strickland v. Washington, 466 U.S. 668, 687 (1984) (establishing two-part test for ineffective assistance of counsel); Warden v. Lyons, 100 Nev. 430, 432-33, 683 P.2d 504, 505 (1984) (adopting Strickland test). Additionally, Long was not entitled to an evidentiary hearing because her claims were belied by the record and/or not supported by sufficient factual allegations. See Hargrove v. State, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Therefore, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

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

cc: Hon. Abbi Silver, District Judge  
Markoff & Boyers  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk