

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE LUIS VALENCIA, JR.,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55317

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Angers*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to vacate judgment of conviction based upon a guilty plea.¹ Third Judicial District Court, Churchill County; David A. Huff, Judge.

The record on appeal supports the decision of the district court to deny relief. To the extent that appellant sought to withdraw his plea, the motion was barred by the equitable doctrine of laches due to the more than two-year delay, implied acquiescence in existing conditions and prejudice to the State. Hart v. State, 116 Nev. 558, 563, 1 P.3d 969, 972 (2000). To the extent that appellant sought to modify or correct an illegal sentence, appellant's claims fell outside the very narrow scope of claims

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).

permissible in those motions. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. David A. Huff, District Judge
Jose Luis Valencia Jr.
Attorney General/Carson City
Churchill County District Attorney
Churchill County Clerk

²We 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.