

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK A. MILLER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55398

FILED

JUN 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingold*
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; Donald M. Mosley, Judge.

In his motion filed on December 21, 2009, appellant claimed that his trial counsel was ineffective for failing to investigate and pursue an insanity defense and his guilty plea was coerced due to the threat of the death penalty. The equitable doctrine of laches precluded consideration of the motion because there was an almost fifteen-year delay from entry of the judgment of conviction on December 15, 1994, an implied waiver exists from appellant's knowing acquiescence in existing conditions, and the State is prejudiced by the extensive 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.

Cherry
_____, J.
Cherry

Saitta
_____, J.
Saitta

Gibbons
_____, J.
Gibbons

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).

cc: Hon. Donald M. Mosley, District Judge
Mark A. Miller
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk