

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHINEAS T. SAO,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 35082

FILED

JAN 18 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richard*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's post-conviction motion to withdraw a guilty plea.

On March 14, 1990, the district court convicted appellant, pursuant to a guilty plea, of felony coercion. See NRS 207.190. The district court sentenced appellant to serve a term of six years, to run consecutively to a sentence imposed in another case, in the Nevada State Prison. Appellant did not file a direct appeal.

On September 13, 1999, appellant filed a proper person post-conviction motion to withdraw his guilty plea in the district court. The State opposed the motion, arguing that appellant did not meet his burden of establishing that his plea was not entered knowingly and intelligently. See Bryant v. State, 102 Nev. 268, 721 P.2d 364 (1986) (plea of guilty must be viewed as presumptively valid). On October 12, 1999, the district court denied appellant's motion. This appeal followed.

Appellant argued that the State breached the verbal guilty plea agreement in this case by allowing appellant to be sentenced to the maximum term of six years.¹ Further, appellant argued that the State breached the plea agreement because appellant was ordered to pay restitution.

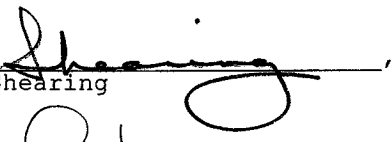
Appellant's motion is subject to the equitable doctrine of laches. See Hart v. State, 116 Nev. ___, 1 P.3d 969 (2000) (although there is no statutory time period governing

¹Felony coercion involving physical force is punishable by one to six years' imprisonment. See NRS 207.190(2)(a).

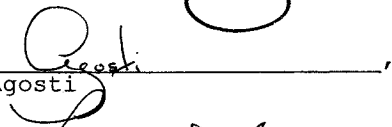
motions to withdraw guilty pleas, such motions are subject to the equitable doctrine of laches). Appellant filed his motion more than nine years after entry of the judgment of conviction and offered no explanation for the delay. Furthermore, it appears that the State would suffer prejudice if it were forced to proceed to trial after such a lengthy delay. See Hart, 116 Nev. at ___, 1 P.3d at 972. Accordingly, we conclude that the doctrine of laches mandates the denial of appellant's motion.

Having reviewed the record on appeal, and for the reasons set forth above, we conclude that appellant is not entitled to relief and that briefing and oral argument are unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975), cert. denied, 423 U.S. 1077 (1976). Accordingly, we affirm the order of the district court.

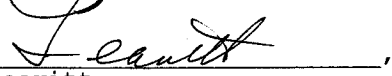
It is so ORDERED.²



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Jeffrey D. Sobel, District Judge
Attorney General
Clark County District Attorney
Phineas T. Sao
Clark County Clerk

²We have considered all proper person documents filed or received in this matter, and we conclude that the relief requested is not warranted.