

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERRY LEE JONES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56431

FILED

JUN 08 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Ingersoll
DEPUTY CLERK

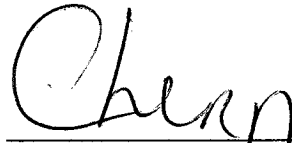
ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying appellant's motion to withdraw his guilty plea.¹ Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.


In his motion, filed on April 19, 2010, appellant claimed that he suffered manifest injustice as a result of trial counsel's ineffective assistance. The equitable doctrine of laches precluded consideration of the motion because there was more than a three-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 the matter had to be brought to trial after a three-year delay. See Hart v.

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).

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.

Gibbons

 _____, J.

Pickering

cc: Hon. Steven R. Kosach, District Judge
Perry Lee Jones
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

²The district court erred in not first determining whether the doctrine of equitable laches barred relief. We nevertheless affirm the district court's decision for the reasons stated above. See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (holding that a correct result will not be reversed simply because it is based on the wrong reason).

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.