

IN THE SUPREME COURT OF THE STATE OF NEVADA

HECTOR RANGEL CRUZ,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56484

**FILED**

DEC 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from an order denying a motion to withdraw a guilty plea.<sup>1</sup> Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

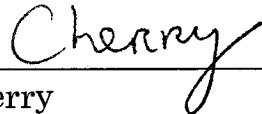
In his motion filed on May 28, 2010, appellant claimed that his plea was involuntarily entered due to ineffective assistance of counsel. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was more than a three-year, unexcused delay from entry of the judgment of conviction, an implied waiver exists from appellant's knowing acquiescence in existing conditions, and the State may suffer prejudice from the delay. Hart v. State, 116 Nev. 558, 563-64,

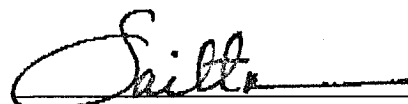
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<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

1 P.3d 969, 972 (2000). Therefore, the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Douglas W. Herndon, District Judge  
Hector Rangel Cruz  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk