

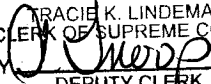
IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE SALDANA,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56990

FILED

FEB 09 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

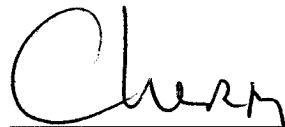
This is a proper person appeal from an order of the district court denying a motion to amend or correct judgment of conviction.¹ Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.


In his motion, appellant sought an amendment to the judgment of conviction that would allow him to be transferred to federal custody so that he could serve his federal sentence before serving his Nevada sentence. Appellant appeared to also challenge the validity of his guilty plea. To the extent that appellant's motion may be construed to be a motion to correct an illegal sentence, appellant failed to demonstrate that the sentence was illegal or that the district court was without jurisdiction to impose the sentence set forth in the judgment of conviction. Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). To the

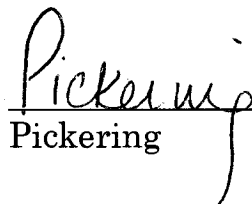
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

extent that appellant sought to modify his sentence, appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See id. To the extent that appellant challenged the validity of his guilty plea, the equitable doctrine of laches precluded consideration of the motion because there was a more than three-year delay from entry of the judgment of conviction, there was inexcusable delay in seeking relief, 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, 1 P.3d 969, 972 (2000). We note that the judgment of conviction does set forth that the Nevada sentence was to run concurrently with the federal sentence. Appellant has failed to set forth any authority that would permit Nevada courts to order appellant to be received into federal custody to serve his federal sentence. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Connie J. Steinheimer, District Judge
Jose G. Saldana
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk