

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROGELIO CAMACHO,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 57609

**FILED**

SEP 14 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Valera*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court denying appellant Rogelio Camacho's post-conviction motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Camacho contends that the district court abused its discretion by denying his post-conviction motion to withdraw his guilty plea and asserts that his plea is invalid because defense counsel failed to inform him that he would be subject to mandatory deportation by pleading guilty to assault with a deadly weapon.

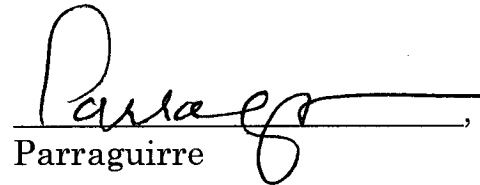
"To correct manifest injustice, the court after sentence may set aside the judgment of conviction and permit the defendant to withdraw the plea." NRS 176.165. "[C]onsideration of the equitable doctrine of laches is necessary in determining whether a defendant has shown 'manifest injustice.'" Hart v. State, 116 Nev. 558, 563, 1 P.3d 969, 972 (2000). Here, Camacho waited nearly four years before bringing his motion to withdraw. Camacho claimed that the delay is excusable because he first learned that he was subject to deportation "when he appeared at the offices of the Immigration and Naturalization Service." And Camacho maintained that the State would not be prejudiced by the withdrawal of

his guilty plea because he would plead to an alternative charge that did not result in his removal from the United States. The State asserted laches and argued that its ability to resume prosecution of the original charges<sup>1</sup> would be prejudiced because one of the witnesses had left the jurisdiction and the physical evidence against Camacho had been destroyed. We conclude that laches precluded consideration of Camacho's motion on the merits, see id. at 563-65, 1 P.3d at 972-73, and that the district court reached the right result when it denied the motion, see Picetti v. State, 124 Nev. 782, 790, 192 P.3d 704, 709 (2008) (this court may affirm a decision that reaches the right result for the wrong reason). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Valorie Vega, District Judge  
Xavier Gonzales  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>1</sup>Camacho was originally charged with one count each of assault with a deadly weapon, attempted battery with use of a deadly weapon, and possession of drug paraphernalia.