IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE OSCAR ROBLEDO-NORIEGA, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 58454
JOSE OSCAR ROBLEDO-NORIEGA, Appellant, vs. THE STATE OF NEVADA, Respondent.	No. 58667 FILED OCT 05 2011 TRACIE K. LINDEMAN CLERK OF SUPREME COURT BY S. Young DEPUTY CLERK

ORDER OF AFFIRMANCE

These are proper person appeals from orders of the district court denying a motion to set aside the guilty plea and a post-conviction petition for a writ of habeas corpus.[1] Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Docket No. 58454

On May 4, 2011, appellant filed a motion to set aside the plea. The district court construed the motion to be a post-conviction petition for

[1]These appeals have been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the records are sufficient for our review and briefing is unwarranted. See Luckett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

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a writ of habeas corpus and denied the petition as procedurally time-barred.

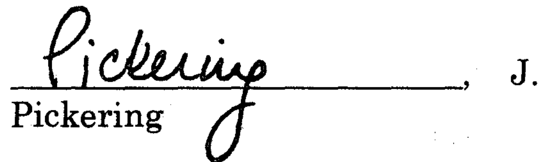
In his motion, appellant sought to withdraw his plea of guilty. Preliminarily, we note that the district court incorrectly construed the motion to set aside the plea as a post-conviction petition for a writ of habeas corpus because a motion to withdraw a plea is an available post-conviction remedy to challenge the validity of the guilty plea. Hart v. State, 116 Nev. 558, 562, 1 P.3d 969, 971 (2000). Nevertheless, we affirm the order of the district court because the district court reached the correct result in denying the motion. 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). The equitable doctrine of laches precluded consideration of the motion because there was an approximately nineteen-month 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. at 563-64, 1 P.3d at 972. Therefore, the district court did not err in denying appellant's motion.

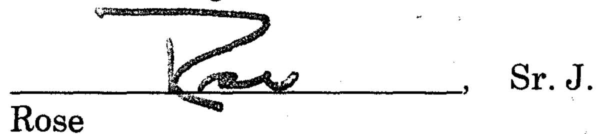
Docket No. 58667

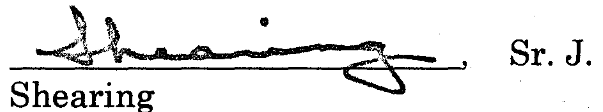
Appellant filed his post-conviction petition for a writ of habeas corpus on May 11, 2011, more than two years after entry of the judgment of conviction on March 3, 2009. Thus, appellant's petition was untimely filed. See NRS 34.726(1). Appellant's petition was procedurally barred absent a demonstration of cause for the delay and undue prejudice. See id. Appellant failed to offer any explanation for the delay in filing his petition. Appellant failed to demonstrate any fundamental miscarriage of

justice to overcome application of the procedural time-bar. See Mazzan v. Warden, 112 Nev. 838, 842, 921 P.2d 920, 922 (1996). We therefore conclude that the district court did not err in denying appellant's petition. Accordingly, we

ORDER the judgments of the district court AFFIRMED.[2]


Pickering, J.


Rose, Sr. J.


Shearing, Sr. J.

cc: Hon. Robert W. Lane, District Judge
Jose Oscar Robledo-Noriega
Nye County District Attorney
Attorney General/Carson City
Nye County Clerk

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[2]The Honorables Robert Rose and Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.

We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in these matters, 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.