

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN J. PEREZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 58817

FILED

NOV 17 2011

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an order of the district court denying a motion to withdraw a guilty plea and vacate judgment.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

On May 11, 2011, appellant filed a motion to withdraw a guilty plea alleging that counsel was ineffective and that the plea canvass was improper. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a nearly five-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,² and the State may suffer prejudice from the delay. Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972

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).

²Appellant previously filed a motion to withdraw his guilty plea on December 16, 2009, and he failed to demonstrate why the claims raised in the current motion could not have been raised in the previous motion.

(2000). Therefore, the district court did not err in denying appellant's motion, and we

ORDER the judgment of the district court AFFIRMED.

Douglas, J.
Douglas

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Stefany Miley, District Judge
Juan J. Perez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk