

IN THE SUPREME COURT OF THE STATE OF NEVADA

DANIEL GORDON STEVENS A/K/A
DANIEL GORDONKIM STEVENS,
Appellants,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59391

FILED

OCT 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

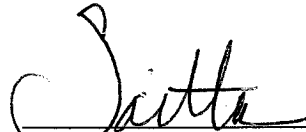
This is an appeal from an order of the district court denying appellant Daniel Gordon Stevens' post-conviction motion to withdraw his guilty plea. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

Stevens claims that the district court erred in denying his motion to withdraw his guilty plea after determining that the Supreme Court's holding in Padilla v. Kentucky, 559 U.S. ___, 130 S. Ct. 1473 (2010), does not apply retroactively. The State responds that the district court reached the right result but should have based its denial on the equitable doctrine of laches.

"[C]onsideration of the equitable doctrine of laches is necessary in determining whether a defendant has shown 'manifest injustice' that would permit withdrawal of a plea after sentencing." Hart v. State, 116 Nev. 558, 563, 1 P.3d 969, 972 (2000). Because Stevens failed to provide any excuse for his delay in seeking relief and the State claimed that its ability to recommence prosecution would be significantly prejudiced, we conclude that the district court should have applied the equitable doctrine of laches and declined to consider the motion on its

merits. See id. at 563-64, 1 P.3d at 972. Accordingly, we affirm the denial of Stevens' motion, see Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (we will affirm the judgment of a district court if it reached the correct result for the wrong reason), and we

ORDER the judgment of the district court **AFFIRMED**.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Jerome T. Tao, District Judge
Mayfield, Gruber & Sheets
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk