

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES EDWARD PROCTOR,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 60127

FILED

OCT 08 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from the denial of his motion to withdraw his guilty plea.<sup>1</sup> Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.


On November 4, 2011, appellant filed a motion to withdraw his guilty plea. Appellant claimed that his guilty plea was invalid because trial counsel changed his plea from guilty to guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970), without explaining what that meant. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a thirty-four 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


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<sup>1</sup>This 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).

from the delay.<sup>2</sup> Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Therefore, the district court did not err in denying appellant's motion, and we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Pickering

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

cc: Hon. Valorie J. Vega, District Judge  
James Edward Proctor  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk

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<sup>2</sup>We note that appellant has filed numerous post-conviction petitions for writs of habeas corpus since 2001, and has failed to raise this claim previously. Proctor v. State, Docket No. 33318 (Order of Affirmance, May 16, 2001); Proctor v. State, Docket No. 37278 (Order of Affirmance, July 3, 2001); Proctor v. State, Docket No. 48393 (Order of Affirmance, May 16, 2007); Proctor v. State, Docket No. 55476 (Order Dismissing Appeal, May 7, 2010); Proctor v. State, Docket No. 59985 (Order of Affirmance, September 12, 2012).