

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LEE STEPHENS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 60506

FILED

NOV 15 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER OF AFFIRMANCE

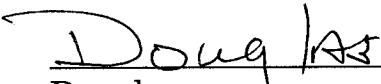
This is a proper person appeal from an order of the district court denying a motion to withdraw guilty plea.¹ Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.


In his motion filed on January 24, 2012, appellant claimed his trial counsel was ineffective for failing to complete discovery, failing to prepare for the sentencing hearing, failing to correctly inform him regarding the possible sentences, and was distracted due to medical issues. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a 19-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


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).

from the delay.² Hart v. State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). In addition, appellant's claim that counsel misinformed him regarding possible sentences has already been considered and rejected by this court. Stephens v. State, Docket No. 58214 (Order of Affirmance, September 15, 2011). The doctrine of law of the case prevents further litigation of this claim and "cannot be avoided by a more detailed and precisely focused argument." Hall v. State, 91 Nev. 314, 316, 535 P.2d 797, 799 (1975). Therefore, the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kathleen E. Delaney, District Judge
Robert Lee Stephens
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Appellant previously litigated a timely post-conviction petition for a writ of habeas corpus. Stephens v. State, Docket No. 58214 (Order of Affirmance, September 15, 2011).