

IN THE SUPREME COURT OF THE STATE OF NEVADA

OMAR HERNANDEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61490

FILED

APR 09 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Handwritten Signature*
DEPUTY CLERK

ORDER OF AFFIRMANCE

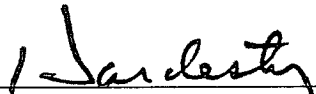
This is a proper person appeal from an order of the district court denying a motion to withdraw a guilty plea.¹ Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

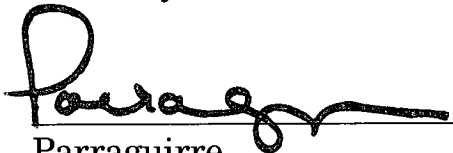
In his motion filed on July 11, 2012, appellant claimed that his counsel misinformed him about the consequences of his guilty plea. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a ten-year delay from entry of the judgment of conviction, there was inexcusable delay in seeking relief, an implied waiver exists from appellant's knowing acquiescence in existing conditions, and the State may suffer prejudice from the delay. Hart v.

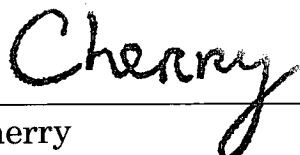
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See Lockett v. Warden, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

State, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Therefore, the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Chief Judge, Eighth Judicial District Court
Hon. Joseph T. Bonaventure, Senior Judge
Omar Hernandez
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk