

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSE LUIS VALENCIA, JR.,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62060

**FILED**

JUN 12 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
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.<sup>1</sup> Tenth Judicial District Court, Churchill County; Robert E. Estes, Senior Judge.

In his motion filed on July 6, 2012, appellant claimed that his trial counsel was ineffective for requesting money from appellant's family and for informing appellant that he would receive a life sentence if he went to trial. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a four-year inexcusable delay from entry of the judgment of conviction, an implied waiver exists

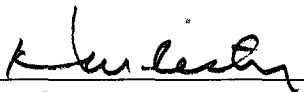
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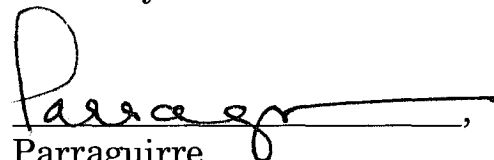
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

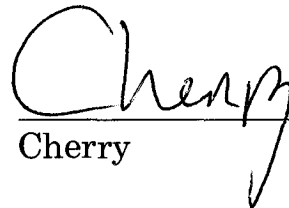
Appellant also seeks to appeal from the district court's denial of his motion for appointment of counsel. We conclude that the district court did not abuse its discretion in denying this motion. *See NRS 34.750(1)*.

from appellant's knowing acquiescence in existing conditions,<sup>2</sup> and the State may suffer prejudice from the delay. *See Hart v. State*, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Therefore, the district court did not err in denying the motion to withdraw a guilty plea. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Thomas L. Stockard, District Judge  
Robert E. Estes, Senior Judge  
Jose Luis Valencia, Jr.  
Attorney General/Carson City  
Churchill County District Attorney  
Churchill County Clerk

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<sup>2</sup>Appellant previously filed a motion to withdraw his guilty plea in 2009. *Valencia v. State*, Docket No. 55317 (Order of Affirmance, May 7, 2010). He failed to demonstrate why the claims raised in his current motion could not have been raised in his previous motion.