

IN THE SUPREME COURT OF THE STATE OF NEVADA

NARVIEZ V. ALEXANDER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62750

FILED

SEP 19 2013

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

ORDER OF AFFIRMANCE


This is a proper person appeal from an order of the district court denying a motion to vacate or modify sentence, or alternatively, a motion to withdraw the guilty plea.¹ Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

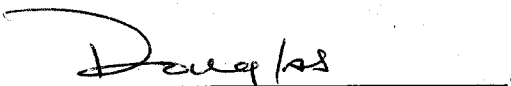
In his motion filed on December 12, 2012, appellant claimed that restitution was improperly imposed because he was never informed that it was a consequence of the plea, that the State breached the plea agreement in seeking restitution, that the presentence report contained errors, the sentence amounted to cruel and unusual punishment, the sentence was in excess of the sentence permitted if the crime were committed today, and that the plea was invalid because he did not remember signing the guilty plea agreement. Appellant failed to demonstrate that the district court relied on mistaken assumptions regarding his criminal record that worked to his extreme detriment. See

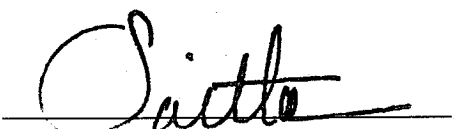
¹This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. See *Luckett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

Edwards v. State, 112 Nev. 704, 708, 918 P.2d 321, 324 (1996). Appellant failed to demonstrate that his sentence was facially illegal or that the district court lacked jurisdiction. *See id.* To the extent that appellant sought to withdraw his plea, the equitable doctrine of laches precluded consideration of the motion because there was a 17-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. State*, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). We therefore conclude that the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

²We have reviewed all documents that appellant has submitted in proper person to the clerk of this court in this matter, and we conclude that no relief based upon those submissions is warranted. To the extent that appellant has attempted to present claims or facts in those submissions which were not previously presented in the proceedings below, we have declined to consider them in the first instance.

cc: Hon. Stefany Miley, District Judge
Narviez V. Alexander
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk