

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN R. HALVERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 62873

FILED

DEC 12 2013

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[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; Elizabeth Goff Gonzalez, Judge.

In his motion filed on December 6, 2012, appellant claimed that his guilty plea was invalid because the State altered the written plea agreement without his consent, he was improperly sentenced by a

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).

different judge than the one that accepted his guilty plea, the district court erred by denying his request to represent himself, the plea canvass was inadequate, his counsel gave him poor advice, and the district court erred by becoming involved in plea negotiations. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a more-than-five-year delay from entry of the judgment of conviction, delay in seeking relief was inexcusable, an implied waiver exists from appellant's knowing acquiescence in existing conditions, and the State may suffer prejudice from the delay.² See *Hart v. State*, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Moreover, this court has already considered and rejected appellant's claim that his plea was invalid because the written guilty plea agreement was altered without his consent. *Halversen v. State*, Docket No. 52000 (Order of Affirmance, April 21, 2009). 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."

²Appellant appeared to claim that his motion was not subject to the equitable doctrine of laches because the district court lacked jurisdiction due to the improperly altered guilty plea agreement. Appellant's claim lacked merit because it did not implicate the jurisdiction of the courts. Nev. Const. art. 6, § 6; NRS 171.010.

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.³

Pickering, C.J.
Pickering

Hardesty, J.
Hardesty

Cherry, J.
Cherry

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Steven R. Halverson
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³We also conclude that the district court did not err in denying appellant's motion to appoint counsel and motion to consider polygraph results.

We 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.