

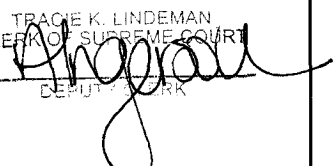
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD ALLEN LANCASTER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63486

FILED

JAN 16 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
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 Second Judicial District Court, Washoe County; Lidia Stiglich, Judge.

In his motion filed on January 28, 2013, appellant claimed that his trial counsel was ineffective for telling appellant that his crime was repugnant and for failing to file a notice of appeal. Appellant also asserted that he accepted a plea to a fictional charge out of concern that he would receive a lengthier sentence if he did not accept the plea offer. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a more-than-two-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. *See Hart v. State*, 116 Nev. 558, 563-64, 1 P.3d 969, 972 (2000). Appellant did not

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).

attempt to explain his delay and did not explain why he did not raise these claims in his two previous post-conviction petitions for a writ of habeas corpus.² *See id.* at 564, 1 P.3d at 972 (“[W]here a defendant previously has sought relief from the judgment, the defendant’s failure to identify all grounds for relief in the first instance should weigh against consideration of the successive motion.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

²*Lancaster v. Legrand*, Docket No. 60619 (Order of Affirmance, November 15, 2012). Appellant also filed a post-conviction petition for a writ of habeas corpus in the district court on May 15, 2012, but he did not appeal the district court’s denial of that petition.

³The district court denied the motion pursuant to the procedural bars in NRS chapter 34 and on the merits, but should have denied the motion due to the equitable doctrine of laches, as discussed previously. However, we affirm because the district court reached the right result in denying the motion. *See Wyatt v. State*, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970).

In addition, 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.

cc: Hon. Lidia Stiglich, District Judge
Richard Allen Lancaster
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk