

IN THE SUPREME COURT OF THE STATE OF NEVADA

HUGH A. BOYD,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 63866

FILED

MAR 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

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

In his motion filed on May 30, 2013, appellant claimed that his judgment of conviction was invalid because his 1991 plea agreement did not include the minimum term of parole. Further, he claimed that he was timely raising this claim from the passage of S.B. 104.²

Given the nature of relief requested, we agree with the district court that the motion should be treated as a motion to withdraw a guilty plea. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a 12-year delay from entry

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).

²We note that S.B. 104 does not relate to whether appellant was informed of the minimum parole term in his plea agreement. Instead, it deals with assessing sexual offenders for parole eligibility. *See* 2013 Nev. Stat., ch. 70, § 1.5, at 249-50.

of the judgment of conviction,³ 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). Therefore, the district court did not err in denying appellant's motion, and we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Stefany Miley, District Judge
Hugh A. Boyd
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

³Appellant's judgment of conviction was filed on February 26, 2001.