

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN DANIEL ORRE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

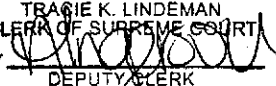
No. 64245

STEVEN DANIEL ORRE,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64246

**FILED**

FEB 13 2014

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

These are proper person appeals from an order of the district court denying a post-conviction petition for a writ of habeas corpus and a motion to withdraw a guilty plea.<sup>1</sup> Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

*Docket No. 64245*

Appellant filed his post-conviction petition for a writ of habeas corpus on July 18, 2013, more than thirteen years after issuance of the remittitur on direct appeal on December 15, 1999. *Orre v. State*, Docket

<sup>1</sup>These appeals have 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). We elect to consolidate these appeals for disposition. NRAP 3(b).

No. 34558 (Order Dismissing Appeal, November 19, 1999). Thus, appellant's petition was untimely filed. *See* NRS 34.726(1). Moreover, appellant's petition was successive because he had previously litigated a post-conviction petition for a writ of habeas corpus, and it constituted an abuse of the writ to the extent that he raised claims new and different from those raised in his previous petition.<sup>2</sup> *See* NRS 34.810(2). Appellant's petition was procedurally barred absent a demonstration of good cause and prejudice. *See* NRS 34.726(1); NRS 34.810(3).

Appellant appeared to claim that the procedural requirements set forth in NRS chapter 34 did not apply because he was seeking to modify his sentence. We have already rejected this good-cause argument. *See Orre v. State*, Docket No. 60081 (Order of Affirmance, June 14, 2012). Therefore, we affirm the order of the district court denying the petition as procedurally barred.

*Docket No. 64246*

In his motion to withdraw his guilty plea, filed on August 12, 2013, appellant claimed that he is innocent, the presentence investigation report (PSI) did not contain mitigating evidence of his work as a confidential informant for the police, the State committed prosecutorial misconduct by failing to include the mitigating evidence in the PSI and request a more lenient sentence, and counsel was ineffective for failing to ensure that the mitigating evidence was presented at sentencing. We

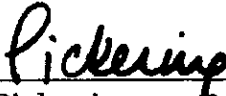
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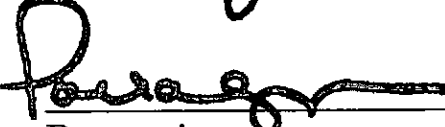
<sup>2</sup>Appellant filed a post-conviction petition for a writ of habeas corpus on May 30, 2000. The district court denied the petition on September 11, 2000, and appellant did not file an appeal. *See Orre v. State*, Docket No. 37353 (Order of Affirmance, December 17, 2001).


conclude that the equitable doctrine of laches precluded consideration of the motion because there was a more-than-thirteen-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 explain his delay in bringing these claims. We therefore conclude that the district court did not err in denying appellant's motion.

Accordingly, we

ORDER the judgments of the district court **AFFIRMED**.

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Kathleen E. Delaney, District Judge  
Steven Daniel Orre  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk