

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENWON MONTGOMERY,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 62257

**FILED**

JUL 23 2013

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

*ORDER OF AFFIRMANCE*

This is a proper person appeal from an order denying a motion to withdraw a guilty plea.<sup>1</sup> Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

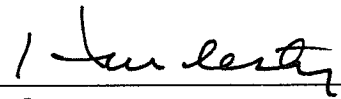
In his motion filed on November 1, 2012, appellant requested that he be sentenced to a single 8-to-20-year term because he believed he was not supposed to receive a sentence enhancement pursuant to the plea agreement. We conclude that the equitable doctrine of laches precluded consideration of the motion because there was a more than four-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). Even assuming that appellant could overcome application of laches, appellant failed to demonstrate that his plea was invalid. *See*

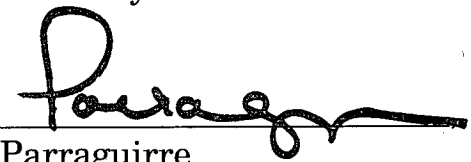
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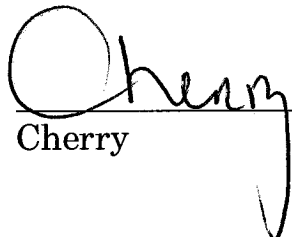
<sup>1</sup>This appeal has been submitted for decision without oral argument, NRAP 34(f)(3), and we conclude that the record is sufficient for our review and briefing is unwarranted. *See Lockett v. Warden*, 91 Nev. 681, 682, 541 P.2d 910, 911 (1975).

*State v. Freese*, 116 Nev. 1097, 1105, 13 P.3d 442, 448 (2000); *Bryant v. State*, 102 Nev. 268, 271, 721 P.2d 364, 367 (1986). Appellant was informed of the sentence enhancement in the plea agreement. Appellant's sentence, two consecutive terms of 4 to 10 years, is consistent with the plea agreement that he receive a sentence of 8 to 20 years. Therefore, the district court did not err in denying appellant's motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Linda Marie Bell, District Judge  
Kenwon Montgomery  
Attorney General/Carson City  
Clark County District Attorney  
Eighth District Court Clerk