

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LAVERNE HACKETT,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 43271

FILED

OCT 07 2004

ORDER OF AFFIRMANCE

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of driving under the influence of alcohol with two or more previous convictions within the last seven years. Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant to a prison term of 18 to 48 months. The district court further ordered appellant to pay a fine in the amount of \$2,000.00.

Appellant contends that the district court should not have used a prior conviction for purposes of enhancement. Specifically, appellant argues that the documents provided by the State as proof of the conviction were inadequate, because an actual judgment of conviction was not produced. We disagree. A prior misdemeanor DUI conviction need not be shown by a certified copy of a judgment of conviction, but may be shown by a certified copy of docket sheets and other court documents so long as they show that the defendant was convicted of a misdemeanor DUI in the prior proceedings.<sup>1</sup>


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<sup>1</sup>See Pettipas v. State, 106 Nev. 377, 379, 794 P.2d 705, 706 (1990); see also Isom v. State, 105 Nev. 391, 394, 776 P.2d 543, 546 (1989) (evidence of citation and plea of nolo contendere sufficient evidence of prior misdemeanor conviction).

After reviewing the documents presented to the district court, we conclude that they sufficiently prove that appellant suffered a conviction, and that the spirit of constitutional principles was respected.<sup>2</sup>

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Brent T. Adams, District Judge  
Washoe County Public Defender  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>See Davenport v. State, 112 Nev. 475, 915 P.2d 878 (1996).