

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEBORAH DARLENE CLIMO-COX,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 44386

FILED

MAY 04 2005

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of third-offense driving under the influence. Second Judicial District Court, Washoe County; Janet J. Berry, Judge. The district court sentenced appellant to a prison term of 12 to 36 months and 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.¹

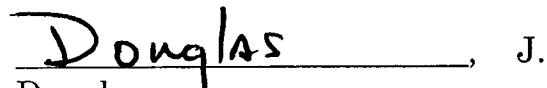
¹See Pettipas v. State, 106 Nev. 377, 379, 794 P.2d 705, 706 (1990); see also Isom v. State, 105 Nev. 391, 394, 776 P.2d 543, 545-46 (1989) (evidence of citation and plea of nolo contendere sufficient evidence of prior misdemeanor conviction).

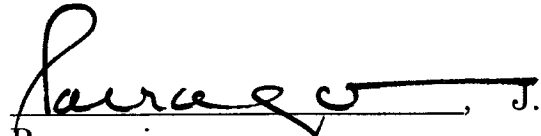
After reviewing the documents presented to the district court, we conclude that they sufficiently prove that appellant suffered a conviction, and that the spirit of constitutional principles was respected.² In particular, we note that the conviction was evidenced by a copy of the complaint, a signed waiver of rights form, and a minute entry from the municipal court showing that appellant pleaded "nolo" and listing the sentence.

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

ORDER the judgment of conviction AFFIRMED.


Maupin


Douglas


Parraguirre

cc: Hon. Janet J. Berry, District Judge
Washoe County Public Defender
Attorney General Brian Sandoval/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk

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