

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD JOSEPH LAWRENCE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 47996

FILED

APR 06 2007

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 felony driving under the influence. First Judicial District Court, Carson City; William A. Maddox, Judge. The district court sentenced appellant Ronald Joseph Lawrence to a prison term of 24 to 72 months.

Lawrence contends that the 2005 amendment to NRS 484.3792, as applied in this case, violates the ex post facto clause and his right to due process. In 1993, at the time of Lawrence's prior felony DUI conviction, the law provided that that conviction would only be considered for seven years for the purposes of enhancement. In 2005, the law was amended so that if an individual has previously been convicted of felony DUI and is convicted of a subsequent DUI, he is guilty of a category B felony regardless of how much time has passed since the last felony conviction.¹

This court has previously considered a similar case and held that the ex post facto clause was not implicated because "[o]n the day

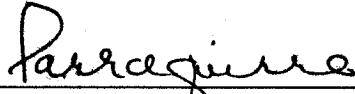
¹See 2005 Nev. Stat. Spec. Sess., ch. 6, § 15, at 103.

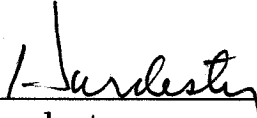
[appellant] elected to commit the offense here under consideration, reference to the statute would have indicated precisely the penalty he risked."² In this case, regardless of what the law was at the time of Lawrence's previous conviction, when he committed the instant offense the statute provided that he would be convicted of a category B felony because of his prior felony DUI.


To the extent that Lawrence argues that convicting him of a felony in the instant case amounts to a breach of the plea agreement in his 1993 case, we reject that argument.

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

ORDER the judgment of conviction AFFIRMED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Douglas

cc: Hon. William A. Maddox, District Judge
State Public Defender/Carson City
Attorney General Catherine Cortez Masto/Carson City
Carson City District Attorney
Carson City Clerk

²Dixon v. State, 103 Nev. 272, 274, 737 P.2d 1162, 1164 (1987).