

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHEYENNE PAUL LANG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 49371

FILED

FEB 26 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of felony driving under the influence (DUI). Second Judicial District Court, Washoe County; Brent T. Adams, Judge. The district court sentenced appellant Cheyenne Paul Lang to serve a prison term of 12-30 months and ordered him to pay a fine of \$2,000.

Lang contends that one of the prior convictions used to enhance the instant case to a felony was invalid. Specifically, Lang claims that his first DUI conviction was "void" because the criminal complaint charged duplicative offenses in a single count – DUI in violation of both the Washoe County Code and Nevada Revised Statutes. We disagree.

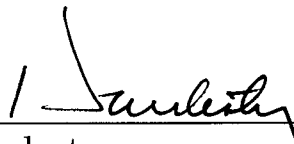
Our review of the record reveals that the district court did not err in admitting the misdemeanor conviction in question for enhancement purposes. In June 2005, Lang was charged with violating WCC 70.3865 and NRS 484.379, both prohibiting driving under the influence and containing the same elements. The record indicates that Lang pleaded guilty to only one misdemeanor offense;¹ therefore, he cannot prove that

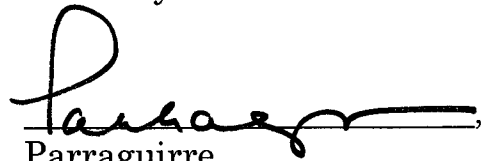
¹A misdemeanor judgment of conviction was filed in the Sparks Justice Court on February 24, 2006. Lang was sentenced to 30 days in jail, the execution of which was suspended.

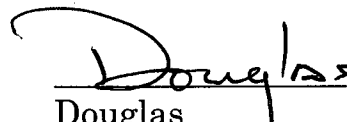
he was prejudiced in any way. Moreover, even if the criminal complaint improperly charged him with duplicative offenses in a single count, which it did not, Lang's guilty plea to only one offense cured any such defect.² And finally, we note that the State met its burden and demonstrated that the spirit of constitutional principles was respected in the earlier proceeding.³ Therefore, we conclude that Lang has failed to demonstrate that the misdemeanor conviction was invalid or that it was otherwise improperly used to enhance the instant DUI to a felony.

Accordingly, having considered Lang's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²See Arascada v. District Court, 44 Nev. 37, 40, 189 P. 621, 622 (1920).

³See Dressler v. State, 107 Nev. 686, 693, 697, 819 P.2d 1288, 1293, 1295 (1991).

cc: Hon. Brent T. Adams, District Judge
Edwin T. Basl
Attorney General Catherine Cortez Masto/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk