

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHANE DEE JOHNSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 56348

**FILED**

NOV 10 2010

THOMAS LINDEMAN  
CLERK OF THE SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

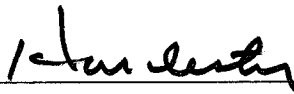
This is an appeal from a district court order denying a petition to seal a criminal record. Third Judicial District Court, Churchill County; David A. Huff, Judge.

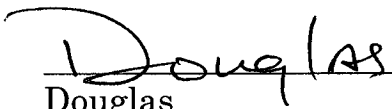
On appeal, appellant Shane Dee Johnson argues that, under NRS 179.245(1)(d), the district court abused its discretion in declining to seal his record of a 1994 gross misdemeanor conviction for statutory sexual seduction because he has not been convicted of any other sex-related crimes for the past 15 years and the sealing of his record would allow him to participate in an alcoholism program while in prison for an unrelated DUI conviction. Respondent State of Nevada disagrees, arguing that Johnson's multiple other criminal convictions, such as a 2000 felony DUI conviction, precluded sealing the record of the 1994 conviction, as expressly set forth by NRS 179.245(4).


Having reviewed the parties' briefs and the record on appeal, we conclude that Johnson has not satisfied NRS 179.245(4)'s requirement that, during the period prescribed in NRS 179.245(1), he "not [have] been charged with any offense for which the charges are pending or convicted of any offense, except for minor moving or standing traffic violations," (emphasis added), and that Johnson's attempts to avoid the plain meaning

of this statutory provision lacks merit. See We the People Nevada v. Secretary of State, 124 Nev. 874, 881, 192 P.3d 1166, 1170-71 (2008) (explaining that if a statute's language is clear and the meaning plain, this court will enforce the statute as written). Accordingly, as the district court properly denied Johnson's request to seal the record of his prior conviction, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

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

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

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. David A. Huff, District Judge  
Mary Lou Wilson  
Attorney General/Carson City  
Churchill County District Attorney  
Churchill County Clerk

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<sup>1</sup>We have determined that this appeal should be submitted for decision on the briefs and appellate record without oral argument. See NRAP 34(f)(1).