

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONN RICHARD MOORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56744

FILED

JAN 13 2011

ORDER OF AFFIRMANCE

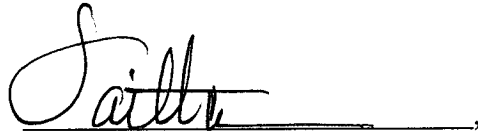
GRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. Sheop
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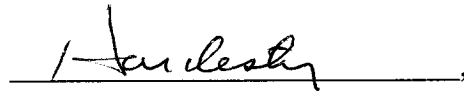
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance and eluding a police officer. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

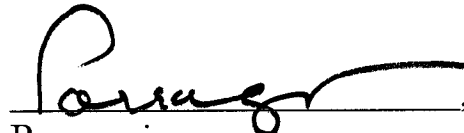
Appellant Donn Richard Moore contends that the district court abused its discretion at sentencing by adjudicating him as a habitual criminal. The district court has broad discretion to dismiss a count of habitual criminality. See NRS 207.010(2); O'Neill v. State, 123 Nev. 9, 12, 153 P.3d 38, 40 (2007). Our review of the record reveals that the district court understood its sentencing authority and considered the appropriate factors prior to making its determination not to dismiss the count. See Hughes v. State, 116 Nev. 327, 333, 996 P.2d 890, 893 (2000) (“Nevada law requires a sentencing court to exercise its discretion and weigh the appropriate factors for and against the habitual criminal statute before adjudicating a person as a habitual criminal.”). Therefore, we

conclude that the district court did not abuse its discretion by deciding to adjudicate Moore as a habitual criminal and we

ORDER the judgment of conviction AFFIRMED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Janet J. Berry, District Judge
Washoe County Alternate Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk