

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRUCE WAYNE TAYLOR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59183

FILED

MAR 07 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of third-offense DUI. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

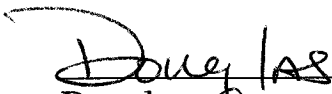
First, appellant Bruce Wayne Taylor contends that the judgment of conviction is invalid because it was entered more than 10 days after the sentencing hearing in violation of NRAP 4(b)(5)(A). The State agrees that the judgment of conviction was entered one day late. Taylor, however, does not allege any prejudice and we conclude that no relief is warranted.

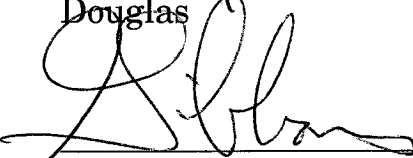
Second, Taylor contends that the State failed to adequately prove either the two prior misdemeanor convictions used for enhancement purposes or that “constitutional principles were met when the prior conviction[s]” were entered in the earlier proceedings. See Koenig v. State, 99 Nev. 780, 789, 672 P.2d 37, 43 (1983). We disagree.

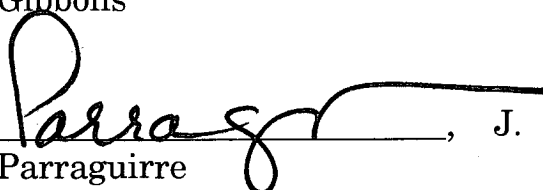
“In order to establish the validity of a prior misdemeanor conviction offered for enhancement purposes, the State must affirmatively show either that counsel was present or that the right to counsel was validly waived, and that the spirit of constitutional principles was respected” in the prior misdemeanor proceedings. Picetti v. State, 124

Nev. 782, 789, 192 P.3d 704, 708-09 (2008) (internal quotation omitted). At Taylor's initial sentencing hearing, the district court reviewed and considered a Placer County (California) Superior Court document titled, "Arrest/Plea/Judgment & Sentence," which indicated that Taylor, while present and represented by counsel, was advised of his rights and pleaded nolo contendere to DUI offenses in two separate cases both within seven years of the instant offense. The district court also found that the prior convictions presented by the State "meet the standard set forth by the Supreme Court in the Koenig case." We conclude that the State proved the prior convictions and met its burden and demonstrated that the spirit of constitutional principles was respected. Therefore, Taylor's contention is without merit, and we

ORDER the judgment of conviction AFFIRMED.

 _____, J.
Douglas

 _____, J.
Gibbons

 _____, J.
Parraguirre

cc: Hon. Michael Montero, District Judge
Humboldt County Public Defender
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk