

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS MARTINEZ,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35638

FILED

OCT 12 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

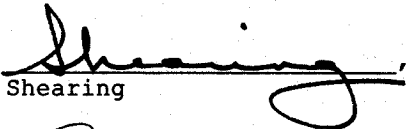
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of attempted burglary. The district court sentenced appellant to a prison term of 12 to 30 months and ordered appellant to submit to genetic marker testing.

Appellant argues that NRS 176.0913 is ambiguous and does not apply to him because the Legislature intended it only to apply to sex offenders. Appellant also makes several constitutional claims, including that NRS 176.0913 violates his right to due process, equal protection, and privacy, subjects him to unreasonable search and seizure and cruel and unusual punishment, and is overbroad. We have previously addressed these precise issues in *Gaines v. State*, 116 Nev. ___, 998 P.2d 166 (2000), cert. denied, ___ S. Ct. ___ (Oct. 2, 2000), and held that NRS 176.0913 is constitutional and unambiguously applies to several types of non-sexual offenses,

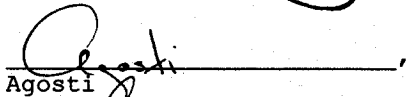
including burglary. Therefore, we conclude that appellant's arguments are without merit.

Having considered appellant's contentions and concluded they are without merit, we affirm the judgment of the district court.

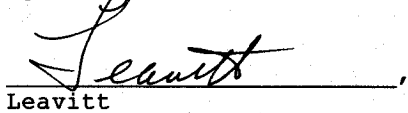
It is so ORDERED.



Shearing J.



Agosti J.



Leavitt J.

cc: Hon. Mark W. Gibbons, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk