

IN THE SUPREME COURT OF THE STATE OF NEVADA

MISHELLE BRADFORD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 39214

FILED

MAY 15 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one felony count of violating an extended protection order. The district court sentenced appellant Mishelle Bradford to serve a prison term of 24-60 months; she was given credit for 315 days time served.

Bradford contends the district court erred by denying her motion to strike her prior convictions in the municipal court for stalking and harassment. Bradford argues that the convictions were invalid and unconstitutional because she was deprived of the opportunity to plead not guilty by reason of insanity,<sup>1</sup> and that the prior convictions were improperly used to enhance her sentence in the instant matter to a category C felony. We conclude that Bradford's contention is without merit.

NRS 200.591(5)(b) clearly states that "[a]ny person who intentionally violates: [a]n extended [protection] order is guilty of a category C felony and shall be punished as provided in NRS 193.130." The plain language of this statute is unequivocal and cannot be interpreted to

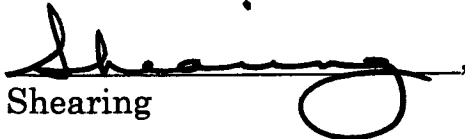
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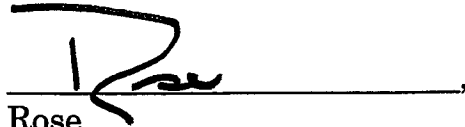
<sup>1</sup>See generally Finger v. State, 117 Nev. \_\_\_, 27 P.3d 66 (2001), cert. denied, 122 S. Ct. 1063 (2002).


require prior convictions as an element of the offense; whether or not Bradford's convictions in the municipal court were invalid is irrelevant because they were not used to enhance her sentence in this case.<sup>2</sup> We further note that Bradford neither appealed from her convictions in the municipal court, nor from the issuance of the extended protection order.<sup>3</sup> We therefore conclude that the district court did not err in denying Bradford's motion to strike.

Having considered Bradford's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

  
Shearing J.

  
Rose J.

  
Becker J.

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<sup>2</sup>NRS 193.130(2)(c) states in part: "A category C felony is a felony for which a court shall sentence a convicted person to imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 5 years."

<sup>3</sup>NRS 200.591(4) states in part: "If an extended order is issued by a justice's court, an interlocutory appeal lies to the district court, which may affirm, modify or vacate the order in question. The appeal . . . does not stay the effect or enforcement of the order."

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