

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEAN MARSHALL SPENCER,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 42560

FILED

SEP 15 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a bench trial, of one count of driving under the influence with two or more convictions. Fourth Judicial District Court, Elko County; Andrew J. Puccinelli, Judge. The district court sentenced appellant to a prison term of 19 to 48 months.

Appellant contends that his Utah conviction is invalid for enhancement purposes. However, after a careful review of the record, it is clear that the spirit of constitutional principles was respected.¹ The district court therefore did not err by finding that the conviction was constitutionally valid for enhancement purposes. Having considered

¹See Davenport v. State, 112 Nev. 475, 915 P.2d 878 (1996).

appellant's contention and concluded that it is without merit, we
ORDER the judgment of conviction AFFIRMED.²

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Andrew J. Puccinelli, District Judge
Elko County Public Defender
Attorney General Brian Sandoval/Carson City
Elko County District Attorney
Elko County Clerk

²Because appellant is represented by counsel in this matter, we decline to grant appellant permission to file documents in proper person in this court. See NRAP 46(b). Accordingly, the clerk of this court shall return to appellant unfiled all proper person documents appellant has submitted to this court in this matter.