

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARSHALL KANE HUITT,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52956

FILED

APR 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

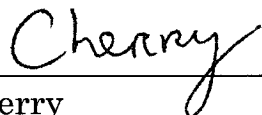
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of felony domestic battery. Sixth Judicial District Court, Humboldt County; John M. Iroz, Judge.

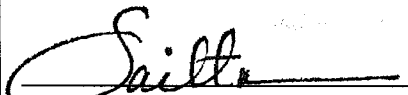
Appellant Marshall Kane Huitt claims that he was improperly bound over to the district court on a felony because the State failed to present evidence of his two prior domestic battery convictions at the preliminary examination. See NRS 200.485(3); Parsons v. State, 116 Nev. 928, 935, 10 P.3d 836, 840 (2000) (discussing equivalent requirement in felony DUI case that State present evidence of the prior convictions to support finding of probable cause that defendant has committed a felony). This court has repeatedly stated that, generally, the entry of a guilty plea waives any right to appeal from events occurring prior to the entry of the plea. See Webb v. State, 91 Nev. 469, 470, 538 P.2d 164, 165 (1975). Moreover, there is no indication in the record that Huitt expressly reserved this issue for review on appeal. See NRS 174.035(3). Accordingly, we conclude that Huitt waived the right to raise this claim on appeal.

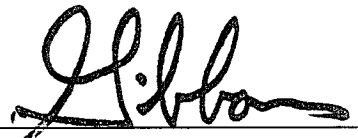
Huitt next claims that the district court erred by denying his motion challenging the constitutional validity of the two prior convictions used to enhance his current offense to a felony. Huitt contends that both of the prior convictions are void because Humboldt County lacked jurisdiction to prosecute the offenses and the justice court lacked jurisdiction to enter the convictions, and one of the prior convictions was initiated with a defective charging document and its supporting documents failed to demonstrate that Huitt was either represented by counsel or formally waived his right to counsel. We conclude that the district court did not err in finding that the prior convictions were constitutionally valid because the State proved at sentencing that the spirit of constitutional principles was respected in the misdemeanor proceedings and that Huitt was represented by counsel in one case and validly waived his right to counsel in the other. See Picetti v. State, 124 Nev. ___, ___, 192 P.3d 704, 708-10 (2008).

Having concluded that Huitt's claims are either waived or lack merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Sixth Judicial District Court Dept. 2, District Judge
Edwin T. Basl
Attorney General/Carson City
Humboldt County District Attorney
Humboldt County Clerk