

IN THE SUPREME COURT OF THE STATE OF NEVADA

VARNEY DORSEY MOORE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 56392

FILED

JAN 13 2011

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


ORDER OF AFFIRMANCE

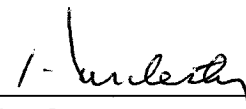
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of felony DUI. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

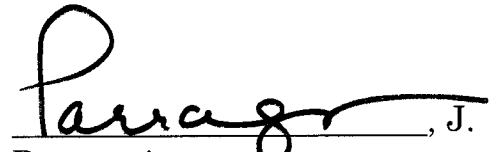
Appellant Varney Dorsey Moore contends that the district court erred by admitting his prior felony DUI conviction to enhance the instant case to a felony because the district court in 2000, during the earlier proceeding, did not find that the two misdemeanors used for enhancement purposes were valid. As a result, Moore claims that the district court "lacked jurisdiction" to sentence him in the instant case. We disagree. The district court found that Moore failed to rebut the presumption of regularity afforded the prior felony DUI conviction by demonstrating that it was constitutionally infirm. See Dressler v. State, 107 Nev. 686, 697-98, 819 P.2d 1288, 1295-96 (1991). The district court also found that Moore was represented by counsel and the spirit of constitutional principles was respected in the earlier proceeding. See Davenport v. State, 112 Nev. 475, 477-78, 915 P.2d 878, 880 (1996). We

agree and conclude that the district court did not err by admitting the prior felony DUI conviction for enhancement purposes, and we

ORDER the judgment of conviction AFFIRMED.¹


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Steven R. Kosach, District Judge
Walter B. Fey
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

¹Although we filed the fast track statement submitted by Moore, it fails to comply with the Nevada Rules of Appellate Procedure. The procedural history and statement of facts refer to matters in the record without specific citation to the appendix, see NRAP 3C(e)(1)(C); NRAP 28(e)(1). Further, the statement of facts improperly incorporates by reference documents filed in the district court, see NRAP 28(e)(2); Thomas v. State, 120 Nev. 37, 43 n.3, 83 P.3d 818, 822 n.3 (2004). Counsel for Moore is cautioned that the failure to comply with the briefing requirements may result in the fast track statement being returned, unfiled, to be correctly prepared, NRAP 32(e), and in the imposition of sanctions, NRAP 3C(n).