

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JESSICA LYNN PEREZ, A/K/A
JESSICA LYNN CLEVELAND,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73359

FILED

JUN 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

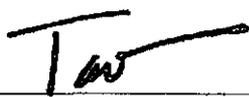
Jessica Lynn Perez appeals from a judgment of conviction entered pursuant to a no contest plea of felony driving under the influence of intoxicating liquor. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Perez argues the district court erroneously enhanced her driving-under-the-influence (DUI) offense to a felony. Perez asserts the State failed to prove the constitutional validity of one of her prior DUI convictions because it failed to show she understood the nature of the charge for that conviction. "If the State seeks to use prior misdemeanor convictions to enhance a current offense to a felony, it must also make an affirmative showing of the constitutional validity of the prior convictions." *Hobbs v. State*, 127 Nev. 234, 241, 251 P.3d 177, 181 (2011). "This includes demonstrating 'either that counsel was present [during the prior misdemeanor proceedings] or that the right to counsel was validly waived, and that the spirit of constitutional principles was respected in the prior misdemeanor proceedings.'" *Id.* (alteration in original) (quoting *Dressler v. State*, 107 Nev. 686, 697, 819 P.2d 1288, 1295 (1991)).

We conclude Perez fails to demonstrate she is entitled to relief. Here, the district court reviewed the documentation related to her prior DUI conviction and noted Perez' written advisement of rights, waiver, and plea form contained an inconsistency because Perez initialed sections of the form that were inapplicable to her offense. However, the district court reviewed the remaining documents stemming from that conviction, and found the spirit of constitutional principles had been respected. The district court noted the minutes of the prior conviction revealed the judicial officer in that matter advised Perez of the nature of the charge against her. The district court also noted the judicial officer had found that Perez had been advised of her rights and waived them, and she understood the nature and consequences of her plea. The district court concluded, based on its review of the record for the prior misdemeanor DUI conviction, Perez had properly been advised of the nature of the charge. The district court therefore concluded the prior DUI was constitutionally valid for use in enhancing the instant offense to a felony. See NRS 484C.400(1)(c), (2)(a). Because the record before the district court demonstrated the spirit of constitutional principles was respected in the prior misdemeanor proceedings, we affirm the decision of the district court. See *Dressler*, 107 Nev. at 697, 819 P.2d at 1295. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Alvin R. Kacin, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk