

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARTURO RIOS,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 44667

**FILED**

JUL 21 2005

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. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

On January 27, 2005, the district court convicted appellant, pursuant to a guilty plea, of statutory sexual seduction. The district court sentenced appellant to serve a term of twelve to thirty-six months, suspended the sentence, and sentenced appellant to a probationary term not to exceed twenty-four months. Appellant was also sentenced to sex offender conditions for probation pursuant to NRS 176A.410.

On appeal, appellant argues that NRS 200.364(3) is unconstitutional in that it denies an accused the opportunity to produce evidence of a reasonable mistake of fact as it pertains to the victim's age. Appellant claims that the victim in his case lied about her real age of fourteen, and that he was persuaded to believe that she was older because she had a child.

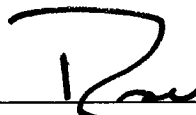
Statutory sexual seduction is a general intent, not a specific intent, crime.<sup>1</sup> Accordingly, mistake of fact is not a defense to statutory

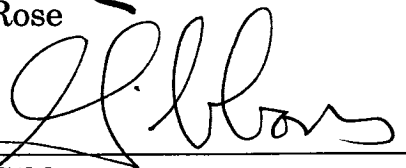
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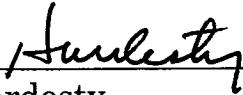
<sup>1</sup>Jenkins v. State, 110 Nev. 865, 871, 877 P.2d 1063, 1067 (1994).

sexual seduction.<sup>2</sup> We decline appellant's invitation to revisit this issue, and conclude that appellant's contention is without merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Hardesty

cc: Hon. Jerome Polaha, District Judge  
Law Offices of John E. Oakes  
Attorney General Brian Sandoval/Carson City  
Washoe County District Attorney Richard A. Gammick  
Washoe District Court Clerk

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<sup>2</sup>Id.