

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ROY DYNES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 59918

FILED

NOV 15 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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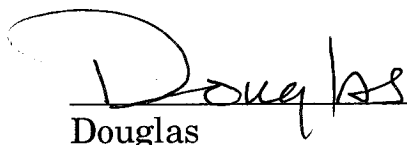
ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a guilty plea, of willfully endangering a child as the result of child neglect. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

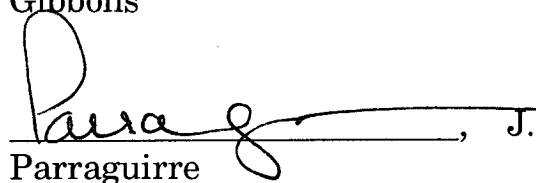
Appellant Michael Dynes contends that the State breached the spirit of the guilty plea agreement at sentencing by informing the district court that Dynes' children had just been removed from their home by social services and acknowledging that a representative from social services was present. The record on appeal reveals that the State's comments followed an implication that Dynes had been cooperating with social services—an assertion that was not accurate. We conclude that the State followed the terms of the guilty plea agreement, corrected the misinformation provided to the district court, and did not explicitly or implicitly seek a harsher sentence than that provided for in the parties' agreement. See Sullivan v. State, 115 Nev. 383, 388 n.4, 990 P.2d 1258, 1261 n.4 (1999) (noting that the State has a duty to "correct factual

misstatements and provide the court with relevant information that is not in the court's possession"). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Douglas

 _____, J.
Gibbons

 _____, J.
Parraguirre

cc: Hon. Brent T. Adams, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk