

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL DOAKES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 35737

FILED

JUN 13 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. Smith*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL

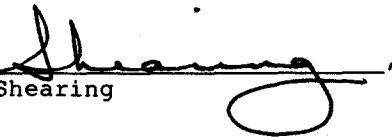
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of second degree kidnapping, one count of attempted murder, and one count of battery with intent to commit a crime. Appellant pleaded guilty pursuant to North Carolina v. Alford, 400 U.S. 25 (1970). The district court sentenced appellant to prison for a term of 24 to 60 months for kidnapping, a consecutive term of 26 to 120 months for attempted murder, and a concurrent term of 26 to 120 months for battery. The district court further ordered that appellant submit to lifetime supervision, and that appellant pay restitution in the amount of \$4,549.68.

Appellant contends that his sentence is based on a materially untrue assumption. Specifically, appellant argues that, although he entered an Alford plea, at sentencing he admitted culpability. Appellant argues that the sentencing judge should have inquired into the reason for the change in appellant's statement. Appellant cites no authority, and we are aware of none, to support the proposition that the district judge has a duty to inquire into the truthfulness of

a defendant's statement at sentencing.¹ Accordingly, we conclude that appellant's contention is without merit, and we

ORDER this appeal dismissed.


Maupin J.


Shearing J.


Becker J.

cc: Hon. John S. McGroarty, District Judge
Attorney General
Clark County District Attorney
Clark County Public Defender
Clark County Clerk

¹Even if this court were to assume, arguendo, that appellant's statement at sentencing was untrue and that the district judge erred by allowing appellant to lie, any error is clearly invited by appellant. Such error is not grounds for reversal. See Milligan v. State, 101 Nev. 627, 637, 708 P.2d 289, 295-96 (1985).