

IN THE SUPREME COURT OF THE STATE OF NEVADA

IVORY LACOYIA DAVIS,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 64514

FILED

SEP 18 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY R. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to an *Alford* plea,¹ of battery with the use of a deadly weapon and accessory to murder. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant Ivory Lacoyia Davis contends that the district court erred by failing to correct inaccuracies in her Presentence Investigation Report (PSI). We disagree.

At sentencing, Davis noted that the offense synopsis portion of her PSI inadvertently switched her name with her boyfriend's, which erroneously suggested that she fought with the victim, requested a firearm, and shot him in the face. Although she noted these errors, she did not ask the district court to amend the PSI and merely sought to ensure that the district court would not rely upon the errors when imposing sentence. *See Stockmeier v. State, Bd. of Parole Comm'rs*, 127 Nev. ___, ___, 255 P.3d 209, 214 (2011) (a defendant who contests

¹*North Carolina v. Alford*, 400 U.S. 25 (1970).

information contained in a PSI “must promptly seek to correct any alleged inaccuracies”). Even assuming that Davis expected the district court to correct the PSI when she brought the errors to its attention, she did not object when it neglected to do so and fails to demonstrate plain error which affected her substantial rights. *See* NRS 178.602.² Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

cc: Hon. Kathleen E. Delaney, District Judge
Cofer, Geller & Durham
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

²Davis was not prejudiced at sentencing because the district court acknowledged that the names in the offense synopsis were inaccurate and disclaimed reliance upon the errors.