

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JARED SPOTTEDBEAR, A/K/A JERED
LEE SPOTTED-BEAR,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 79572-COA

FILED

FEB 19 2021

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

ORDER OF AFFIRMANCE

Jared Spottedbear appeals from a judgment of conviction entered pursuant to a nolo contendere plea of statutory sexual seduction. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

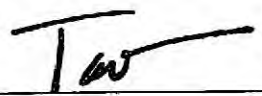
Spottedbear argues that his direct appeal should be treated as a motion to set aside his plea. Because Spottedbear failed to challenge the validity of his plea below, we will not consider such a challenge in the first instance on direct appeal. *See Harris v. State*, 130 Nev. 435, 448, 329 P.3d 619, 628 (2014) (“[A] post-conviction petition for a writ of habeas corpus provides the exclusive remedy for a challenge to the validity of the guilty plea made after sentencing.”).

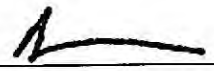
Spottedbear next argues that we should overrule *Jenkins v. State*, 110 Nev. 865, 877 P.2d 1063 (1994), and adopt a reasonable-mistake defense to the crime of statutory sexual seduction. Spottedbear contends that the proliferation of photo-altering and photo-sharing technology and its effect on one’s ability to assess the age of the photo’s subject warrants such action. This court cannot overrule Nevada Supreme Court precedent. *See People v. Solorzano*, 63 Cal. Rptr. 3d 659, 664 (2007), *as modified* (Aug. 15, 2007) (“The Court of Appeal must follow, and has no authority to

overrule, the decisions of the California Supreme Court.” (quotation marks and internal punctuation omitted)); *see also Hubbard v. United States*, 514 U.S. 695, 720 (1995) (Rehnquist, C.J., dissenting) (observing stare decisis “applies *a fortiori* to enjoin lower courts to follow the decision of a higher court”). Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Lynne K. Simons, District Judge
Steven L. Sexton
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk