

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOSEPH FRANCIS LAFONTAINE,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38162

FILED

MAR 14 2002

ORDER OF AFFIRMANCE

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

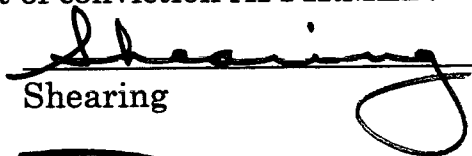
This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of first degree murder with the use of a firearm. The district court sentenced appellant to a prison term of life without the possibility of parole and an equal and consecutive term for the firearm enhancement.

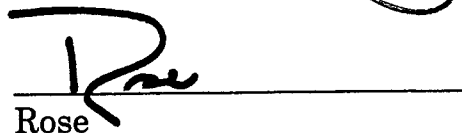
Appellant contends that the district court should not have sentenced him because he may not have been competent. We note however, that appellant was evaluated by three different doctors and determined to be competent. Findings regarding a defendant's competency "will be sustained on appeal when substantial evidence exists to support them."¹ We conclude that the district court's finding that appellant was competent is supported by substantial evidence and that the district court did not err by proceeding with sentencing.

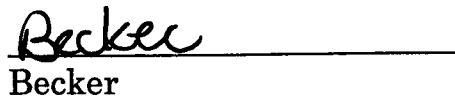
¹Ogden v. State, 96 Nev. 697, 96 Nev. 697, 698, 615 P.2d 251, 252 (1980).

Having considered appellant's contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Shearing


_____, J.
Rose


_____, J.
Becker

cc: Hon. Brent T. Adams, District Judge
Calvert & Wilson
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk