

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA, DEPARTMENT
OF MOTOR VEHICLES,
Appellant,
vs.
JERRI BARLOW,
Respondent.

No. 45310

FILED

JUL 12 2006

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER OF REVERSAL

This is an appeal from a district court order reversing an administrative hearing officer's decision to revoke respondent's driving privileges. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

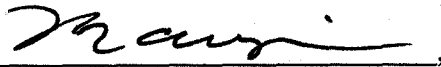
We reverse the district court's order reinstating Jerry Barlow's driving privileges because of the following: (1) in accordance with NRS 484.385(1), substantial evidence supports Trooper Molnar's assertion that Barlow was the driver of the vehicle in question;¹ (2) in accordance with NRS 484.385(1), substantial evidence supports Trooper Molnar's assertion that Barlow's blood alcohol level was equal to or higher than 0.08 while driving or in control of the vehicle in question;² and (3) Nurse Barris' and


¹State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986) (quoting Robertson Transp. Co. v. P.S.C., 159 N.W.2d 636, 638 (Wis. 1968)) ("We [equate] substantial evidence with that quantity and quality of evidence which a reasonable man could accept as adequate to support a conclusion.").

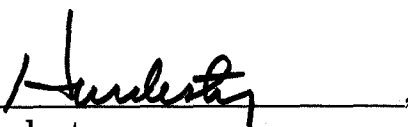
²Id.

Trooper Molnar's affidavits concerning Barlow's blood tests were sufficient to establish a proper chain of custody.³ Accordingly, we

ORDER the judgment of the district court REVERSED.⁴


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Kenneth C. Cory, District Judge
Attorney General George Chanos/Transportation Division/Las Vegas
Goodman & Chesnoff
Clark County Clerk

³The chain of custody requirement in a driver's license revocation hearing differs from the chain of custody requirement in a criminal case. See Burns v. Sheriff, 92 Nev. 533, 534-35, 554 P.2d 257, 258 (1976) and NRS 50.315.

⁴We have considered the remaining issues on appeal and conclude they are without merit.