IN THE SUPREME COURT OF THE STATE OF NEVADA

ANTHONY ROSS PETERSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 52168

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of two counts of use of a controlled substance. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Appellant Anthony Ross Peterson contends that the district court erred by denying his motion to suppress biological evidence showing he had used marijuana and methamphetamine.[1] We "review[ ] findings of historical facts under the clearly erroneous standard, but the legal consequences of those facts are questions of law which we review de novo." State v. Lisenbee, 116 Nev. 1124, 1127, 13 P.3d 947, 949 (2000).

First, Peterson argues that the evidence should have been suppressed because it was the fruit of the officers' illegal entry into his motel room and numerous other Fourth Amendment violations. We disagree. Assuming that there was a Fourth Amendment violation in the

[1]We note that although the State opposed the entry of a conditional plea and there was no written plea agreement, the State indicates on appeal that the issue was properly preserved. See NRS 174.035(3). Accordingly, we address the merits of Peterson's claims.

officers' initial entry of the motel room and that Peterson had standing to assert the violation, the challenged evidence was not the fruit of the poisonous tree. Peterson's written consent to provide a urine specimen and verbal consent to the searches of his person and his duffel bag were sufficiently purged of any taint resulting from the Fourth Amendment violation. See Hudson v. Michigan, 547 U.S. 586, 592 (2006); Wong Sun v. United States, 371 U.S. 471, 487-88 (1963); see also Segura v. United States, 468 U.S. 796, 815, 814 (1984). Therefore, the district court did not err by denying the motion to suppress on this basis.

Second, Peterson argues that the evidence should have been suppressed because the officers unlawfully detained him in violation of NRS 171.123(4). Peterson has not provided any legal authority or cogent argument in support of this allegation. Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court."). Nevertheless, we elect to address the merits of this claim. Peterson's detention exceeded the 60-minute time limit set forth in NRS 171.123(4), therefore, the detention ripened into a de facto arrest. See State v. McKellips, 118 Nev. 465, 473, 49 P.3d 655, 661 (2002). Because the de facto arrest was supported by probable cause, the detention was not sufficient to warrant suppression of the evidence. See Wyatt v. State, 86 Nev. 294, 298, 468 P.2d 338, 341 (1970) (this court will affirm an order that reaches correct result, even if based upon an incorrect ground).

Third, Peterson argues that the evidence should have been suppressed because the officers coerced him into providing the urine specimen. The district court found that Peterson's written consent to

provide the biological sample was voluntarily given. The voluntariness of a consent is a question of fact to be determined from the totality of the circumstances, McMorran v. State, 118 Nev. 379, 383, 46 P.3d 81, 83 (2002), and we will not disturb the district court's determination unless it is clearly erroneous, Lisenbee, 116 Nev. at 1127, 13 P.3d at 949. The officers had probable cause to arrest Peterson and seek a warrant to obtain a urine specimen. Therefore, we conclude that the officers' alleged threat to arrest appellant and seek a warrant if he did not consent to give a urine sample did not constitute coercion and Peterson's consent was voluntary. See McMorran, 118 Nev. at 383, 46 P.3d at 83-84 (if officers have grounds for valid warrant, expression of intent to seek a warrant is not coercive and does not vitiate consent).

Having reviewed Peterson's contentions we conclude that the district court did not err in denying Peterson's motion to suppress, and we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Hardesty

_____, J.
Douglas

_____, J.
Pickering

cc: Hon. Robert W. Lane, District Judge
Nye County Public Defender
Attorney General Catherine Cortez Masto/Carson City
Nye County District Attorney/Pahrump
Nye County District Attorney/Tonopah
Nye County Clerk