

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHILIP EDWIN WEBB,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 34808

FILED

MAY 10 2000

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

ORDER DISMISSING APPEAL

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of driving under the influence with two or more prior convictions, a category B felony. The district court sentenced appellant to a prison term of twelve to thirty-six months and ordered him to pay a \$2,000.00 fine, a \$60.00 lab fee, and a \$25.00 administrative fee.

Appellant contends that the traffic stop and his subsequent arrest were illegal because the Bureau of Indian Affairs police officer did not have authority to effect the traffic stop. We reject appellant's argument.

The facts of this case indicate that the Elko County deputy who was following appellant and observing his erratic driving was unable to effect the stop alone because his vehicle was not equipped with a siren or emergency lights. NRS 171.132 provides that "[a]ny person making an arrest may orally summon as many persons as he deems necessary to aid him therein." Here, the Elko deputy orally requested the assistance of the BIA officer, who assisted only by using his emergency lights to signal appellant to stop his vehicle. The Elko deputy then lawfully conducted the traffic stop and arrested appellant. Therefore, we conclude appellant's argument is without merit.

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

ORDER this appeal dismissed.

Young J.

Agosti J.

Leavitt J.

cc: Hon. Jack B. Ames, District Judge
Attorney General
Elko County District Attorney
Elko County Public Defender
Elko County Clerk