

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL EARL TOGNONI,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 55596

FILED

SEP 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. MOOP
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of third-offense driving under the influence. Seventh Judicial District Court, White Pine County; Dan L. Papez, Judge.

Appellant Michael Earl Tognoni contends that the district court erred by denying his motion to suppress evidence of his intoxication because the arresting officer lacked reasonable suspicion to initiate a traffic stop. We disagree. The district court conducted a hearing, considered the totality of the circumstances, and found that reasonable, articulable suspicion existed to support the stop. State v. Rincon, 122 Nev. 1170, 1173, 147 P.3d 233, 235 (2006) (“In order for a traffic stop to comply with the Fourth Amendment, there must be, at a minimum, reasonable suspicion to justify the intrusion.”); see also NRS 171.123(1). We conclude that the district court’s findings were not clearly erroneous and that the court did not err by denying Tognoni’s motion to suppress. Somee v. State, 124 Nev. 434, 441, 187 P.3d 152, 157-58 (2008) (“We review the district

court's findings of historical fact for clear error but review the legal consequences of those factual findings de novo."). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Dan L. Papez, District Judge
State Public Defender/Carson City
State Public Defender/Ely
Attorney General/Carson City
White Pine County District Attorney
White Pine County Clerk