

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUAN JIMENEZ-GONZALEZ, A/K/A
JUAN JIMENEZ, A/K/A FRANCISCO
LAVILLA, A/K/A MARIO MARTINEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 61635

FILED

MAR 14 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angel*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a judgment of conviction, pursuant to a jury verdict, of possession of a controlled substance. Fourth Judicial District Court, Elko County; Nancy L. Porter, Judge.

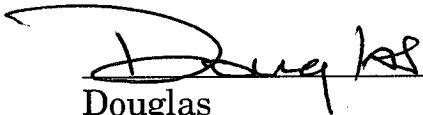
Appellant Juan Jimenez-Gonzalez contends that the district court erred by denying his motion to suppress because the methamphetamine in question was discovered only after his confession to possessing marijuana, which was obtained without Miranda warnings. See Miranda v. Arizona, 384 U.S. 436, 444-45 (1966). We disagree.

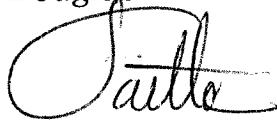
We review the district court's factual findings regarding suppression issues for clear error and review the legal consequences of those findings de novo. See Lamb v. State, 127 Nev. ___, ___, 251 P.3d 700, 703 (2011). Here, the district court determined that Corporal Joshua Morrell of the Elko Police Department had probable cause to arrest Jimenez-Gonzalez, see NRS 171.123(1); NRS 171.1231, and the methamphetamine in his possession, which led to the instant charge, was discovered during a lawful search incident to that arrest. See United States v. Robinson, 414 U.S. 218, 235 (1973) (holding that a search

incident to an arrest based on probable cause is reasonable and “requires no additional justification”); Carstairs v. State, 94 Nev. 125, 127-28, 575 P.2d 927, 928 (1978). We agree and conclude that the district court did not err by denying Jimenez-Gonzalez’s motion to suppress. Accordingly, we

ORDER the judgment of conviction AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Nancy L. Porter, District Judge
Elko County Public Defender
Attorney General/Carson City
Elko County District Attorney
Elko County Clerk