

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL PAUL DAVIDSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 64380

**FILED**

MAY 13 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of trafficking in a controlled substance. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Appellant Michael Paul Davidson contends that the district court erred by denying his motion to suppress the controlled substances underlying his conviction because they were discovered after an unconstitutional search and seizure.<sup>1</sup> When reviewing a district court's resolution of a motion to suppress, we review its factual findings for clear error and its legal conclusions de novo. *State v. Lisenbee*, 116 Nev. 1124, 1127, 13 P.3d 947, 949 (2000).

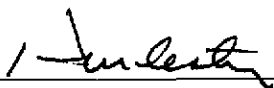
The district court conducted an evidentiary hearing on the motion, wherein Davidson, the arresting police officer, and other witnesses testified. The district court determined that Davidson's detention was reasonable because, among other things, he had been seen leaving the site

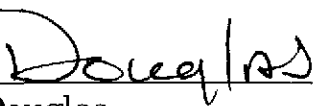
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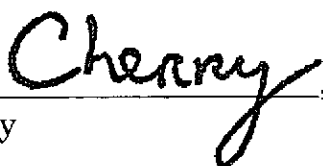
<sup>1</sup>The parties agree that Davidson reserved the right to appeal the district court's resolution of his motion in his guilty plea agreement. See NRS 174.035(3).

of a reported domestic disturbance, acted unusually nervous, continually reached his hands into his pockets despite admonitions not to do so, and had mannerisms consistent with those of a person under the influence of drugs. See NRS 171.123; *Hiibel v. Sixth Judicial Dist. Court of Nev., Humboldt Cnty.*, 542 U.S. 177, 185 (2004) (“[A] law enforcement officer’s reasonable suspicion that a person may be involved in criminal activity permits the officer to stop the person for a brief time and take additional steps to investigate further.”). The district court found credible the arresting officer’s testimony that Davidson consented to a search and concluded that the consent was voluntary given the totality of the circumstances. See *McMorran v. State*, 118 Nev. 379, 383, 46 P.3d 81, 84 (2002); *McIntosh v. State*, 86 Nev. 133, 136, 466 P.2d 656, 658 (1970). Because the record supports these determinations, we conclude that the district court did not err by denying Davidson’s motion, and we

ORDER the judgment of conviction AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Alvin R. Kacin, District Judge  
David D. Loreman  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk