

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAPHNE ANN WEST JACKSON,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 67106

**FILED**

JUN 16 2015

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

*ORDER OF AFFIRMANCE*

This is an appeal from a judgment of conviction entered pursuant to a guilty plea of possession of a schedule I or schedule II controlled substance for the purpose of sale. Fourth Judicial District Court, Elko County; Alvin R. Kacin, Judge.

Appellant Daphne Ann West Jackson claims the district court erred by denying her pretrial motion to suppress evidence obtained through an inventory search of her car.<sup>1</sup> Jackson argues the inventory search was unconstitutional because it was merely a ruse for discovering incriminating evidence. A challenge to the constitutionality of a search presents mixed questions of law and fact. *Somee v. State*, 124 Nev. 434, 441, 187 P.3d 152, 157-58 (2008). We review a district court's factual findings for clear error and the legal consequences of the factual findings de novo. *Id.*

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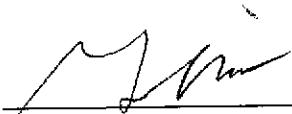
<sup>1</sup>Jackson preserved this claim for appeal. See NRS 174.035(3).

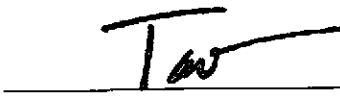
The district court conducted an evidentiary hearing and made the following factual findings: Nevada Highway Patrol troopers stopped Jackson for speeding, they arrested her on an outstanding warrant and for driving with a suspended driver's license, and they voiced suspicions she was transporting marijuana. The troopers decided to have Jackson's car towed and stored—their decision was reasonable because the car was just a few feet from Interstate 80 and presented a road hazard. The troopers conducted an inventory search of the car as required by the NHP vehicle storage and inventory policy. The troopers' inventory search did not strictly comply with the written policy because they failed to fill out an Inventory Receipt for Property form (NHP Form 35). However, the troopers video-recorded the entire search of the car; the individual containers were photographed, removed, and examined for valuables; items having a value of more than \$100 were listed on the vehicle report (NHP Form 9); and the inventory search continued even after large containers of marijuana were discovered. The district court concluded “[a]lthough not conducted in strict compliance with written NHP policy, this search was a true constitutional inventory of the [car], and not a ruse to conduct an investigatory search.”

The district court's factual findings are supported by the record and are not clearly wrong. We conclude the inventory search did not violate the federal and state constitutions and the district court did not err by denying Jackson's suppression motion. See U.S. Const. amend. IV; Nev. Const. art. 1, § 18; *Diomampo v. State*, 124 Nev. 414, 432, 185

P.3d 1031, 1042 (2008); *Weintraub v. State*, 110 Nev. 287, 871 P.2d 339 (1994). Accordingly, we

ORDER the judgment of conviction AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Silver

cc: Hon. Alvin R. Kacin, District Judge  
Elko County Public Defender  
Attorney General/Carson City  
Elko County District Attorney  
Elko County Clerk

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<sup>2</sup>We decline Jackson's invitation to establish a policy requiring law enforcement officers to conduct their inventory searches by videotaping or photographing the car and its contents.