IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES EDWARD LAYMAN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 36807

FILED

MAR 05 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one count of possession of a controlled substance for the purpose of sale. The district court sentenced appellant to a prison term of 12 to 48 months.

Appellant's sole contention is that the district court erred by denying appellant's motion to suppress evidence. Specifically, appellant argues that his consent to the search of the truck he was driving was involuntary.

Evidence was adduced at the hearing on the motion to suppress showing that appellant was stopped by a state trooper because of a cracked windshield and because appellant was driving slowly and weaving slightly. After asking appellant a few questions, the trooper became suspicious that there might be some criminal activity afoot, and he asked appellant for consent to search the truck. Appellant agreed, and the trooper testified that he asked appellant to read and sign the consent form, which appellant did. The consent form stated, in part, that appellant understood that he had the right to refuse to consent to the search, and that no promises, threats, or coercion had been used to get appellant to consent to the search.

Appellant testified that he did not really know what was happening at the time he signed the form and that he was

confused. He further testified that the trooper told him that the trooper would bring in a canine unit if appellant refused to sign the consent form. The trooper denied telling appellant that he would bring in a canine unit.

The district court found that, as to the issue of the canine unit, the trooper's testimony was more credible than appellant's testimony. The district court therefore found that appellant's consent was valid. "Findings of fact in a suppression hearing will not be disturbed on appeal if supported by substantial evidence."[1] We conclude that the district court's finding that the consent was voluntary is supported by substantial evidence, and appellant has failed to demonstrate that the district court erred.

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

ORDER the judgment of conviction AFFIRMED.

Young, J.

Rose, J.

Becker, J.

cc: Hon. Connie J. Steinheimer, District Judge
Attorney General
Washoe County District Attorney
Washoe County Public Defender
Washoe County Clerk

[1]State v. Johnson, 116 Nev. 78, 80, 993 P.2d 44, 45-46 (2000).