IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH ALAN WANDVIK,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 37674

FILED

JUL 03 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of unlawful use of a controlled substance. The district court sentenced appellant to serve 12 to 48 months in prison to run consecutive to a sentence imposed in an unrelated case. The district court suspended execution of the sentence and placed appellant on probation for a period of five years.

Pursuant to the plea agreement, appellant expressly reserved the right to appeal the district court's pretrial ruling on his motion to dismiss/suppress.[1] Appellant contends that the district court erred in denying his motion to dismiss/suppress because the police officer did not have reasonable suspicion to stop his vehicle, and thus any evidence concerning controlled substances that was obtained should have been suppressed as the fruit of an illegal search. Specifically, appellant contends that the police officer did not have reasonable suspicion to stop his vehicle because he did not personally observe appellant run the stop sign, and

[1]Appellant also preserved the right to appeal the district court's ruling on the State's motion to file an information by affidavit. However, appellant has failed to present any cogent argument or cite any relevant authority in support of his contention that the district court erred in granting the State's motion to file an information by affidavit. We therefore decline to consider it. See Maresca v. State, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987).

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later, at appellant's preliminary hearing, the officer admitted that it was possible that a vehicle could have stopped at the stop sign and then accelerated to the rate of speed that he approximated appellant was traveling.

We conclude that the district court did not abuse its discretion in denying appellant's motion to dismiss/suppress based on its conclusion that the police officer had reasonable suspicion to stop appellant's vehicle.[2] "A stop is lawful if the police reasonably suspect that the persons or vehicles stopped have been involved in criminal activity."[3] In determining the reasonableness of a vehicle stop, this court considers the totality of the circumstances including the fact "that trained law enforcement officers are permitted to make reasonable inferences and deductions that might elude an untrained person."[4]

In the present case, the totality of the circumstances indicate that the officer had reasonable suspicion to pull over appellant's vehicle because there was sufficient evidence for the officer to infer that appellant ran a stop sign. The officer who pulled over appellant testified that he suspected that appellant ran the stop sign because he observed appellant make a "really, hard, fast right-hand turn" and then appellant "flew right past him." The officer approximated that appellant was driving his 1977 Monte Carlo 25-30 miles per hour within 40 to 50 feet of the

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[2]See State v. Harnisch, 113 Nev. 214, 219, 931 P.2d 1359, 1363 (1997) (recognizing that findings of fact in a suppression hearing will not disturbed where supported by substantial evidence).

[3]State v. Wright, 104 Nev. 521, 523, 763 P.2d 49, 50 (1988).

[4]State, Dep't of Mtr. Vehicles v. Long, 107 Nev. 77, 79, 806 P.2d 1043, 1044 (1991).

stop sign. The officer testified, without contradiction, that at the time that he pulled over appellant's vehicle he believed that there was no possible way that appellant could have stopped at the stop sign in light of the fast speed he was traveling. The mere fact that the officer later admitted, on cross-examination, that it was possible that a vehicle could have stopped at the sign and then accelerated to the speed of 25-30 miles per hour does not vitiate the fact that the officer reasonably believed at the time he stopped appellant's vehicle that he had run the stop sign. Accordingly, we conclude that the district court did not err in ruling that reasonable suspicion existed.

Having considered appellant's contention and concluded it lacks merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Shearing

_____, J.
Agosti

_____, J.
Rose

cc: Hon. John P. Davis, District Judge
Attorney General
Mineral County District Attorney
Lewis S. Taitel
Mineral County Clerk