

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB AARON WOOD,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 87278-COA

**FILED**

JUL 26 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER AFFIRMING IN PART, VACATING JUDGMENT IN PART  
AND REMANDING*

Jacob Aaron Wood appeals from a judgment of conviction, after remand, pursuant to a jury verdict, of felon in possession of a firearm and possession of a schedule I or II controlled substance of less than 14 grams, first or second offense. Second Judicial District Court, Washoe County; Lynne K. Jones, Chief Judge.<sup>1</sup>

Wood argues the district court erred by denying his motion to suppress. Specifically, Wood argues (1) the district court's determination that he lacked standing to challenge the search of the vehicle was barred by the law of the case doctrine, and (2) the district court failed to find whether probable cause existed to search the vehicle in determining the automobile exception to the warrant requirement applied in this case. The State does not dispute that the law of the case doctrine prohibits relitigation of Wood's standing to challenge the vehicle search. However, the State argues the

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<sup>1</sup>The Hon. Kathleen A. Sigurdson, District Judge, considered and denied Wood's motion to suppress evidence prior to trial and after this court's prior order affirming in part and vacating in part the judgment of conviction and remanding the matter for further proceedings.

district court's standing determination is independent from its determination that the automobile exception applied in this case and that a finding of probable cause was implicit in the district court's decision.

Prior to trial, Wood moved to suppress evidence of a firearm on grounds that a warrantless inventory search was invalid because it did not produce a true inventory of the vehicle's contents as required by Sparks Police Department policy. The State opposed Wood's suppression motion, arguing that (1) Wood lacked standing to object to the vehicle search because the vehicle was stolen, (2) the inventory search was lawful, and (3) the State had probable cause to search the vehicle under the automobile exception to the warrant requirement. In denying the motion, the district court determined that Wood had standing to challenge the search but that the search was valid under the inventory search exception to the warrant requirement. The district court did not address the State's alternative argument regarding the automobile exception to the warrant requirement.

Wood was subsequently convicted of felon in possession of a firearm.<sup>2</sup> Wood appealed, arguing the district court erred by denying his motion to suppress. On June 15, 2023, this court entered an order affirming in part and vacating in part Wood's judgment of conviction and remanding the matter to the district court. *See Wood v. State*, No. 85047-COA, 2023 WL 4041506 (Nev. Ct. App. June 15, 2023) (Order Affirming in Part, Vacating Judgment in Part, and Remanding). In that order, this court held that the district court did not clearly err in its determination that Wood had standing to challenge the vehicle search. *Id.* at \*4-5. However, this court

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<sup>2</sup>Wood was also convicted of possession of a schedule I or II controlled substance of less than 14 grams, first or second offense; however, Wood did not challenge this conviction on appeal.

further held that the district court erred in determining that the inventory search was conducted in a lawful manner. *Id.* at \*6. Because the district court did not make findings of fact or conclusions of law regarding the applicability of the automobile exception, this court remanded the matter “for the district court to determine, in the first instance and based on the existing district court record, whether the automobile exception justified the warrantless search in this case.” *Id.* at \*7. As such, the district court was required to determine on remand whether the vehicle was readily mobile and whether a police officer had probable cause to believe the vehicle contained contraband or evidence of a crime. *See State v. Lloyd*, 129 Nev. 739, 749-50, 312 P.3d 467, 473-74 (2013); *see also Chambers v. Maroney*, 399 U.S. 42, 47-52 (1970) (discussing the automobile exception to the warrant requirement).

On August 7, 2023, the district court issued a new order denying Wood’s motion to suppress. Although the district court’s order recognized that the “primary issue” for the court was to determine whether the automobile exception applies, and it cited *Lloyd* for the applicable standard, it did not apply that standard. Rather, its analysis focused on whether Wood owned or had rightful possession of the vehicle at issue, and it determined that Wood lacked standing to challenge the vehicle search and that the inventory search was “reasonable.”<sup>3</sup>

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<sup>3</sup>We note that the district court’s findings on remand that Wood did not have “rightful possession’ of the vehicle when it was searched” and that Wood did not have “implied or actual ownership of the vehicle” conflict with its prior finding that Wood was “the vehicle’s driver and owner,” which this court upheld on appeal. *See Wood*, No. 85047-COA, 2023 WL 4041506, at \*5 (“The court’s determination that Wood was the vehicle’s ‘driver and owner’ was supported by substantial evidence in the record and not clearly erroneous.”).

This court's determination that Wood had standing to challenge the vehicle search and that the inventory search was unlawful are the law of the case and, thus, the district court was not free to revisit these issues on remand. *See Hsu v. Cnty. of Clark*, 123 Nev. 625, 630, 173 P.3d 724, 728 (2007) (recognizing the law of the case doctrine "is designed to ensure judicial consistency and to prevent the reconsideration, during the course of a single continuous lawsuit, of those decisions which are intended to put a particular matter to rest" (quotation marks omitted)).

The district court also determined the automobile exception to the warrant requirement applies in this case. However, this determination appears to have been based on the district court's standing analysis; the district court's order does not contain any factual findings regarding whether the vehicle was readily mobile or whether a police officer had probable cause to believe the vehicle contained contraband or evidence of a crime.<sup>4</sup> Nor do we infer any such findings from the district court's order. *See State v. Ruscetta*, 123 Nev. 299, 304, 163 P.3d 451, 455 (2007) (recognizing that "[a]lthough certain facts may be inferred from [a] district court's ruling," district courts should "issue express factual findings when ruling on suppression motions so that this court [does] not have to speculate as to what findings were made below" (quotation marks omitted)).

In light of the foregoing, we vacate Wood's conviction for the charge of felon in possession of a firearm and again remand for the district court to determine, in the first instance and based on the existing district court record, whether the automobile exception justified the warrantless

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<sup>4</sup>To the extent the district court made findings regarding its standing determination, such findings do not enable this court to effectively review the district court's ruling that the automobile exception applies in this case.

search in this case. We clarify that, on remand, the district court should not reassess whether Wood has standing to challenge the vehicle search or whether the search was valid under the inventory search exception to the warrant requirement. Rather, the district court must consider only whether the automobile exception to the warrant requirement applies in this case. In making this determination, the district court must make specific factual findings regarding whether the vehicle was readily mobile and whether a police officer had probable cause to believe the vehicle contained contraband or evidence of a crime. *See Lloyd*, 129 Nev. at 749-50, 312 P.3d at 473-74.

If the district court determines that the automobile exception applies, then the firearm need not have been suppressed and Wood's conviction for the charge of felon in possession of a firearm shall be reinstated in a new judgment of conviction. If the district court determines that the automobile exception does not apply, the district court shall issue a new judgment of conviction that does not include a conviction for the charge of felon in possession of a firearm. *See, e.g., Padilla v. State*, No. 73353, 2019 WL 6840114 (Nev. Dec. 13, 2019) (Order of Reversal) (stating "because possession of the firearm is central to a conviction under NRS 202.360, [appellant's] conviction cannot stand" when the firearm should have been suppressed). Accordingly,<sup>5</sup> we


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<sup>5</sup>In its answering brief, the State rebuts Wood's purported claim that a receipt should not have been admitted into evidence. However, Wood has not raised any such argument in this appeal. Moreover, this court previously determined the district court did not abuse its discretion by admitting the challenged receipt into evidence. *See Wood*, No. 85047-COA, 2023 WL 4041506, at \*7. Therefore, we decline to consider this claim.

ORDER the judgment of conviction AFFIRMED IN PART AND VACATED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

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

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Lynne K. Jones, District Judge  
Washoe County Public Defender  
Attorney General/Carson City  
Washoe County District Attorney  
Washoe District Court Clerk