

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THE STATE OF NEVADA,  
Appellant,  
vs.  
LAUREN MICHELLE MEYER,  
Respondent.

No. 90727-COA

FILED

APR 22 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY Michelle Fuller  
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

The State of Nevada appeals from a district court order dismissing two counts of driving under the influence causing substantial bodily harm against respondent Lauren Michelle Meyer. Second Judicial District Court, Washoe County; Egan K. Walker, Chief Judge.

Meyer was charged with the aforementioned offenses after a traffic accident on September 9, 2018, in which a Mercedes Meyer was in collided with another vehicle occupied by two people. Although Meyer maintained she was not the driver of the Mercedes, she did not identify who the driver was, and police officers found no evidence to corroborate Meyer's claim. After hospital staff confirmed the victims' injuries were not life threatening, the police had the vehicles towed from the scene. The police did not collect any evidence from the Mercedes prior to having it towed other than the driver-side airbag, which contained red blood stains that subsequent DNA testing confirmed belonged to Meyer.

After being bound over to the district court, Meyer filed a pretrial habeas petition raising claims not currently before this court. At a hearing on the petition, the district court requested supplemental briefing to address the court's concern regarding spoliation of evidence. In her

26-18422

supplemental brief, Meyer argued that the State failed to preserve the Mercedes, thereby depriving her of the opportunity to develop a defense based on the vehicle and related evidence, such as the vehicle's passenger-side airbag and additional blood in the vehicle. Meyer also contended that a police officer's use of an expletive showed the responding officers conducted their investigation of the accident in bad faith. In its supplemental brief, the State contended that the police officers did not impound the vehicle and, thus, the failure-to-preserve standard did not apply. The State further contended that the additional blood in the vehicle was not material evidence and that the police were, at most, negligent in failing to collect additional evidence.

At a hearing on the supplements, the district court indicated that it believed Meyer was "factually guilty of this DUI," that it was not "even a close call," and that the evidence against Meyer was "perhaps overwhelming, but certainly strong." Nonetheless, the district court found that the disputed evidence, which was no longer available, was material as to whether Meyer was in actual physical control of the vehicle at the time of the crash. Further, the district court determined, without viewing the officer's bodycam video, that an officer's use of an expletive indicated bad faith on behalf of all the officers who responded to the crash and investigated the scene. The district court entered a one-sentence order dismissing the criminal charges.

The State appealed, and this court reversed the district court's order and remanded for further proceedings. *See State v. Meyer*, No. 86371-COA, 2024 WL 1546677 (Nev. Ct. App. Apr. 8, 2024) (Order of Reversal and Remand). In particular, this court concluded that the district court abused its discretion by failing to apply the correct legal standard in determining

materiality, and we remanded the matter for the district court to determine whether the failure-to-collect or failure-to-preserve standard applies and to require Meyer “to demonstrate materiality of the evidence at issue on the outcome of the proceedings.” *Id.* at \*3.

On remand, the district court held a hearing in which it took argument and admitted bodycam videos from Reno Police Department (RPD) Officers David LaFrance, Brian Christensen, and Tyler Jones. The district court subsequently held an evidentiary hearing, at which Officers LaFrance, Christensen, Jones, and Lieutenant Thomas Yturbide testified. Meyer did not testify at the evidentiary hearing.

Thereafter, the district court entered a written order dismissing the case again. The district court concluded that both the failure-to-preserve and failure-to-collect standards applied. Regarding materiality, the district court determined that the vehicle and certain parts that may have been contained within the vehicle—such as a passenger-side airbag, an airbag sensor, and any device with data recording capabilities—were material because they “could prove or disprove Ms. Meyer’s position” and “may have been exculpatory” given Meyer’s claim that she was not the driver. The district court also determined that “the electronic state of the Mercedes could have offered dispositive evidence as to which version of events was true” and that, “due to the disposition of the vehicle, [Meyer] was unable to determine whether the passenger side airbag was working or collect data about whether someone was sitting in the passenger seat when the accident occurred.” The district court concluded that there was a reasonable probability the result could have been different had evidence of the physical and electronic state of the vehicle been available to the defense, and that this was not a case where the evidence “offered merely a hoped-for

conclusion” because the lost evidence “would have been dispositive to proving whether Ms. Meyer was the driver or passenger.”

The State appeals again, arguing the district court abused its discretion in determining the disputed evidence was material. The State contends that Meyer assumed rather than demonstrated the evidence was material, that the district court erred in determining the failure-to-preserve standard applies, and that the district court erred in determining the police officers were grossly negligent in failing to collect additional evidence. In response, Meyer argues that the record supports the district court’s determination that the disputed evidence was material. She also contends the district court properly determined that the failure-to-preserve standard applies and that the police officers were grossly negligent in failing to collect additional evidence.

Dismissal of criminal charges is an “extreme sanction” that this court reviews for an abuse of discretion. *State v. Gonzalez*, 139 Nev. 304, 306, 535 P.3d 248, 251 (2023). “A district court abuses its discretion if its ‘decision is arbitrary or capricious or if it exceeds the bounds of law or reason.’” *Id.* (quoting *Jackson v. State*, 117 Nev. 116, 120, 17 P.3d 998, 1000 (2001)).

Although the parties dispute whether a failure-to-collect or failure-to-preserve standard applies where, as here, the police secure and investigate the scene of a car accident but do not impound the vehicles or collect certain evidence contained therein, compare *Steese v. State*, 114 Nev. 479, 491, 960 P.2d 321, 329 (1998) (applying the failure-to-collect standard where the police investigated a crime scene but did not gather certain evidence contained therein), with *Sheriff v. Warner*, 112 Nev. 1234, 1240, 926 P.2d 775, 778 (1996) (applying the failure-to-preserve standard where

the police failed to gather or impound various items from a mobile home and the mobile home was subsequently lost or destroyed despite a court order to preserve it and its contents), we need not resolve that matter because we conclude the district court abused its discretion in dismissing the case pursuant to either theory.

A district court may dismiss a case based on the State's failure to collect evidence only if the failure to collect evidence was the result of bad faith. *See Daniels v. State*, 114 Nev. 261, 266-68, 956 P.2d 111, 114-15 (1998) (discussing the failure-to-collect standard); *see also Belcher v. State*, 136 Nev. 261, 273, 464 P.3d 1013, 1027 (2020) (recognizing bad faith is "a required showing to warrant dismissal"). Here, the district court found the State's failure to collect evidence was the result of gross negligence and explicitly found no bad faith. Therefore, the district court abused its discretion to the extent it dismissed the case pursuant to this theory.

In the absence of bad faith, a district court may dismiss a case based on the State's failure to preserve evidence if it determines "the loss unduly prejudiced the defendant's case and the evidence possessed an exculpatory value that was apparent before the evidence was destroyed." *Warner*, 112 Nev. at 1240, 926 P.2d at 778 (quotation marks omitted). The defendant has the burden to demonstrate undue prejudice, which "requires some showing that it could be reasonably anticipated that the evidence sought would be exculpatory and material." *Id.* (quotation marks omitted). In determining whether evidence is material, a district court must consider whether there is a reasonable probability that the evidence, when evaluated in the context of the entire record, would have affected the outcome of the proceedings had it been available to the defense. *See Sparks v. State*, 104 Nev. 316, 319, 759 P.2d 180, 182 (1988); *Daniels*, 114 Nev. at 267, 956 P.2d

at 115. “It is not sufficient that the showing disclose merely a hoped-for conclusion from examination of the destroyed evidence, nor is it sufficient for the defendant to show only that examination of the evidence would be helpful in preparing his defense.” *Warner*, 112 Nev. at 1240, 926 P.2d at 778 (quotation marks omitted); *Leonard v. State*, 117 Nev. 53, 68, 17 P.3d 397, 407 (2001).

Here, the record does not support the district court’s conclusion that the evidence sought could reasonably be anticipated to be exculpatory and material. At the evidentiary hearing, Officers LaFrance, Christensen, and Jones collectively testified that the following factors indicated Meyer was the driver of the vehicle: (1) a passenger side airbag was not deployed in the accident, which they believed would have deployed if someone had been sitting in the passenger seat based on the specific model of car involved in the accident; (2) the driver side airbag appeared to have blood on it, and Meyer’s face was bleeding; (3) Meyer’s immediate response after Officer LaFrance asked her if she was hurt was that she was not the driver; (4) neither the officers nor the Reno Fire Department found anyone else in the area who could have been the driver, nor did the officers see any obvious signs indicating someone had fled the scene; (5) a witness informed the police that he saw the crash and did not see anyone else leave the vehicle; (6) the driver seat’s position was significantly further forward than the passenger seat, which was consistent with Meyer’s short stature; (7) the driver side door was closed, and in Officer Christensen’s experience, people “don’t turn around to close the door” when they are fleeing; (8) Meyer did not have marks on her body from a seatbelt, and there was no damage to the passenger side dashboard or windshield that would indicate someone had hit them on impact; (9) Meyer was roommates with the vehicle’s

registered owner, had regular access to the vehicle, and the owner had prohibited Meyer from using the vehicle a week prior because “she was known to consume alcohol”; (10) when the registered owner of the vehicle arrived at the scene, he had zero injuries, zero signs of impairment, and generally appeared as if he had not been involved in an accident; and (11) the registered owner indicated that Meyer took the vehicle without his permission.

As the district court indicated at a prior hearing, the evidence that Meyer was the driver of the Mercedes was “perhaps overwhelming, but certainly strong.” Moreover, Meyer did not present any evidence indicating an examination of the vehicle or its contents would have yielded favorable evidence. Specifically, she did not present any evidence indicating the vehicle did not have a passenger-side airbag or that this airbag was not functioning at the time of the accident, that the vehicle had data recording devices that would have recorded whether someone was sitting in the passenger seat at the time of the crash,<sup>1</sup> or that any additional blood in the vehicle belonged to someone else.<sup>2</sup> Indeed, Meyer did not testify at the

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<sup>1</sup>Although Officer Christensen testified that he believed the vehicle at issue here (2003 Mercedes SLK) had a passenger-side airbag and an airbag control module, he further testified that he did not know what data, if any, would be stored on the airbag control module or whether any data whatsoever would have been recorded from the crash.

<sup>2</sup>We note that, even if Meyer *had* presented such evidence, this evidence would not “have been dispositive to proving whether Ms. Meyer was the driver or passenger” as the district court concluded. *See Warner*, 112 Nev. at 1242, 926 P.2d at 779 (concluding evidence was not exculpatory merely because testing it might have corroborated the defendant’s version of the events). Rather, such evidence would merely indicate another person was also in the vehicle at the time of the accident.

evidentiary hearing and, thus, the record contains no account of who Meyer believed the driver to be or, if she did not know who the driver was, the unknown driver's physical characteristics or the circumstances leading up to the accident that might help identify the unknown driver. Therefore, Meyer failed to meet her burden to demonstrate a reasonable probability that the lost evidence would have been material.

We recognize the district court found that a witness observed Meyer attempting to exit the passenger side of the crashed vehicle, that no one observed Meyer "in or near the driver's side" of the vehicle, and that Meyer maintained to police officers that she was not the driver. Although these findings are supported by the record, when considered in the context of the entire record, they are insufficient to demonstrate the vehicle and its contents could reasonably be anticipated to be exculpatory and material in nature. Not only did the evidence presented strongly indicate Meyer was the driver of the vehicle, but the police officers also considered Meyer's location and her "apparent inability to easily move" in their investigation. In particular, Officer Jones testified that Meyer could have crawled to the passenger side or been forced into the passenger seat by the driver-side airbag because the accident involved "significant speed and . . . significant force of impact," it did not appear Meyer had been wearing a seatbelt, and "people can shift positions when they're not restrained."<sup>3</sup>

Thus, contrary to the district court's conclusion, Meyer's claim that further examination of the vehicle or its contents would have revealed exculpatory and material evidence was "merely a hoped-for conclusion." *Boggs v. State*, 95 Nev. 911, 913, 604 P.2d 107, 108 (1979); cf. *Randolph v.*

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<sup>3</sup>We note the district court did not find that any of the police officers lacked credibility in this matter.

*State*, 117 Nev. 970, 987, 36 P.3d 424, 435 (2001) (concluding that “[t]he possibility that testing [another person’s] clothing and shoes would have been favorable to [the defendant’s] case remain[ed] mere speculation” where the defendant “offer[ed] no evidence to corroborate his allegation that [the other person] was the shooter”). Even if an examination of the vehicle would have revealed another person was in the vehicle at the time of the accident, the district court erred in concluding such evidence would have been dispositive in determining whether Meyer was the driver or a passenger. Therefore, we conclude the district court abused its discretion by dismissing the case based on the State’s purported failure to preserve the vehicle and its contents.

In light of the foregoing, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.

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

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

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

cc: Hon. Egan K. Walker, Chief Judge  
Attorney General/Carson City  
Washoe County District Attorney  
Laxalt Law Group, Ltd./Reno  
Washoe District Court Clerk