

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICK DION NELSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 38598

FILED

MAR 01 2002

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of one count of trafficking in a controlled substance, a violation of NRS 453.3385(1). The district court sentenced appellant Patrick Nelson to a term of 12 to 36 months in the Nevada State Prison. The district court permitted Nelson to remain out of custody on bail pending this appeal.

Nelson claims that the district court erred by denying his motion to suppress drugs the police seized from him after stopping his vehicle.¹ Specifically, Nelson claims the traffic stop violated his rights under the Fourth Amendment in that the police officer did not have reasonable suspicion to conduct the stop because he improperly relied on mistaken information from the Nevada Department of Motor Vehicles (DMV) about the vehicle's license plates.² We disagree.

¹As part of his guilty plea, Nelson reserved the right to raise this issue on appeal.

²Nelson does not contest that the police developed probable cause to arrest him after the traffic stop occurred.

Findings of fact in a suppression hearing will not be disturbed on appeal if supported by substantial evidence.³ “Therefore, the district court’s findings will be upheld unless this court is ‘left with the definite and firm conviction that a mistake has been committed.’”⁴ The requirement of “reasonable suspicion” to conduct a traffic stop is met when police have probable cause to believe that a traffic violation has occurred.⁵ Moreover, good-faith reliance on a computer error can still be proper grounds for stopping a vehicle.⁶

In this case, Nelson and the State stipulated to the following facts: a Reno police officer was driving behind Nelson and ran his car’s license plate number through a mobile data terminal in the police car.

³State v. Harnisch, 113 Nev. 214, 219, 931 P.2d 1359, 1363 (1997), clarified on denial of rehearing, 114 Nev. 225, 954 P.2d 1180 (1998) (citation omitted).

⁴Id. (quoting U.S. v. Traynor, 990 F.2d 1153, 1157 (9th Cir. 1993) (quoting United States v. United States Gypsum Co., 333 U.S. 364, 395 (1948))).

⁵Whren v. United States, 517 U.S. 806 (1996); accord Gama v. State, 112 Nev. 833, 920 P.2d 1010 (1996). See also Wright v. State, 88 Nev. 460, 499 P.2d 1216 (1972) (officers properly stopped vehicle after checking with dispatch and learning license plates were stolen); Harper v. State, 84 Nev. 233, 440 P.2d 893 (1968) (irregular license plate is sufficient reason for patrolman to stop a vehicle for violation of traffic law).

⁶See Arizona v. Evans, 514 U.S. 1, 15-16 (1995) (noting there was “no indication that the arresting officer was not acting objectively reasonably when he relied upon the [erroneous] police computer record”). See also United States v. Garcia-Acuna, 175 F.3d 1143, 1147 (9th Cir. 1999) (“a mistaken premise can furnish grounds for a [traffic] stop if the officers do not know that it is mistaken and are reasonable in acting upon it”) (quoting United States v. Shareef, 100 F.3d 1491, 1505 (10th Cir. 1996)).


According to the DMV's records, the plate number did not exist. Police dispatch confirmed that the plate number was a "no match," and the officer proceeded to pull over Nelson's vehicle on this basis. It was later discovered that there was a data entry error in the DMV's computer, and the license plate of Nelson's car was actually correctly registered.

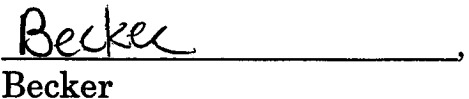
Based on these stipulated facts, the district court found that the officer had reasonable suspicion that Nelson was violating a traffic law, and that the officer acted reasonably and in good faith in reliance on the mistaken DMV information.⁷ The district court further noted that DMV errors of this type are very uncommon and not likely to constitute a recurring problem. We have reviewed the record and conclude that the district court's findings are supported by substantial evidence.

Having considered Nelson's claim and concluded it lacks merit, we

ORDER the judgment of the district court AFFIRMED.

 J.
Shearing

 J.
Rose

 J.
Becker

⁷The officer suspected Nelson of violating NRS 482.545(2), which prohibits the display of fictitious license plates.

cc: Hon. Steven P. Elliott, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk