IN THE SUPREME COURT OF THE STATE OF NEVADA

AUGUSTUS SCOTT FRATES,
Appellant,
    vs.
THE STATE OF NEVADA,
Respondent.

No. 39565

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a guilty plea, of level-one trafficking in a controlled substance. The district court sentenced appellant Augustus Scott Frates to serve a prison term of 12 to 48 months.

Frates first contends that the district court erred in denying his motion to suppress because the roadside detention was unreasonable and because Frates did not freely and voluntarily consent to the search of his vehicle and backpack.[1] We conclude that Frates' contentions lack merit. Our review of the record reveals substantial evidence in support of the district court's finding that the roadside detention and subsequent search of Frates' vehicle and backpack did not violate the Fourth Amendment of the United States and Nevada Constitutions.[2]

Frates next contends that the district court erred in denying his pretrial motion to dismiss premised upon the State's failure to preserve the videotape of Frates' encounter with the Washoe County

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[1]Frates expressly reserved the right to appeal his pretrial motions in the guilty plea agreement.

[2]See Stevenson v. State, 114 Nev. 674, 679, 961 P.2d 137, 140 (1998).
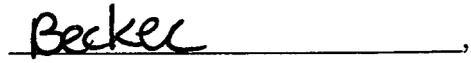
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Sheriff's officers. We conclude that Frates' contention lacks merit. Frates failed to show that that the State lost or destroyed the tape in bad faith, or that the loss unduly prejudiced him and possessed an exculpatory value.[3]

Having considered Frates' contentions and concluded that they lack merit, we

ORDER the judgment of conviction AFFIRMED.

_____, J.
Shearing

_____, J.
Leavitt

_____, J.
Becker

cc: Hon. Janet J. Berry, District Judge
Law Offices of Freeman & Routsis
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk

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[3]See Sheriff v. Warner, 112 Nev. 1234, 1239-40, 926 P.2d 775, 778 (1996).