

IN THE SUPREME COURT OF THE STATE OF NEVADA

REBECCA LYNNE RHODES,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 41940

FILED

MAR 05 2004

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of one felony count of third-offense driving under the influence. The district court sentenced appellant Rebecca Lynne Rhodes to serve a prison term of 12-36 months and ordered her to pay a fine of \$2,000.00.

Rhodes' sole contention is that Patrol Officer Darrell Mancebo of the Lovelock Police Department did not have jurisdiction to pursue her onto Lovelock Paiute Tribal Colony land and arrest her for an offense committed on non-Tribal Colony land. Rhodes argues that her arrest and subsequent conviction are therefore invalid. We disagree with Rhodes' contention.

At a status hearing held in the district court one day prior to the start of trial, counsel for Rhodes orally moved to suppress evidence of Rhodes' intoxication, specifically, a blood test, based on the allegedly illegal arrest. The district court noted the untimeliness of Rhodes' oral motion, yet allowed arguments from counsel. Not disputed at any point during the proceedings was that Officer Mancebo first witnessed evidence

of Rhodes' intoxication while she was present in Pershing County on non-Tribal Colony land, and that her eventual arrest occurred on Tribal Colony land. Citing to U.S. v. Patch¹ for support, the district court denied the motion.

We conclude that the district court did not err in denying Rhodes' oral motion. Initially, we note that Rhodes has not explained how the district court may have erred in reaching its decision. Moreover, in Patch, the United States Court of Appeals for the Ninth Circuit held that "[u]nder the doctrine of hot pursuit, a police officer who observes a traffic violation within his jurisdiction to arrest may pursue the offender into Indian country to make the arrest."² And finally, the United States Supreme Court in Nevada v. Hicks stated as well that "[n]othing in the federal statutory scheme prescribes, or even remotely suggests, that state officers cannot enter a reservation (including Indian-fee land) to investigate or prosecute violations of state law occurring off the reservation."³ Accordingly, we conclude that Officer Mancebo had jurisdiction to pursue Rhodes onto Lovelock Paiute Tribal Colony land and arrest her for an offense committed on non-Tribal Colony land.

¹114 F.3d 131 (9th Cir. 1997).

²Id. at 134; see also Arizona v. Lupe, 889 P.2d 4, 7 (Ariz. Ct. App. 1994) (holding the same); State v. Waters, 971 P.2d 538, 543 (Wash. Ct. App. 1999) (holding the same); City of Cut Bank v. Bird, 38 P.3d 804, 806-07 (Mont. 2001) (holding the same).

³533 U.S. 353, 366 (2001).

Therefore, having considered Rhodes' contention and concluded that it is without merit, we

ORDER the judgment of conviction AFFIRMED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. John M. Iroz, District Judge
Belanger & Plimpton
Attorney General Brian Sandoval/Carson City
Pershing County District Attorney
Pershing County Clerk