

IN THE SUPREME COURT OF THE STATE OF NEVADA

IAN MILES LISTER,  
Appellant,  
vs.  
THE STATE OF NEVADA,  
Respondent.

No. 58621

**FILED**

**MAY 09 2012**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK


ORDER OF AFFIRMANCE

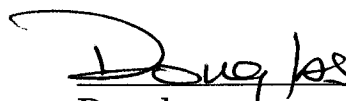
This is an appeal from a judgment of conviction entered pursuant to a jury verdict of felon in possession of a firearm. First Judicial District Court, Carson City; James E. Wilson, Judge.


Appellant Ian Miles Lister contends that the district court erred by not fully granting his pretrial motion to suppress because it is clear from the record that the inventory search was merely a ruse for discovering evidence of a crime. As such, Lister claims that the handgun found in his car should have been suppressed. We review de novo the district court's legal determination of the constitutionality of a search but review its findings of fact for clear error. Somee v. State, 124 Nev. 434, 441, 187 P.3d 152, 157-58 (2008). The district court conducted an evidentiary hearing on Lister's suppression motion and made the following factual findings: The reasons for making the traffic stop and having the car towed were valid. The sheriff's deputies conducted two searches. The first search included placing a canine inside of Lister's car to sniff for drugs; the deputies did not have probable cause to believe that the car contained drugs. The second search was an inventory search that substantially complied with the Carson City Sheriff's Office policy and procedure for towing vehicles. And, the handgun was found during the

inventory search and the canine had nothing to do with its discovery. The district court suppressed the evidence found as a result of the canine search, but not the evidence found as a result of the inventory search. The district court's factual findings are supported by the record and are not clearly erroneous. We conclude that the district court properly determined that the inventory search did not violate the federal and state constitutions. See U.S. Const. amend. IV; Nev. Const. art. 1, § 18; Diomampo v. State, 124 Nev. 414, 432, 185 P.3d 1031, 1042 (2008); Weintraub v. State, 110 Nev. 287, 871 P.2d 339 (1994). Accordingly, we

ORDER the judgment of conviction AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. James E. Wilson, District Judge  
State Public Defender/Carson City  
Attorney General/Carson City  
Carson City District Attorney  
Carson City Clerk