

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT MAURICE WILSON,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 77142-COA

FILED

FEB 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Robert Maurice Wilson appeals from a judgment of conviction entered pursuant to a jury verdict of two counts of trafficking in a controlled substance, three counts of possession of a controlled substance, and one count of child endangerment, and a guilty plea to one count of felon in possession of a firearm. Eleventh Judicial District Court, Mineral County; Jim C. Shirley, Judge.

Wilson claims the district court erred by denying his motion to suppress evidence found during the search of his home because the search warrant affidavit failed to establish probable cause. He specifically argues the search warrant was based on a tip from an unused and unconfirmed confidential informant and the Mineral County Sheriff's Office lacked any independent indicia of the informant's veracity, reliability, or basis of knowledge.

A search warrant may issue only upon facts sufficient to satisfy a magistrate that probable cause exists to believe that contraband will be found if the search is conducted. *See* NRS 179.045(1). "Whether probable cause is present to support a search warrant is determined by the totality of circumstances." *Doyle v. State*, 116 Nev. 148, 158, 995 P.2d 465, 471 (2000). "A deficiency in either an informant's veracity and reliability or his


basis of knowledge may be compensated for, in determining the overall reliability of a tip, by a strong showing as to the other, or by some other indicia of reliability." *Id.* (internal quotation marks omitted). When evaluating a magistrate's decision to issue a search warrant, "[t]he duty of the reviewing court is simply to determine whether there is a substantial basis for concluding that probable cause existed." *Id.* at 158, 995 P.2d at 472.

The record reveals the magistrate was informed that the Mineral County Sheriff's Office had received numerous tips from concerned citizens about activity consistent with illegal drug sales at Wilson's home. Wilson's mother had contacted the sheriff's office and stated that she was concerned about the welfare of Wilson's children because she believed Wilson was "using his own product" and was becoming increasingly paranoid. A confidential informant witnessed Ann Lazzaratto buy heroin at Wilson's house. And Lazzaratto, who was participating in drug court, subsequently tested presumptively positive for opiates.

We conclude from this record that the district court did not err by determining there was a substantial basis for the magistrate's finding of probable cause. Accordingly, the district court did not err by denying Wilson's motion, and we

ORDER the judgment of conviction AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Jim C. Shirley, District Judge
John E. Malone
Attorney General/Carson City
Mineral County District Attorney
Mineral County Clerk