

SUPREME COURT OF NEVADA

Camacho v. State, 119 Nev. 395

75 P.3d 370 (2003) · No. No. 39765 · Decided August 29, 2003

SUMMARY

The Supreme Court of Nevada affirmed Ruben Camacho’s conviction after concluding that police could not search his vehicle incident to arrest without both probable cause and exigent circumstances under the Nevada Constitution. The court nevertheless held that the methamphetamine discovered in the vehicle was admissible under the inevitable-discovery exception because the vehicle was lawfully seized and would have been inventoried pursuant to department policy.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Rose, J.; Maupin, J.; Gibbons, J.
JURISDICTION	Nevada
DECIDED	August 29, 2003
DOCKET	No. 39765
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a district court judgment of conviction and sentence following a guilty plea, challenging the denial of a motion to suppress evidence seized from the appellant's vehicle.
STANDARD OF REVIEW	Suppression issues present mixed questions of law and fact: legal questions are reviewed de novo, while factual determinations are reviewed for sufficient evidence or substantial evidence.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Ruben Camacho v. State of Nevada

TOPICS

- search and seizure
- fourth amendment
- warrant requirement
- suppression of evidence
- exclusionary rule

PRACTICE AREAS

- criminal procedure
- constitutional law
- search and seizure
- evidence
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Nevada Constitution permits a warrantless search of an automobile incident to a lawful custodial arrest when police have probable cause but no exigent circumstances.
2. Whether the evidence discovered during the warrantless vehicle search was admissible under the inevitable-discovery exception because the vehicle was lawfully seized and would have been inventoried.

HOLDINGS

1. Under the Nevada Constitution, police may not conduct a warrantless search of an automobile incident to a lawful custodial arrest unless both probable cause and exigent circumstances exist.
2. Evidence discovered during an unlawful initial vehicle search remains admissible when the State proves by a preponderance of the evidence that the evidence would inevitably have been discovered through a lawful inventory search.

KEY QUOTATIONS

“We now conclude that, under the Nevada Constitution, there must exist both probable cause and exigent circumstances for police to conduct a warrantless search of an automobile incident to a lawful custodial arrest.” (75 P.3d at 374)

“Here, if police did not recover the contraband in their initial search, they would have recovered it during their later inventory search.” (75 P.3d at 376)

“Therefore, we affirm Camacho’s conviction and sentence.” (75 P.3d at 376)

FACTUAL BACKGROUND

Police conducted three undercover methamphetamine purchases from Camacho using a confidential informant. On May 17, 2001, police arranged another purchase at a Reno Wal-Mart parking lot, stopped Camacho as he arrived, arrested him, removed him from the vehicle, and handcuffed him. Without a warrant, an officer searched the immediate area of the vehicle and found methamphetamine beneath the driver’s seat; police then seized and towed the vehicle. The next day, an inventory search was conducted pursuant to department policy.

PROCEDURAL HISTORY

Camacho waived his preliminary hearing and was bound over on four felony trafficking charges. The district court denied his motion to suppress on search-incident-to-arrest, inventory-search, and inevitable-discovery grounds, after finding probable cause for the arrest and vehicle seizure and finding that the vehicle would be inventoried. Camacho then pleaded guilty to three trafficking counts while reserving appellate review of the suppression ruling. The Supreme Court of Nevada held that the search-incident-to-arrest rationale was unavailable but affirmed because the evidence was admissible under the inevitable-discovery exception.

DISPOSITION

affirmed

CASES CITED

- New York v. Belton, 453 U.S. 454, 101 S. Ct. 2860, 69 L. Ed. 2d 768 (1981)
- Chimel v. California, 395 U.S. 752, 89 S. Ct. 2034, 23 L. Ed. 2d 685 (1969)
- State v. Harnisch, 113 Nev. 214, 931 P.2d 1359 (1997)
- State v. Harnisch, 114 Nev. 225, 954 P.2d 1180 (1998)
- State v. Greenwald, 109 Nev. 808, 858 P.2d 36 (1993)
- A 1983 Volkswagen v. County of Washoe, 101 Nev. 222, 699 P.2d 108 (1985)
- Weintraub v. State, 110 Nev. 287, 871 P.2d 339 (1994)
- Proferes v. State, 116 Nev. 1136, 13 P.3d 955 (2000)
- Carlisle v. State, 98 Nev. 128, 642 P.2d 596 (1982)
- McMorran v. State, 118 Nev. 379, 46 P.3d 81 (2002)
- Hughes v. State, 116 Nev. 975, 12 P.3d 948 (2000)
- Barrios-Lomeli v. State, 113 Nev. 952, 944 P.2d 791 (1997)
- Johnson v. State, 118 Nev. 787, 59 P.3d 450 (2002)
- Howe v. State, 112 Nev. 458, 916 P.2d 153 (1996)
- State v. McKellips, 118 Nev. 465, 49 P.3d 655 (2002)
- Carstairs v. State, 94 Nev. 125, 575 P.2d 927 (1978)
- Thomas v. Sheriff, 85 Nev. 551, 459 P.2d 219 (1969)
- Arabia v. State, 82 Nev. 453, 421 P.2d 952 (1966)