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CONCLUSION

Based upon our de novo review of the record, we conclude that the district court did not err in denying Peterson's application to proceed in forma pauperis on the ground that the legal positions asserted in the petition for writ of habeas corpus which he sought to file were frivolous. As noted, the district court gave Peterson "30 days in which to pay the filing fee or appeal," which is in accordance with the procedure prescribed by § 25-2301.02(1). Thus, upon the spreading of our mandate affirming the district court's denial of leave to proceed in forma pauperis, Peterson shall have 30 days to pay the fees necessary to file his petition.

AFFIRMED.

STATE OF NEBRASKA, APPELLEE, V.
JESSICA BURBACH, APPELLANT.
823 N.W.2d 697

Filed December 21, 2012. No. S-11-424.

Petition for further review from the Court of Appeals, MOORE and PIRTLE, Judges, and CHEUVRONT, District Judge, Retired, on appeal thereto from the District Court for Lancaster County, STEVEN D. BURNS, Judge. Judgment of Court of Appeals affirmed.

Korey L. Reiman, of Reiman Law Firm, for appellant.

Jon Bruning, Attorney General, and Kimberly A. Klein for appellee.

HEAVICAN, C.J., WRIGHT, CONNOLLY, STEPHAN, MCCORMACK, and MILLER-LERMAN, JJ.

PER CURIAM.

Having reviewed the briefs and record and having heard oral arguments, we conclude on further review that the decision of the Nebraska Court of Appeals in *State v. Burbach*, 20 Neb. App. 157, 821 N.W.2d 215 (2012), is correct, and accordingly,

we affirm the decision of the Court of Appeals which affirmed the judgment of the district court.

AFFIRMED.

CASSEL, J., not participating.

STATE OF NEBRASKA, APPELLEE, V.
ALBERTO C. MAGALLANES, APPELLANT.
824 N.W.2d 696

Filed December 21, 2012. No. S-11-1033.

1. **Statutes: Judgments: Appeal and Error.** The meaning of a statute is a question of law, on which an appellate court has an obligation to reach an independent conclusion irrespective of the decision made by the court below.
2. **Motions to Suppress: Investigative Stops: Warrantless Searches: Probable Cause: Judgments: Appeal and Error.** A trial court's ruling on a motion to suppress evidence, apart from determinations of reasonable suspicion to conduct investigatory stops and probable cause to perform warrantless searches, is to be upheld on appeal unless its findings of fact are clearly erroneous.
3. **Investigative Stops: Motor Vehicles: Probable Cause.** A traffic violation, no matter how minor, creates probable cause to stop the driver of a vehicle.
4. **Statutes.** Statutory language is to be given its plain and ordinary meaning.
5. **Statutes: Appeal and Error.** An appellate court will not resort to interpretation to ascertain the meaning of statutory words which are plain, direct, and unambiguous.
6. **Investigative Stops: Motor Vehicles: Police Officers and Sheriffs: Probable Cause.** An officer's stop of a vehicle is objectively reasonable when the officer has probable cause to believe that a traffic violation has occurred.
7. **Search and Seizure.** In order for a consent to search to be effective, it must be a free and unconstrained choice and not the product of a will overborne.
8. **Appeal and Error.** Consideration of plain error occurs at the discretion of an appellate court.
9. ____. Plain error may be found on appeal when an error unasserted or uncomplained of at trial, but plainly evident from the record, prejudicially affects a litigant's substantial right and, if uncorrected, would result in damage to the integrity, reputation, and fairness of the judicial process.
10. **Verdicts: Appeal and Error.** Only where evidence lacks sufficient probative value as a matter of law may an appellate court set aside a guilty verdict as unsupported by evidence beyond a reasonable doubt.

Appeal from the District Court for Douglas County: GARY B. RANDALL, Judge. Affirmed in part, and in part reversed and remanded with direction.