

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 00-4076

United States of America,

Appellee,

v.

James Allen Nunley,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas

[UNPUBLISHED]

Submitted: May 16, 2001

Filed: May 29, 2001

Before MCMILLIAN and BEAM, Circuit Judges, and KYLE, District Judge.¹

PER CURIAM.

Appellant James Allen Nunley appeals from a final judgment entered in the United States District Court for the Western District of Arkansas pursuant to Nunley's conditional guilty plea to possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii). Nunley was sentenced to 324

¹ The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota, sitting by designation.

months' imprisonment. He appeals from the district court's² denial of his motion to suppress evidence.

Having reviewed the matter, we conclude that the District Court did not err in denying Nunley's suppression motion. We agree with the District Court that, although the officer's affidavit and the resulting search warrant were not the “model of clarity or a paradigm to be copied by future law enforcement officers,” there was sufficient probable cause to issue the search warrant for Nunley's home. We further agree that the location of the contraband was sufficiently described in both the affidavit and search warrant, and that the judicial officer was neutral and detached and used independent judgement in issuing the warrant. Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

ATTEST:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

² The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.