

**United States Court of Appeals**  
**For the Eighth Circuit**

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No. 18-2646

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United States of America

*Plaintiff - Appellee*

v.

Thomas Johnson

*Defendant - Appellant*

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Appeal from United States District Court  
for the Western District of Missouri - Western Division

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Submitted: April 18, 2019

Filed: May 17, 2019

[Unpublished]

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Before SHEPHERD, MELLOY, and GRASZ, Circuit Judges.

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PER CURIAM.

After his conditional guilty plea and sentencing on one count of production of child pornography in violation of 18 U.S.C. § 2251(a) and (e), Thomas Johnson

appeals the district court's<sup>1</sup> denial of his motion to suppress evidence. Johnson sought to suppress evidence gained through a warrant issued in the United States District Court for the Eastern District of Virginia. We have previously held the same warrant was void *ab initio* because it violated the Fourth Amendment. *See United States v. Horton*, 863 F.3d 1041, 1049 (8th Cir. 2017), *cert. denied*, 138 S. Ct. 1440 (2018). However, we also held the *Leon* good faith exception applied to Federal Bureau of Investigation agents' use of the warrant. *See id.* at 1052. Accordingly, we affirm. *See* 8th Cir. R. 47B.

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<sup>1</sup>The Honorable Gary A. Fenner, United States District Judge for the Western District of Missouri.