

United States Court of Appeals
For the Eighth Circuit

No. 13-1278

United States of America

Plaintiff - Appellee

v.

Bernard Manuel

Defendant - Appellant

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

Submitted: November 21, 2013

Filed: December 19, 2013
[Unpublished]

Before BENTON, BEAM, and SHEPHERD, Circuit Judges.

PER CURIAM.

Bernard Manuel entered a conditional plea of guilty on the charge of felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2),

preserving his right to appeal the district court's¹ adverse suppression ruling. The district court sentenced Manuel to ninety-six months' imprisonment and three years' supervised release. Manuel appeals.

In his motion to suppress and on appeal, Manuel contends that the officers lacked reasonable suspicion to justify an investigatory stop, and that they conducted an illegal search of his coat, which Manuel set on the balcony behind him before he laid down on his stomach in accordance with the officer's order. All of this occurred after repeated requests by the officers to remove his hands from his coat pocket. The magistrate judge made precise and complete findings of fact, which we have carefully reviewed and find free from clear error. United States v. Craig, 630 F.3d 717, 721 (8th Cir. 2011). We review de novo the ultimate question of whether the Fourth Amendment has been violated. Id. Here, the district court identified several factors and concluded, based on the totality of the circumstances, that these factors supported a finding of reasonable suspicion. We agree that Manuel was legally detained. We likewise reject Manuel's assertion that the district court erred in finding Manuel abandoned his jacket or that, alternatively, the search would still be permitted under the inevitable discovery doctrine. Accordingly, we affirm for the reasons stated in the magistrate judge's thorough and well-reasoned report and recommendation, which was adopted by the district court. See 8th Cir. R. 47B.

¹The Honorable Greg Kays, United States District Judge for the Western District of Missouri, adopting the report and recommendation of the Honorable Robert E. Larsen, Chief United States Magistrate Judge for the Western District of Missouri.