

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-2748

Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LUZ ESTELLA SALAZAR,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
(CR H 90 0224 02)

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( October 27, 1993 )

Before KING, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

I.

A jury found the appellant, Luz Estella Salazar, guilty of conspiring to possess with intent to distribute in excess of five kilograms of cocaine in violation of 21 U.S.C. §§ 841 and 846; of aiding and abetting possession with intent to distribute in excess of five kilograms of cocaine in violation of 21 U.S.C. § 841 and 18

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\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

U.S.C. § 2; and of conducting a financial transaction with intent to promote carrying on of a specified unlawful activity in violation of 18 U.S.C. §§ 2 and 1956(a)(1)(A)(i). Salazar filed a motion for judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29, which the district court granted. This court reversed the district court, remanding the case for sentencing. The district court having sentenced Salazar, she now appeals her conviction. We affirm.

## II.

Salazar complains of the circumstances under which she was arrested and of various searches the police conducted incident to the arrest. In particular, she asserts that the police lacked probable cause to arrest her and, therefore, that they had no legitimate basis for searching her person, her mailbox, her purse and her car.

On the day of Salazar's arrest, the police noticed her arriving at an apartment. Salazar had rented the apartment with a suspected drug dealer, Jose Ramos, both of them signing the lease under aliases. The police had already secured a warrant to search the premises. They also recognized the car in which Salazar arrived as the Buick that Ramos had used in an earlier drug transaction.

Salazar entered the apartment using a key. About 20 to 25 minutes later, she left the apartment carrying a shopping bag. After making heat runs--driving in a manner designed to detect whether anyone was following her--she drove to an office complex

where she dropped off a large, bulky manila envelope. She then drove to a store that provided money wire transfers to Central and South America, as well as offering insurance, bail bonds, beepers, cellular telephones, and rental mailboxes. She entered the store with her purse, remained for a few minutes, and returned to the car for her shopping bag. The agents followed her when she went back into the store.

When Salazar noticed the agents, she carried the bag to the back of the store, disappeared behind a door leading to a back room, and returned empty-handed. An officer then went to the back of the store and found the bag sitting on a ledge. The officer looked into the open bag, and noticed that it was full of money. The parties dispute whether the police arrested Salazar just before or just after they discovered the bag full of money.

The police subsequently searched Salazar, her purse, her mailbox and her car. They discovered considerable incriminating evidence.<sup>1</sup>

### III.

Salazar claims that the arrest occurred before the police discovered the shopping bag full of money, at which time they lacked probable cause for her arrest.

The considerations involved in dealing with probable cause are not technical ones, but rather factual and practical ones of everyday life on which reasonable and prudent persons, not legal

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<sup>1</sup> U.S. v. Salazar, 958 F.2d 1285, 1289-90 (5th Cir.), cert. denied, 113 S.Ct. 185 (1992), the earlier appeal in this case, provides a more complete account of the events that occurred.

technicians, act. United States v. Maldonado, 735 F.2d 809, 815 (5th Cir. 1984) (citation and quotation marks omitted). Thus, a succession of otherwise innocent circumstances or events may constitute probable cause when viewed as a whole. United States v. Muniz-Melchor, 894 F.2d 1430, 1438 (5th Cir.), cert. denied, 495 U.S. 923 (1990) (quotation marks omitted). Given this standard, the police had probable cause to arrest Salazar.

The police were on the verge of arresting the members of a drug conspiracy. They had a warrant to search Salazar's apartment and they recognized her car as having been involved in a drug transaction. Salazar drove, in a manner designed to frustrate surveillance, with a mysterious bag to a store that wired money to Central and South America. After entering the store, she returned to the car and brought in the bag. When the police approached, she hid the bag in the back of the store. She had every appearance of a person attempting to launder drug money. The police had probable cause to arrest her.

Salazar claims that the police lacked probable cause for her arrest and, therefore, to search her and her belongings. She is mistaken about the legitimacy of her arrest. We, therefore, AFFIRM.