

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7168
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HECTOR VILLALOBOS,
SERGIO PEREZ-GONZALEZ,

Defendants-Appellants.

Appeals from the United States District Court
for the Southern District of Texas
(CR B-92-214-2)

(December 15, 1993)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Appellants Perez and Villalobos were found guilty by a jury on three drug-trafficking counts and sentenced to 78 months in prison plus other penalties. On appeal, they challenge only the district court's denial of their suppression motion, which denial resulted in admission of the cocaine found in one car, \$12,000 cash

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

found in another car, and certain documents. Finding no error, we affirm.

The gist of appellants' complaint is that Customs Special Agent Hinojosa lacked "reasonable suspicion" to conduct a Terry investigatory stop of appellants at the Bonanza Restaurant in Brownsville, Texas. Terry v. Ohio, 392 U.S. 1, 88 S. Ct. 1868 (1968). Appellants do not challenge the district court's findings of fact. Its determination that reasonable suspicion existed is subject to de novo review. United States v. Basey, 816 F.2d 980, 988 (5th Cir. 1987). Try as they may, appellants simply cannot distinguish Alabama v. White, 496 U.S. 325, 110 S. Ct. 2412 (1990), in which the Supreme Court held that reasonable suspicion was provided via a confidential informant's tip identifying a narcotics suspect, her auto, her destination, all of which were corroborated by police investigation.

Here, an acquaintance of Agent Hinojosa described information that could lead him to believe criminal activity was afoot, and the informant generally described the participants, their automobiles and license plate numbers, and their destination -- the Bonanza Restaurant. Having checked out this information, and conducted surveillance at the restaurant for one and one-half hours, Agent Hinojosa pursued the tip in a very non-intrusive manner. He walked up to the suspects, identified himself as a customs agent, and announced that he was investigating drug-trafficking activity. Villalobos admitted that he had a package of currency in the red Ford, Guillen admitted he was an undocumented

alien traveling in that car, and Perez dissembled regarding his connection with the gold car. These facts gave rise to further suspicion that the group were involved in criminal activity. We agree with the district court's conclusion that under the totality of the circumstances, there was more than reasonable suspicion for Agent Hinojosa to approach the suspects, question them briefly, and pursue his investigation based on their answers to his questions.

The convictions are AFFIRMED.