

He also determined that the calls made from the hotel room were to crack houses in St. Mary Parish, Louisiana.

Officers set up a surveillance of the room. A van, with two black males and three black females inside, arrived at the New Iberia Inn and all of the occupants went into the room. A short time later, Zenon and John C. Jackson ("Jackson") left the room, got into the van, and then returned to the room. Then Zenon and the three women, Donita Nelson ("Nelson"), Patrina Woolridge and Shuntel Woolridge, left in the van.

The van was stopped and Zenon, who was driving, was arrested because he gave a false name to the officer and did not have a driver's license. The officers also requested that the three women accompany them to the police station for questioning in a narcotics investigation. Nelson, who was listed as a driver on the rental agreement for the van, consented to a search of the van. A trained narcotics dog alerted on the van but no contraband was found. Zenon told the officers that they were too late and that the people with the drugs had left the hotel in a red car while the officers were stopping him. Hills contacted the officers remaining at the hotel and determined that a red car was at the hotel.

During questioning, Patrina Woolridge stated that she had arrived in New Iberia with two black males, "John" and "Kevin," and that John had displayed a large rock of crack cocaine during the trip. John brought the rock into the room. She also stated that John had a gun.

The officers obtained a warrant to search the hotel room. Because the officers believed that firearms might be in the room and were concerned about safety, they had the hotel management lure the two men still at the hotel to the lobby. Jackson and Kevin Riggs ("Riggs") left the room and went to a red Topaz. Although Jackson's back was to the officer, he believed that Jackson removed something from his clothing and placed it in the trunk of the car; Jackson then went into the hotel lobby. Jackson was arrested in the lobby and consented to a search of the Topaz. Riggs was arrested after he drove the Topaz to the area outside the lobby. Riggs also gave permission to search the Topaz. Crack cocaine was found in the trunk. Jackson was taken to the New Iberia police station, and he made two tape-recorded statements. During a subsequent search of the car, a pistol was found inside the car.

Jackson was charged in three counts of a five-count indictment with conspiracy to possess cocaine with intent to distribute (count I), possession of cocaine with intent to distribute (count IV) and carrying a firearm during a drug trafficking offense (count V). The Government successfully moved to dismiss count I before trial. Jackson's motion to suppress the evidence seized during the search of the Topaz and his statements made after his arrest was denied. He waived a jury trial, and the district court convicted him on count IV, but acquitted him on count V. He was sentenced to 192 months imprisonment, five years supervised release and \$50.00 special assessment.

Probable Cause to Arrest

Jackson argues that the district court improperly denied his motion to suppress the statements made following his arrest. He contends that his warrantless arrest was made without probable cause and therefore the statements made following the illegal arrest were inadmissible.

When reviewing the denial of a motion to suppress, the Court reviews questions of law *de novo*, and this Court accepts the district court's factual findings unless they are clearly erroneous or influenced by an incorrect view of the law.² The evidence is viewed in the light most favorable to the prevailing party.³ Because Jackson was arrested without a warrant, the arrest must have been supported by probable cause and must have been necessitated by exigent circumstances.⁴ Jackson argues only that the officers acted without probable cause.

"Probable cause exists when facts and circumstances within the knowledge of the arresting officer would be sufficient to cause an officer of reasonable caution to believe that an offense has been or is being committed."⁵ When the officers stopped Zenon in the van he told them that they were too late because the narcotics were being transported by other individuals in a red car. Patrina Woolridge also told them that Jackson had transported a large rock

² *United States v. Carrillo-Morales*, 27 F.3d 1054, 1060-61 (5th Cir. 1994).

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 1062.

of cocaine from Houston to New Iberia and had brought it to the room. The officers were able to independently corroborate some of the information because they saw Jackson leave the room, remove something from his clothing, and place it in the trunk of the red Topaz. From this evidence the officers could reasonably conclude that Jackson had put the contraband in the red Topaz with the intention to leave with it. Thus, the officers acted with probable cause.⁶ Because Jackson does not challenge the presence of exigent circumstances, he has not shown that the statements were improperly admitted. Therefore, we find that the district court did not err in denying his motion to suppress the statements he made following his arrest.

Search of Car

Jackson next challenges the denial of his motion to suppress the evidence seized during the search of the red Topaz. The district court denied the motion because Jackson did not have standing to challenge the search, and even if he could challenge the search, the search was consensual.

In general, a passenger without a possessory interest in a car has no legitimate expectation of privacy entitling him to challenge the search of the car.⁷ Jackson was not a passenger in the car at the time of the search; he did not own the red Topaz; he did not

⁶ See *Carrillo-Morales*, 27 F.3d at 1062.

⁷ *United States v. Roberson*, 6 F.3d 1088, 1091 (5th Cir. 1993), *cert. denied*, ___U.S.___, 114 S.Ct. 1230, 1322, 1383, 127 L.Ed.2d 574, 671, 128 L.Ed.2d 58 (1994); *United States v. Cardona*, 955 F.2d 976, 981 (5th Cir.), *cert. denied*, ___U.S.___, 113 S.Ct. 381, 121 L.Ed.2d 291 (1992).

have permission from the owner to use the Topaz; and he was not driving the Topaz when it was seized. Jackson does not have standing to object to a search of the car.

Even assuming that Jackson has standing, the district court properly denied the motion to suppress. The officers testified at the suppression hearing that both Jackson and Riggs, who was driving the car, gave oral consent to the search. The district court believed the officers' testimony, and this Court will not disturb the district court's credibility determinations.⁸ Jackson has not challenged the validity of Riggs' consent. Therefore, we find that the district court properly denied the motion to suppress the cocaine seized from the trunk of the Topaz. AFFIRM.

⁸ See *United States v. Botello*, 991 F.2d 189, 194 (5th Cir.), cert. denied, ___U.S.___, 114 S.Ct. 886, 127 L.ed.2d 80 (1993); see also *United States v. Kelley*, 981 F.2d 1464, 1470-71 and n.5 (5th Cir.), cert. denied, ___U.S.___, 113 S.Ct. 2427, 124 L.Ed.2d 647 (1993) (if one occupant with shared possession of vehicle gives valid consent to search, another occupant cannot successfully challenge the propriety of the search).