

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-41035
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

VON NEIL LOUIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
(1:94-CR-34-1)

(May 29, 1995)

Before JONES, BARKSDALE and BENAVIDES, Circuit Judges.

PER CURIAM:*

Appellant Louis, convicted of possession of cocaine base with intent to distribute within 1,000 feet of a school and one count of possession of cocaine base with intent to distribute, was sentenced to 144 months imprisonment inter alia. On appeal, he contests the denial of his motion to suppress evidence, the sufficiency of the evidence and the introduction of "profile"

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

testimony before the jury. None of these points has any merit, and we affirm.

The district court denied the motion to suppress, finding that it was uncontested that the Beaumont police officers properly stopped Louis for failing to stop at a stop sign. The location was within yards of the campus of Odom Middle School. While the traffic ticket was being processed, one of the officers looked in the back window and saw in plain view a quantity of crack cocaine. This led to a further search and the arrest. The district court properly concluded that the officers did not violate the fourth amendment by looking in the window of the vehicle. These findings also refute appellant's argument that the length of the detainment for the traffic ticket was unreasonable.

We must review the challenge to sufficiency of the evidence under a plain error standard, because Louis did not move for judgment of acquittal at the close of the evidence. So viewed, there is no question of his guilt. He was driving a car in which crack cocaine was strewn on the floor next to the front passenger seat and in the rear. He was the only occupant of the vehicle. He told conflicting stories to the police about his travel plans. Other evidence, mentioned below, tends to identify him as a drug dealer.

Louis objects that FBI agent Townsend offered what Louis describes as drug courier profile evidence in order to connect Louis to the possession of the crack cocaine. On the facts of this case, his complaint is meritless. Officer Townsend testified that

Louis's possession of a beeper registered in a friend's name, large amounts of cash, and false identification are common operating procedure for drug dealers. The officer did not testify, however, that these characteristics were part of a drug-dealer profile or that Louis fit a drug-dealer profile. Townsend's testimony was properly admitted to explain the physical evidence found in Louis's possession. See United States v. Speer, 30 F.3d 605, 610 n.3 (5th Cir. 1994), cert. denied, 115 S. Ct. 603 (1995).

For these reasons, the judgment of conviction is **AFFIRMED**.