

UNITED STATES COURT OF APPEALS  
For the Fifth Circuit

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No. 95-50872  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

BARRY YETT,

Defendant-Appellant.

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Appeal from the United States District Court  
For the Western District of Texas  
(A-95-CR-33)

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October 22, 1996

Before DAVIS, EMILIO M. GARZA, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

Barry Yett appeals the district court's denial of his motion to suppress evidence discovered during a search conducted pursuant to a search warrant for Buck's Automotive. Yett contends that officers conducting the search knew or should have known that the building designated as Buck's Automotive was a multiple-business building and that their search of the entire building violated his rights under the Fourth Amendment.

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<sup>1</sup> Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

In reviewing the denial of a motion to suppress, we accept the district court's findings of fact unless the findings are clearly erroneous and review de novo the ultimate determination of reasonableness. United States v. Chavez-Villarreal, 3 F.3d 124, 126 (5th Cir. 1993); United States v. Jenkins, 46 F.3d 447, 451 (5th Cir. 1995). The district court made specific findings, based in part on the credibility of the witnesses, that there was no evidence that two separate businesses were housed in the building and that Yett failed to present any evidence to persuade the district court that the agents knew, or should have known, about the existence of a separate business either prior to or during the execution of the warrant. Yett has failed to demonstrate that the district court's findings were clearly erroneous. Based on these findings, we agree with the district court's determination that the officers acted reasonably and in good faith in obtaining and executing the warrant in question. Accordingly, the order of the district court is AFFIRMED.

AFFIRMED.