

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41483  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES WAYNE SMITH,

Defendant-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:97-CR-42-8  
- - - - -

August 18, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

Charles Wayne Smith appeals his conditional guilty-plea conviction for possession with the intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1). Smith argues that the district court erred in denying his motion to suppress. We have reviewed the record and the parties' briefs and hold that the district court did not err. Probable cause

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

existed, thereby justifying the warrantless search of the subject vehicle. United States v. Delario, 912 F.2d 766, 768 (5th Cir. 1990).

AFFIRMED.