

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50216  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

TERRANCE DOMINIQUE KING,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-96-CR-49-1  
- - - - -

October 22, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:\*

Terrance Dominique King appeals the district court's denial of his motion to suppress and his sentence. King argues that the unannounced entry of the police into the motel room violated the Fourth Amendment. However, the district court found the following exigent circumstances: (1) danger of destruction of evidence due to the proximity of the bathroom in a motel room and the fact that the drug was crack cocaine without any indication that the drugs were in a large enough quantity that they could

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not be easily disposed of, (2) danger of escape because one suspect had fled from the police in the past, (3) greater danger than in the single dwelling setting to innocent citizens frequenting the motel or in nearby rooms, and (4) the information that King had posted a lookout and the fact that the police were dressed distinctively in raid gear increased each of the first three dangers in this situation. These exigent circumstances support a reasonable suspicion that knocking and announcing would have been futile and allowed escape or destruction of evidence and therefore justified the failure to knock and announce. See Richards v. Wisconsin, 117 S. Ct. 1416, 1421-22 (1997).

King also argues that the district court erred in assessing criminal history points for three separate offenses for which he was arrested on the same day and which he contends were part of a common scheme or plan. The convictions were not related within the meaning of the sentencing guidelines. See United States v. Ford, 996 F.2d 83, 85-86 (5th Cir. 1993).

AFFIRMED.