

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 04-3084

September Term, 2006

FILED ON: JANUARY 16, 2007 [1016330]

03cr00215-01

United States of America,
Appellee

v.

Kenneth Brown,
Appellant

Appeal from the United States District Court
for the District of Columbia

Before: SENTELLE and RANDOLPH, *Circuit Judges*, and EDWARDS, *Senior Circuit Judge*.

J U D G M E N T

This cause was considered on the record from the United States District Court for the District of Columbia, and was briefed and argued by counsel. It is

ORDERED AND ADJUDGED that the judgment of the District Court be affirmed.

Kenneth Brown was convicted of unlawful possession of a firearm and ammunition by a person convicted of a crime punishable by imprisonment for a term exceeding one year, see 18 U.S.C. § 922(g)(1); unlawful possession with intent to distribute five grams or more of cocaine base, see 21 U.S.C. § 841(a)(1), (b)(1)(B)(iii); unlawful possession with intent to distribute marijuana, see *id.* § 841(a)(1), (b)(1)(D); unlawful possession with intent to distribute ecstasy, see *id.* § 841(a)(1), (b)(1)(C); and using, carrying, and possessing a firearm during a drug trafficking offense, see 18 U.S.C. § 924(c)(1). Before trial, Brown filed a motion to suppress the physical evidence subsequently introduced by the prosecution. His motion was denied, but subject to his right to appeal. See FED. R. CRIM. P. 12(b)(3)(C), (e). We find that, based on the totality of the circumstances, the arresting officers did not act unreasonably in securing the evidence that Brown sought to have suppressed. Therefore, no Fourth Amendment violation occurred. See U.S. CONST. amend. IV (“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and

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seizures, shall not be violated”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or rehearing *en banc*. See FED. R. APP. P. 41(b); D.C. CIR. R. 41.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

By:

Michael C. McGrail
Deputy Clerk