

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-13720

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 12 2007 THOMAS K. KAHN CLERK

D. C. Docket No. 04-00531 CR-06-ODE-1

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSE ANGEL ALVAREZ-LOPEZ,
a.k.a. Pariente,
a.k.a. Jorge Quintero,
a.k.a. Jose Alvarez,
a.k.a. Arturo Quintero-Peno,
a.k.a. Jorge Quintero-Santoyo,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Georgia

(June 12, 2007)

Before DUBINA and BLACK, Circuit Judges, and RESTANI,* Judge.

*Honorable Jane A. Restani, Chief Judge, United States Court of International Trade, sitting by designation.

PER CURIAM:

After a trial by jury, appellant Jose Angel Alvarez-Lopez (the “defendant”) was convicted of various drug trafficking crimes and with possession of firearms in furtherance of the drug trafficking crimes.

The defendant presents the following issues for appellate review: (1) whether the district court erred in denying the defendant’s motion to suppress evidence; and (2) whether the evidence was sufficient to sustain the defendant’s conviction for possession of firearms in furtherance of a drug trafficking crime.

“In reviewing a district court’s ruling on a motion to suppress, we review findings of fact for clear error and the application of law to those facts *de novo*.” *United States v. Martinelli*, 454 F.3d 1300, 1306 (11th Cir. 2006); *see also United States v. Jiminez*, 224 F.3d 1243, 1247 (11th Cir. 2000).

Where a defendant fails to move for a judgment of acquittal at the close of all of the evidence in the case, we will reverse the conviction only to prevent a manifest miscarriage of justice. *United States v. Milkintas*, 470 F.3d 1339, 1343 (11th Cir. 2006).

After reviewing the record, reading the parties’ briefs, and having the benefit of oral argument, we conclude that there is no merit to any of the arguments the defendant makes in this appeal.

First, we conclude that, even if we exclude those facts contested by the defendant, the search warrant affidavit contains enough information that reliance on it would have been reasonable. Therefore, we hold that the search warrant affidavit contained sufficient probable cause to justify the search at issue and the district court did not err in denying the defendant's motion to suppress.

Second, we conclude from our review of the record that there was more than sufficient evidence presented at trial to sustain the defendant's conviction for possession of firearms in furtherance of a drug trafficking crime. For these reasons, we affirm the defendant's convictions.

AFFIRMED.