

NOT RECOMMENDED FOR PUBLICATION

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No. 04-5090

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

TOMMY D. JARRELL,

Defendant-Appellant.

On Appeal from the United
States District Court for the
Eastern District of Tennessee

Before: GUY and ROGERS, Circuit Judges; DOWD, District Judge.*

PER CURIAM. Defendant, Tommy D. Jarrell, entered a conditional plea of guilty to one count of attempted manufacture of marijuana in violation of 21 U.S.C. §§ 846 and 841(b)(1)(D), while reserving the right to appeal from the district court's order denying his motion to suppress evidence seized during a search of his property. This appeal challenges the district court's determinations that (1) the affidavit provided probable cause to support the issuance of the search warrant, and (2) even assuming the affidavit was deficient, the search was still valid under the good-faith exception found in *United States v. Leon*, 468 U.S. 897 (1984). On appeal from the denial of a motion to suppress, we review the district

*The Honorable David D. Dowd, Jr., United States District Judge for the Northern District of Ohio, sitting by designation.

court's findings of fact for clear error and its conclusions of law *de novo*. *United States v. Hurst*, 228 F.3d 751, 756 (6th Cir. 2000). The evidence, however, must be reviewed in the light most likely to support the district court's decision. *Id.* The district court's ultimate determination that the *Leon* good-faith exception applies is a legal conclusion, which is reviewed *de novo*. *United States v. Leake*, 998 F.2d 1359, 1366 (6th Cir. 1993). After review of the record in this case, the applicable law, and the arguments presented on appeal, we find the district court did not err in either respect. Because issuance of a detailed opinion by this court would be duplicative and would serve no useful purpose, we **AFFIRM** for the reasons set forth in the district court's written opinion filed on September 30, 2003.