

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-50660  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NICHOLAS HERNANDEZ MARTINEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-98-CR-276-1  
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September 1, 2000

Before EMILIO M. GARZA, STEWART, and PARKER, Circuit Judges

PER CURIAM:\*

Nicholas Hernandez Martinez appeals the district court's denial of his motion to suppress evidence. Martinez argues that his warrantless arrest was not supported by probable cause. He contends that, as a result, any and all evidence seized from and derived from that arrest, interrogation, the subsequent search of his person and vehicle, and his post-arrest confession should have been suppressed as the fruit of an illegal arrest. Martinez reserved the right to appeal the denial of his motion to suppress by entering a conditional guilty plea pursuant to Fed. R. Crim.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

P. 11(a)(2).

Based upon the testimony presented at the hearing on Martinez's motion to suppress, we conclude that the officers had probable cause to arrest Martinez. See Illinois v. Gates, 462 U.S. 213, 237 (1983); United States v. Delario, 912 F.2d 766, 768 (5th Cir. 1990). Accordingly, the judgment of the district court is affirmed.

AFFIRMED.