

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 02-1004

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United States of America,

Appellee,

v.

Timothy Thompson, Sr.,

Appellant.

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Appeal from the United States  
District Court for the Eastern  
District of Missouri.

[UNPUBLISHED]

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Submitted: September 12, 2002

Filed: September 18, 2002

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Before BYE, RICHARD S. ARNOLD, BEAM, Circuit Judges.

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PER CURIAM.

Timothy Thompson, Sr., appeals from the district court's<sup>1</sup> denial of his motion to suppress evidence obtained by St. Louis County Police Officer Keith Coleman during a visit to Thompson's home in response to a report that Thompson

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<sup>1</sup>The Honorable Carol E. Jackson, United States District Judge for the Eastern District of Missouri, adopting the Report and Recommendation of United States Magistrate Judge Mary Ann L. Medler.

pointed a gun at his neighbor.<sup>2</sup> When questioned by Officer Coleman, Thompson admitted to brandishing a gun. Thompson offered to retrieve the gun, but Officer Coleman requested permission to enter the home to see the gun. Although Officer Coleman did not have a warrant to enter the premises, Thompson said it was “okay” for the officer to enter. Officer Coleman seized two firearms from the residence.

Thompson made a motion to suppress the evidence, arguing that he did not give Officer Coleman consent to enter the premises. The district court found Officer Coleman a more credible witness and denied Thompson’s motion to suppress. “A district court’s determination as to the credibility of a witness is virtually unreviewable on appeal.” United States v. Heath, 58 F.3d 1271, 1275 (8th Cir. 1995). Accordingly, we affirm the judgment of the district court.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>2</sup>Thompson entered a conditional plea of guilty to felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1), and possession of an unregistered firearm, in violation of 26 U.S.C. § 5861(d).