

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 10-3420

United States of America,

Appellee,

v.

James Henry Wilson,

Appellant.

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Appeal from the United States
District Court for the
Western District of Arkansas.

[UNPUBLISHED]

Submitted: April 21, 2011

Filed: April 28, 2011

Before WOLLMAN, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

After the District Court¹ denied his motion to suppress, James Henry Wilson conditionally pleaded guilty to knowingly permitting a minor under his custody and control to engage in sexually explicit conduct for the purpose of producing a visual depiction of such conduct, a violation of 18 U.S.C. § 2251(b) and (e); knowingly transporting another person in interstate commerce with the intent that she engage in

¹The Honorable Robert T. Dawson, United States District Judge for the Western District of Arkansas, adopting the report and recommendations of the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas.

illegal sexual activity, a violation of 18 U.S.C. § 2421; and using a cell phone to knowingly transfer obscene matter to a minor, whom he knew to be under age sixteen, a violation of 18 U.S.C. § 1470. He reserved the right to appeal the denial of the suppression motion. The court sentenced him to life imprisonment, to be followed by two consecutive ten-year terms in prison; it also imposed a fine of \$30,000 and a lifetime of supervised release.

On appeal, Wilson's counsel has moved to withdraw and has filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the District Court erred in denying the suppression motion because the affidavit for the search warrant did not provide probable cause. We conclude, however, that the court's factual findings were not clearly erroneous and that its legal conclusion that probable cause existed was correct. See United States v. Stevens, 530 F.3d 714, 717 (8th Cir.) (standard of review), cert. denied, 129 S. Ct. 654 (2008); United States v. Grant, 490 F.3d 627, 631–32 (8th Cir. 2007) (noting that if an affidavit in support of a search warrant sets forth sufficient facts to lead a prudent person to believe there is a fair probability that contraband or evidence of a crime will be found in a particular place, probable cause to issue the warrant has been established; reviewing courts should pay great deference to issuing judge's probable-cause determination), cert. denied, 552 U.S. 1281 (2008).

We have carefully reviewed the record independently under Penon v. Ohio, 488 U.S. 75 (1988), and we have found no nonfrivolous issues. Accordingly, we grant counsel's motion to withdraw, and we affirm the judgment of the District Court.
