

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

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No. 98-3148

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United States of America,

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Plaintiff - Appellee,

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\* Appeal from the United States

v.

\* District Court for the

\* District of South Dakota.

Mark John Groenewold,

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Defendant - Appellant.

\* [UNPUBLISHED]

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Submitted: March 9, 1999

Filed: June 10, 1999

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Before BEAM and HEANEY, Circuit Judges, and GOLDBERG,<sup>1</sup> Judge.

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PER CURIAM.

Defendant-appellant, Mark John Groenewold, appeals his conviction and sentence for possession of methamphetamine with intent to distribute in violation of 21 U.S.C. § 841(a)(1). Groenewold entered a plea of not guilty and moved to suppress the drug evidence as obtained through an illegal search and seizure of his car. Groenewold claimed that (1) the officer who stopped him did not have

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<sup>1</sup>The Honorable Richard W. Goldberg, Judge, United States Court of International Trade, sitting by designation.

reasonable suspicion to effect the traffic stop; (2) the alleged smell of marijuana on his person did not give rise to probable cause to search the car; (3) the officers on the scene had no probable cause to detain him; and (4) he never consented to the search of his car. After an evidentiary hearing, the magistrate judge issued a report and recommendation, finding that Groenewold's motion to suppress should be denied. The trial court<sup>2</sup> adopted the magistrate's report and recommendation and issued an order denying the motion to suppress. Groenewold then entered a conditional plea of guilty to the one-count indictment and appealed the trial court's denial of his motion to suppress.

The trial court and magistrate judge made careful and complete findings of fact. Having carefully reviewed the record and the applicable legal principles, we find no error in the trial court's disposition of this matter. Accordingly, we affirm the judgment of the trial court. See 8th Cir. R. 47(B).

A true copy.

ATTEST:

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

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<sup>2</sup>The Honorable Lawrence L. Piersol, United States District Judge for the District of South Dakota.