

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-1746

United States of America,

Appellee,

v.

Daniel Lee Bacote,

Appellant.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: December 10, 2007

Filed: February 25, 2008

Before COLLOTON, BEAM, and BENTON, Circuit Judges.

PER CURIAM.

Daniel Lee Bacote appeals the district court's¹ order denying, in part, his pretrial motion to suppress evidence. On August 30, 2005, another passenger in a car in which Bacote was riding solicited an undercover Minneapolis police officer participating in a prostitution sting. Uniformed officers stationed nearby became concerned for the undercover officer's safety and moved in to arrest the other passenger. Bacote, who was removed from the car while the officers secured the other

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable Susan Richard Nelson, United States Magistrate Judge for the District of Minnesota.

passenger, fled the scene and the officers gave chase. During the chase, Bacote discarded a gun into a trash can and an officer recovered it. The officers eventually apprehended Bacote, placed him under arrest, and, in a search incident to his arrest, discovered narcotics on Bacote's person and in a fanny pack he had been carrying. En route to the police station, and prior to receiving any Miranda warnings, Bacote volunteered several statements to police and, in response to one officer's question, admitted he did not have a permit for the gun the officers recovered.

Bacote was subsequently indicted for various possession-related offenses. Before trial, Bacote moved to suppress the physical evidence as the product of an illegal seizure. He also moved to suppress the statements he made to police en route to the police station on Fourth, Fifth and Sixth Amendment grounds. The district court suppressed Bacote's statement about the gun permit but denied the motion as to the remaining statements and the physical evidence. Bacote proceeded to trial and was convicted by a jury on one count of possessing methamphetamine with intent to distribute in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), and one count of possessing a firearm during a drug trafficking crime in violation of 18 U.S.C. §§ 924(c)(1)(A) and (c)(1)(B)(i). Bacote now appeals the district court's ruling on the suppression issue.

Having reviewed the record and considered the arguments advanced by the parties on appeal, we conclude that the district court properly denied the remainder of Bacote's motion to suppress. See United States v. Sanders, 510 F.3d 788, 789 (8th Cir. 2007) (stating standard of review). Accordingly, we affirm for the reasons stated in the magistrate judge's thorough and well-reasoned report and recommendation, which was adopted by the district court. See 8th Cir. R. 47B.