

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY HENDRIX,

Defendant.  
-----

ORDER

06-CR-0054-C

In a report filed on August 17, 2006, the United States Magistrate Judge recommended denial of defendant Larry Hendrix's motion to suppress his post-arrest statements, his motion to quash the search warrant and his motion for disclosure of the confidential informant's identity. Defendant filed objections to the magistrate judge's recommendation of the denial of the motions to suppress and to quash. After reviewing the objections and the supporting brief, as well as the report and recommendation and the record in the case, I find the objections unconvincing and adopt the magistrate judge's recommendation.

Defendant contended that the magistrate judge erred in finding the search warrant valid, despite the issuing judge's failure to require the officers seeking the warrant to bring

the confidential informant before him for an assessment of his credibility. Defendant's objections rest on his belief that the confidential informant must have been high and therefore unreliable when he produced the information on which the officers relied. No doubt he was impaired after he ingested the heroin he had stashed in his car but it does not appear that he was under the influence of drugs when he gave the information to the officers. He provided considerable detail about the guns he had seen in defendant's residence.

Furthermore, as the magistrate judge noted, the officers that executed the warrant were justified in acting on the issued warrant. It was not so lacking in indicia of probable cause as to make it unreasonable for them to believe it was a legal warrant.

Defendant contended also that after he was arrested but before he had been read his Miranda rights, Officer Lester Moore talked with him in a way that was designed to elicit incriminating statements. The record does not support this contention. Rather, it shows that defendant was the one that did most of the talking and that Moore merely responded in an effort to calm defendant down.

## ORDER

IT IS ORDERED that the report and recommendation of the United States Magistrate Judge is ADOPTED as the court's own. FURTHER, IT IS ORDERED that

defendant Larry Hendrix's motion to suppress evidence is DENIED.

Entered this 12th day of September, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge