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2003 Decisions

Opinions of the United  
States Court of Appeals  
for the Third Circuit

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4-24-2003

## USA v. Horne

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**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 02-2649

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UNITED STATES OF AMERICA

v.

ANTONIO L. HORNE, SR.,  
Appellant

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APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

D.C. Crim. No. 00-cr-00274-1

District Judge: The Honorable William W. Caldwell

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Submitted Under Third Circuit LAR 34.1(a)

April 11, 2003

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Before: BARRY, ROSENN, Circuit Judges and POLLAK,\* District Judge

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(Opinion Filed: April 24, 2003)

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OPINION

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\* The Honorable Louis H. Pollak, Senior District Judge, United States Court for the Eastern District of Pennsylvania, sitting by designation.

BARRY, Circuit Judge

Because we write primarily for the parties in this case, we will forego a recitation of its facts. Suffice it to say, appellant Antonio Horne argues that the District Court's failure to suppress allegedly impermissibly obtained evidence against him warrants the vacation of his conviction for violating the so-called "felon in possession" statute, 18 U.S.C. § 922(g). The District Court had jurisdiction pursuant to 18 U.S.C. § 3231, and appellate jurisdiction is proper in this Court under 28 U.S.C. § 1291.

We have carefully reviewed all of appellant's arguments pertaining to how and why the government wrongly obtained the evidence at issue and the ways in which the District Court erred when it failed to suppress that evidence. We find no error. The police had probable cause to arrest Horne based on suspicion of domestic assault and driving under the influence. They read his Miranda rights to him, he acknowledged that he understood them, and he then implicitly waived them. Additionally, he orally consented and consented in writing to a search of his car. The District Court did not err in finding that his consent was not coerced. Finally, his various due process claims are all without merit. We will, therefore, affirm the judgment of conviction and sentence for the reasons substantially set forth in the comprehensive and well-reasoned opinion of the District Court.

TO THE CLERK OF COURT:

Kindly file the foregoing opinion.

/s/ Maryanne Trump Barry  
Circuit Judge