

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 27 2011

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

VINCENT WILLIAM BARBEE,

Defendant - Appellant.

No. 10-30266

D.C. No. 2:10-cr-00099-JLR-1

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
James L. Robart, District Judge, Presiding

Argued and Submitted June 9, 2011  
Seattle, Washington

Before: REINHARDT, W. FLETCHER, and RAWLINSON, Circuit Judges.

Barbee entered a conditional plea to one count of being a felon in possession of a firearm in violation of 18 U.S.C §922(g)(1), reserving the right to appeal the denial of his motion to suppress the evidence obtained following a *Terry* stop. We affirm.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

An officer may perform a *Terry* stop only when under the “totality of the circumstances” there is a “particularized and objective basis for suspecting legal wrongdoing.” *United States v. Sigmond-Ballesteros*, 285 F.3d 1117, 1121 (9th Cir. 2002) (citations omitted). The detaining officer’s observation that Barbee was parked in a car, along with three other people, in a high crime area at 9 AM, and that his eyes were glassy, his hands were shaking and he appeared extremely nervous, constituted a basis for reasonable suspicion in light of the officer’s training and experience. *See Ramirez v. City of Buena Park*, 560 F.3d 1012, 1020-21 (9th Cir. 2009).

**AFFIRMED.**