

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NUMBER 2013 KW 0444

VERSUS

JAMES DELARIO WILLIAMS

APRIL 4, 2013

In Re: James Delario Williams, applying for supervisory writs, 32nd Judicial District Court, Parish of Terrebonne, No. 644517.

BEFORE: GUIDRY, CRAIN AND THERIOT, JJ.

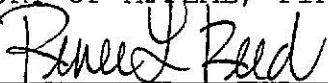
WRIT DENIED.

**WJC
MRT**

Guidry, J., dissents and would grant the writ application. Both the United States Supreme Court and the Louisiana Supreme Court have recognized a true inventory search to be an exception to the warrant requirement. The justification for an inventory search is ostensibly to protect the occupant against loss of his property or to protect the law enforcement agency against the occupant's claim for failure to guard against such a loss. Because the inventory search is a narrow exception to the requirement of a warrant and the requirement of probable cause, it must be strictly limited to these practical purposes for which it is justified. An inventory search may not be used as a subterfuge for rummaging through the arrestee's vehicle without a warrant for the primary purpose of seizing evidence. To fall within the inventory exception, however, the State must prove that the impoundment of the defendant's vehicle was necessary and that the inventory of the vehicle's contents was necessary and reasonable in its scope. See **State v. Griffin**, 2007-0974 (La. App. 1st Cir. 2/8/08), 984 So.2d 97.

I find the State has not borne its heavy burden of proving there legitimately existed, in this instance, an inventory search exception to the warrant requirement and I would reverse the trial court's ruling denying the motion to suppress. Lieutenant Blades' testimony, at the motion to suppress hearing, clearly indicates the agents failed to make efforts to determine whether the impoundment of the vehicle could have been avoided. It is clear that the motivation for the search was not to protect the defendant's loss of property or to protect the agency against a claim for failure to guard against such a loss. In this case, the conduct of the agents indicates that the agents did not conduct a true inventory search of the defendant's truck.

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DEPUTY CLERK OF COURT
FOR THE COURT