

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NUMBER 2013 KW 0556

VERSUS

JOSEPH BENSON

JUL 01 2013

In Re: State of Louisiana, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 08-10-0321.

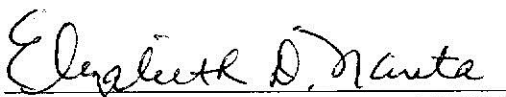
BEFORE: WHIPPLE, C.J., GUIDRY AND HIGGINBOTHAM, JJ.

WRIT GRANTED. The district court's ruling granting the motion to suppress is reversed, and the matter is remanded to the district court for further proceedings. Based on the trooper's testimony that he observed the defendant for more than fifteen minutes before administering the breath alcohol test on the Intoxilyzer 5000, the state has shown that there was strict compliance with the promulgated regulations as set forth in La. Admin. Code tit. 55, pt. I, § 513.

VGW
JMG

HIGGINBOTHAM, J., dissents and would deny the writ application.

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DEPUTY CLERK OF COURT
FOR THE COURT