

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 1319

VERSUS

JERRY WAYNE PARKER

NOV 09 2018

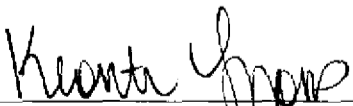
In Re: State of Louisiana, applying for supervisory writs,
21st Judicial District Court, Parish of Tangipahoa,
Nos. 1700966 & 1700986.

BEFORE: PETTIGREW, WELCH, AND CHUTZ, JJ.

WRIT GRANTED. Louisiana Code of Criminal Procedure article 703 permits suppression only of evidence obtained by an unconstitutional search or seizure. It was not intended to permit suppression of evidence seized by a warrant that is defective merely because the warrant is technically deficient, unless the seizure is violative of fundamental due process concepts. See **State v. Guidry**, 2003-1944 (La. 11/21/03), 862 So.2d 965, 966 (*per curiam*). The signed search warrant shows that an affidavit was made before a neutral and detached judge upon the oath of a credible law enforcement officer and the application for the search warrant contained the facts establishing probable cause for issuance of the warrant. Thus, even if the oath was technically deficient, the good faith exception would apply. See **United States v. Leon**, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984). See also **United States v. Richardson**, 943 F.2d 547 (5th Cir. 1991). Accordingly, the ruling granting the motion to suppress is reversed, and this matter is remanded for further proceedings.

**JEW
WRC
JTP**

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT