

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

CITY OF BATON ROUGE

NO. 2014 KW 0443

VERSUS

BRIAN PARKS

MAY 08 2014


In Re: City of Baton Rouge, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, No. 11-13-0366.

BEFORE: PETTIGREW, McDONALD AND McCLENDON, JJ.

WRIT GRANTED. Based upon a reasonableness balancing test of all of the factors set forth in **State v. Jackson**, 2000-0015 (La. 7/6/00), 764 So.2d 64, the city established at the suppression hearing the constitutionality of the DWI checkpoint at issue in this writ. Furthermore, one deviation from the **Jackson** guidelines is de minimus, and does not rise to the level of a constitutional violation of a motorist's rights which would require suppression of the evidence gathered during the stop. See **State v. Owens**, 43,397 (La. App. 2d Cir. 3/13/08), 977 So.2d 300, writ denied, 2008-0808 (La. 6/6/08), 983 So.2d 921. Moreover, in the Operational Orders, the task force commander's name was notably not listed as a checkpoint officer nor was there any indication that the commander screened any motorists at the checkpoint. Accordingly, the ruling of the city court granting defendant's motion to suppress is reversed, and this matter is remanded to city court for further proceedings.

JTP
JMM
PMc

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