

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1702

VERSUS

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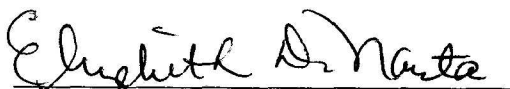
In Re: State of Louisiana, applying for supervisory writs,
21st Judicial District Court, Parish of Livingston,
No. 30072.

BEFORE: GUIDRY, THERIOT AND DRAKE, JJ.

WRIT GRANTED. The affidavits in support of the search and arrest warrants were based on probable cause. Several courts have held that evidence that the user of a computer employing a particular IP address possessed or transmitted child pornography can support a search warrant for the physical premises linked to that IP address. **State v. Aston**, 2012-955 (La. App. 5th Cir. 9/4/13), 125 So.3d 1148, writ denied, 2013-2374 (La. 3/21/14), 135 So.3d 618 (citing **United States v. Vosburgh**, 602 F.3d 512, 526-27 (3rd Cir. 2010), cert. denied, ___ U.S. ___, 131 S.Ct. 1783, 179 L.Ed.2d 656 (2011)). Furthermore, information supplied by a named law enforcement officer is sufficient to support the credibility of the informant. **State v. Tomasetti**, 381 So.2d 420, 422 (La. 1980). Moreover, La. Code Crim. P. art. 732.1(A) specifically authorizes the issuance of administrative subpoenas based upon the reasonable belief that an internet service account has been used to commit a sex offense against a minor. Accordingly, the trial court's ruling granting defendant's motion to suppress is reversed, and this matter is remanded to the trial court for further proceedings.

EGD
JMG
MRT

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DEPUTY CLERK OF COURT
FOR THE COURT