

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 1249

VERSUS

JONATHAN CALCOTA

OCT 19 2015

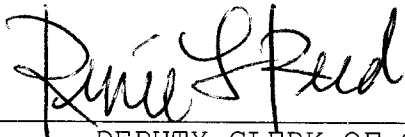
In Re: Jonathan Calcota, applying for supervisory writs, 21st
Judicial District Court, Parish of Tangipahoa, No.
1302431.

BEFORE: McDONALD, McCLENDON AND THERIOT, JJ.

WRIT DENIED. The search warrant in question complied with all four of the requirements of the Fourth Amendment: (1) it was based on probable cause, (2) the probable cause was supported by a sworn affidavit, (3) the place to be searched was described with particularity, and (4) the evidence to be seized was particularly described. U.S. Const. amend. IV; La. Const. art. I, § 5. La. Code Crim. P. art. 162(A) & (C). The warrant authorized a search of the apartment in question for narcotics. Fingerprints on narcotics found inside the apartment provided a physical nexus to the offense which law enforcement officers were investigating and to relator. Furthermore, the cooperating individual indicated that he had several "dealings" with relator. Pursuant to these facts, and upon learning relator's name, the officers had probable cause to believe that relator was involved in the sale of illegal narcotics and to arrest him. Accordingly, the district court did not err by denying the motion to suppress the evidence seized from the apartment. Additionally, this Court is limited to review of the lower court's rulings or the failure of the lower court to act on a properly filed motion. Because there is no proof in this writ that the lower court has ruled on the motion to quash, this Court will not review relator's allegations concerning the motion to quash.

MRT
JMM
PMc

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FOR THE COURT