

STATE OF LOUISIANA

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NO. 2001-KA-1291

VERSUS

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COURT OF APPEAL

ROBERT A. FONTAINE

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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GORBATY, J., DISSENTS, WITH REASONS.

I do not find *State v. Finne*, 92-2555 (La.App. 4 Cir. 2/11/94), 632 So.2d 819, applicable to the facts of this case. In *Finne*, the defendant was seen entering and leaving **a residence**, which police believed to be a drug outlet. In the instant case, the officers observed Mr. Fontaine entering and leaving **an apartment complex**. The officers did not testify that they observed him enter any one apartment, nor did they testify that drug activity was believed to be ongoing in every apartment in the complex. Thus, I do not believe reasonable suspicion existed for the stop. Accordingly, I would reverse the trial court, and grant the motion to suppress.