

STATE OF LOUISIANA

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NO. 2008-KA-0254

VERSUS

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COURT OF APPEAL

**NATHANIEL FOURNETTE
AND ALLEN A. ROBICHAUX**

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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LOMBARD, J., CONCURS WITH REASONS

The expectation of privacy pertaining to commercial property differs significantly from the sanctity accorded to an individual's home, *Donovan v. Dewey*, 452 So.2d U.S. 594 (1981), and, in any event, the Louisiana Supreme Court held that observations by a police officer who walks up and looks into the front door of a residence does not violate the Fourth Amendment prohibition against illegal search and seizure. *State v. Deary*, 1999-0627, p. 2 (La. 1/28/00), 753 So.2d 200. Thus, although the subsequent decision of the police to illegally enter the building rather than obtaining a search warrant is problematic, in light of the inevitable discovery doctrine I cannot find that the trial court abused its great discretion in denying the defendants' motion to suppress. *See also State v. James*, 2007-1103, p. 17 (La. App. 4 Cir. 3/12/08), 980 So.2d 769, 779 (Belsome, J., concurrence).