

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT
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NOT DESIGNATED FOR PUBLICATION

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Judgment on rehearing rendered and mailed to all parties or counsel of record on April 24, 2019

REHEARING ACTION: April 24, 2019

Docket Number: 18 00789-KW

**STATE OF LOUISIANA
VERSUS
STEPHEN SULLIVAN**

Writ Application from Lafayette Parish Case No. MD 166028

BEFORE JUDGES:

**Hon. John E. Conery
Hon. Van H. Kyzar
Hon. Jonathan W. Perry**

As counsel of record in the captioned case, you are hereby notified that the ruling on the application for rehearing or rehearing en banc filed by **Stephen Sullivan** is:

REHEARING GRANTED; WRIT DENIED: The State seeks review of the trial court's September 12, 2018 grant of Defendant's motion to suppress. The trial court made a credibility determination the police officers were not shown the location of the evidence seized nor were they given consent to search Defendant's home. As noted in *State v. Hunt*, 09-1589 (La. 12/1/09), 25 So.3d 746, this court will not overturn a trial court's credibility determination unless the ruling is unsupported by the record. Accordingly, the State's writ application is denied.

KYZAR, J., would deny the rehearing.

cc: Hon. Keith A. Stutes, Counsel for the Applicant
Ronald E. Dauterive, Counsel for the Applicant