

SUPREME COURT OF LOUISIANA

No. 01-KK-2629

STATE OF LOUISIANA

Versus

ERNEST J. DOBARD

ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FOURTH CIRCUIT, PARISH OF ORLEANS

JOHNSON, J., dissenting

Trial courts are vested with great discretion when ruling on a motion to suppress. *State v. Scull*, 93-2360 (La.App. 4 Cir. 6/30/94), 639 So.2d 1239; *writ denied*, 94-2058 (La. 11/11/94), 657 So.2d 1021. Accordingly, I would respect the trial court’s decision and affirm the decision to suppress the evidence in this case.

The evidence adduced at the suppression hearing reveals that the police officers entered the bar to check the bar’s license. Rather than checking the license upon entering the establishment, the officers proceeded to “check *patrons* for weapons, narcotics, [and] warrants . . .” (Emphasis added). Two of the officers immediately approached defendant, who was seated alone at a booth. As the trial court indicated, none of the patrons would have been approached had this been a more “upscale” establishment with more affluent patrons.