

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**

CALOGERO, Chief Justice, dissents and assigns the following reasons:

I do not believe that the district court judge abused his discretion when he granted defendant's motion to suppress the evidence. State v. Burkhalter, 428 So. 2d 449 (La. 1983). When explaining the procedure for a "vice check," one officer testified that the officers "go into an establishment, check patrons for weapons, **narcotics**, warrants; make sure that the bar is up to par with codes, license, things of that nature." Given this testimony, I believe that the district court judge could have reasonably determined that the officers' purpose for entering the bar was not simply to investigate the licensing of the establishment but rather to conduct a warrantless search of the patrons. Therefore, I would not reverse the district court's suppression of the evidence.