

SUPREME COURT OF LOUISIANA

NO. 10-KH-1364

STATE EX REL. DARREN WILLIAMS

VERSUS

STATE

KNOLL, J., dissents.

Before this court applies a blanket application of *State v. Wallace*, 09-1621 (La. 11/6/09), 25 So.3d 720, it should realize *Wallace* does not address the untimeliness issue raised in this case. The accused in *Wallace* promptly moved for his release after the court failed to make a probable cause determination within 48 hours of his warrantless arrest. In contrast, Relator in this case did not promptly raise the issue of the court's failure to timely make the probable cause determination.¹ An important interest served by the requirement of a prompt determination of probable cause is to prevent "prolonged detention based on incorrect or unfounded suspicion" which may unjustly imperil a suspect's job, income and family relationships. *Riverside v. McLaughlin*, 500 U.S. 44, 52, 111 S.Ct. 1661, 1668, 114 L.Ed.2d 49 (1991). Significantly, the district court has now made a probable cause determination. In my view, there is a window of time for an accused to raise the issue of the court's failure to make a probable cause determination within 48 hours of arrest. Therefore, I would either deny the writ or grant it to address the untimeliness not addressed in *Wallace*.

¹It is unclear from the application whether Relator raised the issue six months or almost three years after the warrantless arrest.