

03/23/2018 "See News Release 014 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 18-KK-0290

STATE OF LOUISIANA

versus

KERRY PARKER

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted. The district court's ruling that granted defendant's motion to suppress cocaine, methamphetamine, and drug paraphernalia found in defendant's possession is reversed and the matter is remanded for further proceedings. The officers observed defendant in apparent violation of Section 54-401(a) of the Municipal Code. While the officers may have had no actual subjective intent to arrest defendant for obstructing the sidewalk in violation of the city ordinance, the officers were entitled to search defendant after observing him commit a misdemeanor offense in their presence and then arrest him, albeit not for the offense for which they initially had probable cause. *See State v. Butler*, 12-2359 (La. 5/17/13), 117 So.3d 87.

REVERSED AND REMANDED