

SUPREME COURT OF LOUISIANA

No. 18-KK-0290

STATE OF LOUISIANA

v.

KERRY PARKER

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

CRICHTON, J., would deny and assigns reasons:

I disagree with the majority and would deny this writ application. Defendant sat on a stoop in the French Quarter with his legs extended onto the sidewalk, but pedestrians were nonetheless able to use the sidewalk and pass by him. Under a broad reading of *State v. Butler*, 12-2359 (La. 5/17/13), 117 So.3d 87, this Court finds that trivial conduct rendered the defendant in this instance vulnerable to being stopped and searched by police. The Orleans Municipal Code provides a plethora of similar minor misdeeds that, under a broad interpretation of *Butler*, could cause any citizen subject to being apprehended by police and searched. In my view, today's ruling skirts the line of what is reasonable under the Fourth Amendment.