

**The Supreme Court of the State of Louisiana**

**STATE OF LOUISIANA**

No.2019-K-01443

**VS.**

**DARICK DEON CARTER**

**C/W**

**STATE OF LOUISIANA**

**VS.**

**KARSHALONA GRIFFIN**

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IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Caddo, 1st Judicial District Court Number(s) 355,189 and 355,262, Court of Appeal, Second Circuit, Number(s) 52,667-KW and 52,668-KW;

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**June 03, 2020**

Writ application granted. See per curiam.

JHB

JLW

SJC

WJC

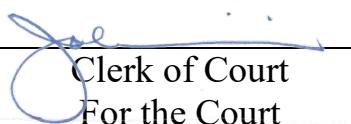
Johnson, C.J., would deny.

Hughes, J., would deny.

Genovese, J., would deny.

Supreme Court of Louisiana

June 03, 2020

  
Clerk of Court  
For the Court

06/03/20

**SUPREME COURT OF LOUISIANA**

**No. 19-K-1443**

**STATE OF LOUISIANA**

**v.**

**DARICK DEON CARTER**

**ON SUPERVISORY WRITS TO THE FIRST  
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

**PER CURIAM:**

Writ granted. The ruling of the court of appeal is reversed, and the ruling of the trial court denying defendants' motion to suppress evidence seized during the warrantless search of a probationer's home is reinstated. Defendant Carter was on probation for a violation of the Uniform Controlled Substances Act at all times relevant to the search at issue in this case. As such, Carter was required to submit to substance abuse examinations as ordered by the probation officer pursuant to La.C.Cr.P. art. 895(A)(12), and was likewise ordered to submit to random drug testing as directed by his probation officer pursuant to La.C.Cr.P. art. 895(C)(1). Probation and Parole Officer Damian McDowell testified that Carter's regularly assigned probation officer, Officer Amanda Spivey, requested that Officer McDowell collect a urine sample from Carter for a drug screen because she had been temporarily placed on restricted (light) duty for medical reasons, which prevented her from conducting field work. Officer McDowell further testified that in any event, department policy prohibited a female probation officer from obtaining a urine sample from a male probationer, such that Officer Spivey would

have had to direct a male officer to collect a urine sample from Carter or any other male probationer.

Because Officer McDowell had the authority under La.C.Cr.P. art. 895(A)(12) and/or La.C.Cr.P. art. 895(C)(1) to collect a urine sample for drug screening from Carter, Officer McDowell was permitted limited entry into Carter's home to supervise the collection of a urine sample. Carter informed the officers that another adult and children were also inside the home, and once inside, Officer McDowell and other officers properly conducted a limited protective sweep for officer safety. *See Maryland v. Buie*, 494 U.S. 325, 327, 110 S.Ct. 1093, 108 L.Ed.2d 276 (1990). During this sweep, officers contacted co-defendant Karshalona Griffin in a bedroom, who informed them that two weapons were located in a safe in an adjacent bathroom. The officers recovered two handguns from the unlocked safe, and at this point had probable cause to arrest Carter for a probation violation. The officers also had sufficiently exigent circumstances to search the remainder of the home for weapons and/or drugs, considering there were children in the home and some unsecured weapons had already been located. *See State v. Brumfield*, 05-2500, p. 9 (La. App. 1 Cir. 9/20/06), 944 So.2d 588, 576 (relying upon *United States v. Antwine*, 873 F.2d 1144, 1145-47 (8th Cir.1989) and similar cases). An assault rifle, a shotgun, \$20,000 in cash, over a pound of marijuana, and a sales ledger were located elsewhere in the home.

For these reasons, the trial court did not err in denying defendants' motion to suppress. Accordingly, the court of appeal's ruling is reversed, the trial court's denial of defendants' motion to suppress is reinstated, and the case is remanded for further proceedings.