

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00853

VS.

ERIC JAMES

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Jefferson, 24th Judicial District Court Number(s) 22-3831, Court of Appeal, Fifth Circuit, Number(s) 23-K-186;

December 05, 2023

Writ application granted. See per curiam.

JLW

SJC

WJC

JBM

Hughes, J., dissents for reasons assigned by the court of appeal.

Genovese, J., dissents for reasons assigned by the court of appeal.

Griffin, J., dissents for reasons assigned by the court of appeal.

Supreme Court of Louisiana

December 05, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00853

STATE OF LOUISIANA

VS.

ERIC JAMES

On Writ of Certiorari to the Court of Appeal, Fifth Circuit, Parish of Jefferson

PER CURIAM:

Writ granted. Defendant filed a motion to suppress evidence obtained pursuant to a search warrant issued for his residence. The trial court denied the motion after a hearing. The court of appeal reversed and ordered the evidence suppressed. *State v. James*, 23-0186 (La. App. 5 Cir. 6/1/23) (unpub'd, available at 2023 WL 3745586). The court of appeal found that the affidavit accompanying the application for the search warrant lacked probable cause and further, that the good faith exception in *United States v. Leon*, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984), did not apply because the affidavit was so lacking in indicia of probable cause as to render official belief in its existence unreasonable.

The court of appeal erred in finding that the good faith exception in *Leon* did not apply. The affidavit accompanying the search warrant application explained the history of the investigation, including the fact that, eight months prior, defendant had informed officers that he lived at the Jasper Street residence, and that an arrest warrant had issued at that time for defendant in conjunction with items found in his bedroom. A fair reading of the search warrant implies an ongoing and continuing drug operation being run out of the Jasper Street residence and a connection between defendant and the residence. The affidavit is not so lacking in indicia of probable cause so as to render official belief in its existence unreasonable. As such, the

warrant falls within the scope of the good faith exception set forth in *Leon*. Accordingly, the court of appeal's ruling is reversed, the trial court's ruling denying defendant's motion to suppress is reinstated, and the matter is remanded to the trial court for further proceedings consistent with this opinion.

REVERSED AND REMANDED