

SUPREME COURT OF LOUISIANA

State v. Green

831 So. 2d 962 (La. 2002) · No. 2002-KK-1022 · Decided December 4, 2002

SUMMARY

The Supreme Court of Louisiana reviewed whether an affidavit supporting a search warrant established probable cause to search the residence of Gwana Green and Noel Sanders after a child suffered extensive burns. The court held that, under a practical and common-sense reading of the affidavit and the totality of the circumstances, the issuing magistrate had a substantial basis for finding probable cause, reversed the lower courts, denied the motions to suppress, and remanded. Justice Kimball dissented.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Knoll, Justice
JURISDICTION	Louisiana
DECIDED	December 4, 2002
DOCKET	2002-KK-1022
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought supervisory review of the trial court's suppression of evidence seized under a search warrant. The Fourth Circuit denied the State's supervisory writ application, and the Louisiana Supreme Court granted supervisory writs.
STANDARD OF REVIEW	A reviewing court asks whether, under the totality of the circumstances, the issuing magistrate had a substantial basis for concluding that probable cause existed. The magistrate's determination receives significant deference, and marginal cases should be resolved in favor of finding the determination reasonable.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Louisiana v. Gwana Green, Noel Sanders

TOPICS

- probable cause
- search and seizure
- warrant requirement
- suppression of evidence
- appellate procedure

PRACTICE AREAS

criminal procedure

search and seizure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether the search-warrant affidavit established probable cause under the totality of the circumstances.
2. Whether the affidavit sufficiently established that a crime had occurred even though it did not identify the precise offense.
3. Whether the evidence seized pursuant to the warrant should have been suppressed.

HOLDINGS

1. The affidavit, read practically and with common sense under the totality of the circumstances, provided a substantial basis for the issuing magistrate to conclude that probable cause existed to search the defendants' residence for evidence of a crime.
2. The police need not specify exactly what crime has been committed in the affidavit so long as the facts establish probable cause to believe that a crime has been committed and that evidence will be found at the place to be searched.
3. The trial court erred in suppressing the evidence seized under the warrant, and the appellate court erred in declining to disturb that ruling.

KEY QUOTATIONS

“An issuing magistrate must make a practical, common sense decision whether, given all of the circumstances set forth in the affidavit, there is a fair probability that evidence of a crime will be found in a particular place.” (831 So. 2d at 969)

“Viewing the totality of the circumstances and a common sense reading of the affidavit, we find the issuing magistrate's assessment of the supporting affidavit to be reasonable, and that it had a substantial basis for concluding that probable cause existed for the issuance of the search warrant.” (831 So. 2d at 970)

FACTUAL BACKGROUND

A four-year-old child suffered severe second- and third-degree burns over more than half of his body after being exposed to scalding bath water at the residence shared by his mother, Gwana Green, and her fiancé, Noel Sanders. Both Green and Sanders gave statements describing the incident and acknowledged that the child had appeared pink and had wrinkled toes, but they did not obtain hospital treatment until the following day. Detectives applied for a warrant to search the residence for physical evidence, including clothing, skin tissue, ointments, and evidence relating to the bath water. The search produced gauzes, ointments, pieces of dead skin, blood-stained sheets, and bath water capable of reaching approximately 160 degrees.

PROCEDURAL HISTORY

After Green and Sanders were charged in connection with the severe scalding injuries suffered by a child, they moved to suppress evidence obtained through a search warrant. The trial court granted the motions, finding that

the warrant affidavit did not establish that a crime had occurred or that evidence would be located at the residence. The Louisiana Fourth Circuit denied the State's supervisory writ application. The Supreme Court of Louisiana reversed both lower-court rulings and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The rulings of the trial court and court of appeal were reversed and set aside, the defendants' motions to suppress the evidence seized pursuant to the search warrant were denied, and the case was remanded to the trial court for further proceedings consistent with the ruling.

CASES CITED

- State v. Johnson, 408 So. 2d 1280 (La. 1982)
- State v. Manso, 449 So. 2d 480, 482 (La. 1984), cert. denied sub nom. Manso v. Louisiana, 469 U.S. 835 (1984)
- United States v. Leon, 468 U.S. 897, 915 (1984)
- State v. Rodrigue, 437 So. 2d 830, 833 (La. 1983)
- Jaben v. United States, 381 U.S. 214 (1965)
- State v. Byrd, 568 So. 2d 554, 559 (La. 1990)
- State v. Duncan, 420 So. 2d 1105 (La. 1982)
- State v. Wells, 253 La. 925, 221 So. 2d 50 (1969)
- Illinois v. Gates, 462 U.S. 213 (1983)
- State v. Jenkins, 790 So. 2d 626 (La. 2001)
- United States v. Ventresca, 380 U.S. 102, 108 (1965)
- State v. Loera, 530 So. 2d 1271, 1278 (La. App. 2 Cir. 1988), writ denied, 536 So. 2d 1252 (La. 1989)
- State v. Simms, 571 So. 2d 145, 148-49 (La. 1990)
- Brinegar v. United States, 338 U.S. 160 (1949)
- Gerstein v. Pugh, 420 U.S. 103 (1975)
- State v. Ogden and Geraghty, 391 So. 2d 434 (La. 1980)
- United States v. Patterson, 492 F.2d 995 (9th Cir. 1974)
- Warden v. Hayden, 387 U.S. 294, 306-07 (1967)