

SUPREME COURT OF LOUISIANA

State of Louisiana v. Jeneine Parker

931 So. 2d 353 (La. 2006) · No. 2006-KK-0053 · Decided June 16, 2006

SUMMARY

The Louisiana Supreme Court reversed the trial court's suppression ruling, holding that police had probable cause to arrest the defendant for public intoxication under a New Orleans municipal ordinance. The court concluded that the subsequent search incident to the lawful arrest, which revealed crack cocaine, was not constitutionally invalid and remanded the matter for further proceedings.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	June 16, 2006
DOCKET	2006-KK-0053
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought supervisory relief from the trial court's order granting the defendant's motion to suppress evidence in a cocaine-possession prosecution.
PRECEDENTIAL VALUE	binding
PARTIES	State of Louisiana v. Jeneine Parker

TOPICS

- search and seizure
- probable cause
- suppression of evidence
- fourth amendment
- criminal procedure

PRACTICE AREAS

- criminal procedure
- constitutional law

QUESTIONS PRESENTED

- Whether the officers needed reasonable suspicion or probable cause to approach Parker, ask why she was attempting to open the door of a closed business, and request identification.

2. Whether the officers had probable cause to arrest Parker for violating the New Orleans ordinance prohibiting public intoxication to the degree that a person may endanger herself or others or property.
3. Whether the search of Parker's person following the arrest was a lawful search incident to arrest.

HOLDINGS

1. The officers did not need reasonable suspicion for an investigatory stop or probable cause for an arrest to approach Parker, inquire about her attempt to open the locked door of a closed business, and ask for identification, because the encounter involved mere communications without coercion or detention.
2. The officers had probable cause to arrest Parker for violating Section 54.405 of the New Orleans Municipal Code because she was in public, appeared manifestly under the influence of drugs not therapeutically administered, and was intoxicated to the degree that she endangered herself or property.
3. The search that uncovered the crack cocaine was lawful as a search incident to Parker's custodial arrest.

KEY QUOTATIONS

“Mere communications between officers and citizens implicates no Fourth Amendment concerns where there is no coercion or detention.” (355)

“The state met its burden of showing the officers had probable cause to arrest the defendant for violation of the ordinance.” (355)

FACTUAL BACKGROUND

New Orleans police officers on routine patrol saw Parker attempting to open the locked door of an obviously closed business during a weekday morning. When the officers approached and asked whether she worked there, Parker said no; the officers observed that she was incoherent, unsteady, and had bloodshot eyes, and she admitted that she had smoked crack cocaine. The officers arrested her for drug incapacitation and discovered crack cocaine in a cigarette pack during a search incident to arrest.

PROCEDURAL HISTORY

The State charged Parker by bill of information with possession of cocaine under La. Rev. Stat. § 40:967(C)(2). The trial court granted Parker's motion to suppress after finding no probable cause for the arrest and implicitly determining that the search was unlawful. The Louisiana Supreme Court granted the writ, reversed the suppression ruling, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the trial court for further proceedings.

CASES CITED

- State v. Fisher, 97-1133, pp. 4-5 (La. 9/9/98), 720 So. 2d 1179, 1183
- United States v. Watson, 953 F.2d 895, 897 n.1 (5th Cir. 1992), cert. denied, 504 U.S. 928 (1992)
- State v. Ceasar, 02-3021, p. 6 (La. 10/21/03), 859 So. 2d 639, 644
- United States v. Robinson, 414 U.S. 218, 224 (1973)
- State v. Breaux, 329 So. 2d 696, 699 (La. 1976)

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