

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

State of Louisiana v. Edward D. Schertler, II

No. 2025 KW 1286 · No. 2025 KW 1286 · Decided March 9, 2026

OPINION

State Of Louisiana v. Edward D. Schertler, II

PER CURIAM.

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA NO. 2025 KW 1286

VERSUS

EDWARD D. SCHERTLER, IL MARCH 9, 2026

In Re: State of Louisiana, applying for supervisory writs, 17th Judicial District Court, Parish of Lafourche, Nos. 630731, 630732. BEFORE : MILLER, EDWARDS, AND FIELDS, JJ. WRIT GRANTED. The district court's ruling granting defendant's motion to suppress is reversed and this matter is remanded to the district court for further proceedings. Probable cause sufficient to issue a search warrant exists when the facts and circumstances within the affiant's knowledge and of which he has reasonably trustworthy information, are sufficient to support a reasonable belief that an offense has been committed and that evidence or contraband may be found at the place to be searched. *State v. Casey*, 99-0023 (La. 1/26/00), 775 So.2d 1022, 1027-28, cert. denied, 531 U.S. 840, 121 S.Ct. 104, 148 L.Ed.2d 62 (2000). The process of determining probable cause for the issuance of a warrant does not involve certainties or proof beyond a reasonable doubt, or even a prima facie showing, but rather involves probabilities of human behavior, as understood by persons trained in law enforcement and as based on the totality of the circumstances. *State v. Lurding*, 2021-0430 (La. App. 1st Cir. 12/22/21), 340 So.3d 97, 101, writ denied, 2022-00147 (La. 3/15/22), 334 So.3d 392. In this case, based on the totality of the circumstances, we find there was a "substantial basis" for concluding probable cause existed. *Illinois v. Gates*, 462 U.S. 213, 103 S.Ct. 2317, 76 L.Ed.2d 527 (1983); *State v. Green*, 2002- 1022 (La. 12/4/02), 831 So.2d 962, 969. After the fact scrutiny by courts of the sufficiency of an affidavit should not take the form of de novo review. *Gates*, 462 U.S. at 236, 103 S.Ct. at 2331. Accordingly, the district court erred in granting the motion to suppress.

SMM

BDE

FOR THE COURT