

SUPREME COURT OF LOUISIANA

State v. Carter

54 So. 3d 1093 (La. 2011) · No. 2010-KK-1340 · Decided January 19, 2011

SUMMARY

The Supreme Court of Louisiana held that the state failed to justify the warrantless entry and search of a residence where the defendant established that he owned and lived in the property. The court reversed the denial of the motion to suppress, granted the motion, and remanded because the evidence was tainted by the illegal entry.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	January 19, 2011
DOCKET	2010-KK-1340
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendant sought review of the denial of his motion to suppress evidence seized during a warrantless entry and search of a residence. The Louisiana Supreme Court granted the defendant's writ application.
STANDARD OF REVIEW	The state bore the burden of proving that the warrantless entry and search fell within a recognized exception to the warrant requirement. The Supreme Court reviewed the suppression ruling in light of the undisputed evidence and the Fourth Amendment reasonableness requirement.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; binding precedent in Louisiana.
PARTIES	Ruben Carter v. State of Louisiana

TOPICS

- fourth amendment
- search and seizure
- warrant requirement
- suppression of evidence
- criminal procedure

PRACTICE AREAS

- Criminal law
- Criminal procedure
- Constitutional law
- Evidence

QUESTIONS PRESENTED

1. Whether Carter had a reasonable expectation of privacy in the residence where he testified, without contradiction, that he owned and lived there.
2. Whether the State proved that the warrantless entry and search were reasonable under the abandoned-premises exception or another recognized exception to the Fourth Amendment warrant requirement.
3. Whether the evidence seized from the residence was subject to suppression as fruit of the unlawful entry.

HOLDINGS

1. Because Carter established that he owned and lived in the residence, he possessed a reasonable expectation of privacy in the premises protected by the Fourth Amendment.
2. The State failed to carry its burden of demonstrating that the officers reasonably believed the residence was abandoned or that another exception to the warrant requirement authorized the warrantless entry and search.
3. The evidence seized from the residence was derivatively tainted by the prior illegal entry and had to be suppressed.

KEY QUOTATIONS

"We granted defendant's writ application to review the rulings below and reverse because the state failed to carry its burden of demonstrating that the warrantless search of the residence fell under any of the recognized exceptions to the warrant requirement." (54 So. 3d at 1093-1094)

"The detective simply stated, as a matter of fact, that the residence was "abandoned." However, in the face of defendant's uncontested testimony that, as a matter of fact, the house was not abandoned, Detective Caillouet's testimony was plainly insufficient to carry the state's burden of showing, from "the facts available to the officer at the moment," Rodriguez, 497 U.S. at 188, 110 S.Ct. at 2801, that the police possessed a reasonable belief the premises had been abandoned" (54 So. 3d at 1096)

FACTUAL BACKGROUND

Police responding to a report of suspicious persons entered a New Orleans residence at 4234 St. Anthony Avenue without a warrant and found Ruben Carter and Anthony Decuir inside. Officers seized a nylon bag containing items later identified as stolen in a residential burglary. Carter testified without contradiction that he owned and lived in the residence, while the State offered only an officer's statement that the house was abandoned and no evidence establishing a reliable basis for that belief.

PROCEDURAL HISTORY

The trial court denied Carter's motion to suppress evidence consisting of items seized from a residence that police believed was abandoned. The Louisiana Fourth Circuit denied review. The Supreme Court of Louisiana granted Carter's writ application, reversed the trial court's ruling, granted the motion to suppress, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the trial court for further proceedings consistent with the Supreme Court's opinion after granting the motion to suppress.

CASES CITED

- Rakas v. Illinois, 439 U.S. 128, 143 n.12 (1978)
- State v. Fielding, 862 So. 2d 420, 430 (La. App. 2 Cir. 2003)
- Payton v. New York, 445 U.S. 573, 585 (1980)
- Illinois v. Rodriguez, 497 U.S. 177, 185, 188 (1990)
- State v. Redfearn, 441 So. 2d 200, 201 (La. 1983)
- State v. Franklin, 353 So. 2d 1315, 1318-19 (La. 1977)
- State v. Brown, 35 So. 3d 1069, 1074 (La. 2010)
- Wong Sun v. United States, 371 U.S. 471, 487 (1963)

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