STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA NO. 2026 KW 1034

VERSUS

DANIEL PAUL CARLTON **NOVEMBER 2, 2026**

In Re: Daniel Paul Carlton, applying for supervisory writs, 21st Judicial District Court, Parish of Livingston, No. 50436.

BEFORE: McCLENDON,C.J., HESTER AND MILLER, JJ.

WRIT DENIED. It is well settled that even when a search warrant is found to be deficient, the seized evidence may nevertheless be admissible under the good-faith exception of **United States v. Leon**, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984), wherein the United States Supreme Court held that the exclusionary rule should not be applied so as to bar the use in the prosecution's case-in-chief of evidence obtained by officers acting in an objectively reasonable good-faith reliance on a search warrant issued by a detached and neutral magistrate but ultimately found to be invalid.

PMc

Hester, J., concurs.

Miller, J., dissents. The Fourth Amendment requires that warrants be supported by probable cause shown, through a sworn affidavit submitted to the magistrate. See U.S. Const. amend. IV. A search warrant may issue only upon probable cause established to the satisfaction of the judge, by the affidavit of a credible person, reciting facts that establish the cause for the issuance of the warrant. A "bare bones" affidavit is insufficient to establish probable cause. La. Code Crim. P. art. 162(A); **United States v. Brown**, 941 F.2d 1300, 1302-03 (5th Cir. 1991) (*per curiam*). In this matter, the facts set forth in the affidavit did not provide sufficient probable cause for the issuance of a search warrant. Furthermore, the police officers did not corroborate the alleged "anonymous" tip that served as the basis for the request for a search warrant during the surveillance of relator's residence. Moreover, there were material misrepresentations in the affidavit wherein the law enforcement sources were identified as anonymous tipsters. Once these errors are struck, the warrant is rendered invalid and precludes application of the good faith exception. **United States v. Leon**, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984). Accordingly, I would grant the motion to suppress.

COURT OF APPEAL, FIRST CIRCUIT

Cynthia D. Wilkins

DEPUTY CLERK OF COURT
FOR THE COURT