

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 1490

VERSUS

CAMERON RODRIGUE

FEB 10 2020

In Re: State of Louisiana, applying for supervisory writs,
17th Judicial District Court, Parish of Lafourche,
Nos. 571289 & 571290.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

WRIT GRANTED. The district court's ruling granting the defendant's motion to suppress is reversed. Under the facts and circumstances of this case, the officer had the authority to detain the defendant to investigate whether the defendant was truant. See La. Ch. Code. art. 733.1. Furthermore, although an officer has no basis for suspecting a particular individual, the United States Supreme Court has held, the officer may request consent to search. See **Florida v. Bostick**, 501 U.S. 429, 435, 111 S.Ct. 2382, 2386, 115 L.Ed.2d 389 (1991). Moreover, there was no evidence presented at the suppression hearing regarding the duration of the detention. Therefore, there is no evidence that the defendant's consent to a search of his backpack was vitiated by an extensive detention. See **State v. Brown**, 2014-0220 (La. App. 1st Cir. 9/24/14), 2014 WL 4743079. Accordingly, the district court erred as a matter of law when it granted the defendant's motion to suppress, and this matter is remanded to the district court for further proceedings.

PMc
JEW

Holdridge, J., concurs.

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DEPUTY CLERK OF COURT
FOR THE COURT