

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00503

VS.

AXEL RAMON JARQUIN

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of St. Tammany, 22nd Judicial District Court Number(s) 3189F2024, Court
of Appeal, First Circuit, Number(s) 2025 KW 0002;

September 24, 2025

Writ application granted. See per curiam.

JDH
WJC
JBM
CRC

Weimer, C.J., dissents and would grant and docket.
Griffin, J., dissents and would grant and docket.
Guidry, J., dissents and would grant and docket.

Supreme Court of Louisiana
September 24, 2025

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-0503

STATE OF LOUISIANA

v

ALEX JARQUIN

**ON SUPERVISORY WRITS TO THE 22nd JUDICIAL DISTRICT COURT
FOR THE PARISH OF ST. TAMMANY, STATE OF LOUISIANA**

PER CURIAM

Writ granted. Notwithstanding any provision of law to the contrary, the odor of marijuana alone shall not provide a law enforcement officer with probable cause to conduct a search *without a warrant* of a person’s place of residence. LSA-C.Cr.P. art. 162.4. (Emphasis added). Upon detecting the odor of marijuana emanating from inside the residence, the officers herein decided to obtain a search warrant. Although the officers proceeded to conduct an unlawful “protective sweep” before the search warrant was issued, and included evidence discovered in plain view during the “protective sweep,” the smell of marijuana alone is sufficient probable cause to support the issuance of the search warrant. See, e.g., United States v Thurman, No. 21-30450, 2022 WL 2805147, at *5 (5th Cir. 7/18/22)(“excluding the [information gained from] the protective sweeps, the search warrant’s reference to the smell of marijuana emitting from the [apartment] unit supported probable cause”); **State v. Robertson**, No. 2014-KA-0252, 2014 WL 4668685, at *5 (La. App. 1 Cir. 9/19/14), (officer had probable cause “when he detected the odor of marijuana as [the defendant’s girlfriend] opened the door.”) The appellate court erred in granting the defendant’s writ and motion to suppress. The judgment of the court of appeal is vacated, the district court’s judgment denying the motion to suppress is reinstated, and this matter is remanded for further proceedings.

WRIT GRANTED; MOTION TO SUPPRESS DENIED; REMANDED.