

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00568

VS.

RAYMOND L. HART

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of St. Tammany, 22nd Judicial District Court Number(s)
2401F2024/2404M2024, Court of Appeal, First Circuit, Number(s) 2025 KW 0158;

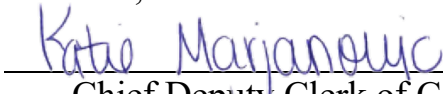
June 19, 2025

Writ application granted. See per curiam.

JLW
WJC
JBM
CRC

Hughes, J., dissents and would deny.
Griffin, J., dissents and would deny.
Guidry, J., dissents and would deny.

Supreme Court of Louisiana
June 19, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-00568

STATE OF LOUISIANA

VS.

RAYMOND L. HART

On Supervisory Writ to the 22nd Judicial District Court, Parish of St. Tammany

PER CURIAM

Writ granted. Defendant gave an officer consent to search his vehicle following a legal traffic stop. To the extent the district court held the officer needed reasonable suspicion of additional criminal activity at the time he requested to search defendant's vehicle, this was legal error. As explained by this court in **State v. Strange**, 04-0273, p. 6 (La. 5/14/04), 876 So.2d 39, 42, following a legal initial traffic stop, there is nothing that precludes an officer from engaging the defendant in conversation and asking for defendant's consent to search the car, even on a mere hunch. "[T]he officer did not need any degree of reasonable suspicion, as opposed to intuition or "hunch," to ask for, and receive, [defendant's] consent to search the car. Consent is a well-recognized exception to the warrant requirement, and rendered lawful the subsequent discovery and seizure of the [drugs]." *Id.* (Internal citations omitted.)

A valid consent to search is a well-recognized exception to the warrant requirement. **State v. Owen**, 453 So.2d 1202, 1206 (La. 1984). The burden is on the state to prove that the consent was given freely and voluntarily. **Schneckloth v. Bustamonte**, 412 U.S. 218, 248-49 (1973); **State v. Pautard**, 485 So.2d 909, 912 (La. 1986). Voluntariness is a question of fact for the trial judge to determine under the facts and circumstances of each case and the judge's factual determinations are

entitled to great weight on review. **State v. Ossey**, 446 So.2d 280, 286 (La. 1984). A district court is afforded great discretion when ruling on a motion to suppress. When a district court makes findings of fact based on the weight of the testimony and the credibility of the witnesses, a reviewing court owes those findings great deference, and may not overturn those findings unless there is no evidence to support those findings. **State v. Thompson**, 11-0915 (La. 5/8/12), 93 So.3d 553, 563.

Although the district court's factual findings regarding voluntariness of consent are entitled to great weight, we find the district court abused its discretion in finding that defendant's consent to search the vehicle was the result of implied duress and coercion. Within three minutes of the legal traffic stop, the officer requested consent to search the vehicle. The officer engaged in extended dialogue with defendant, answering his questions regarding the search, and clearly advising defendant he could refuse to consent. The defendant was standing outside of his vehicle and was not handcuffed or arrested. Although other officers were present at the stop, none of the officers had weapons drawn, nor did they engage in any behavior demonstrating intimidation, duress, or coercion. Moreover, nothing in defendant's testimony at the hearing on the motion to suppress suggests he felt threatened or coerced in any way to give consent. Rather, defendant expressed that he was hesitant at first, but consented because he did not want to miss the event where he was going and he believed the officers would not find anything.

Therefore, considering the district court's legal error regarding the officer's ability to request consent to search the vehicle, and considering the particular facts of this case demonstrate defendant's consent was voluntary, the State's writ is granted and the district court's order granting defendant's motion to suppress evidence is reversed.