

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-01099

VS.

SHANE CLIFFORD REIS

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of St. Tammany, 22nd Judicial District Court Number(s) 0151-F-2024, 0152-
F-2024, 0153-F-2024, Court of Appeal, First Circuit, Number(s) 2025 KW 0666;

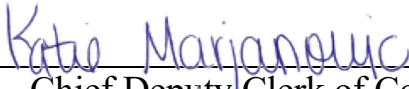
October 16, 2025

Writ application granted. See per curiam.

JBM
JLW
JDH
WJC
JMG
CRC

Griffin, J., dissents and would deny.

Supreme Court of Louisiana
October 16, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-01099

STATE OF LOUISIANA

VS.

SHANE CLIFFORD REIS

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

PER CURIAM.

Writ granted. As we observed in *State v. Jarquin*, 25-00503, p. 1 (La. 9/24/25), --- So. 3d ----, 2025 WL 2717399, although the odor of marijuana alone does not provide the probable cause required “to conduct a search *without a warrant* of a person’s place of residence,” as set forth in La. C.Cr.P. art. 162.4, it “is sufficient probable cause to support the issuance of the search warrant.” (Emphasis supplied). Here, the search of the residence which led to the defendant’s arrest was not conducted without a warrant. To the contrary, a search warrant was obtained after Detective Alexander Thomas detected the odor of marijuana when he walked through the residence, with the permission of its owner.¹

We find no merit to defendant’s contention that the motion to suppress was properly granted as some of the evidence listed in the search warrant affidavit was obtained from an illegal protective sweep. “[W]hen information derived from prior illegal police action [illegal entry into a home] has been included in the affidavit for a search warrant, the proper solution is to excise it and re-test the affidavit for probable cause.” *State v. Guarisco*, 466 So. 2d 1356, 1359 (La. App. 3 Cir. 1985)

¹ In addition to the odor of marijuana, the affidavit for the search warrant included other “Reasons and Facts” supporting the request for a search warrant, including a “previous complaint of possible illicit drug activities at the residence.”

(citing *State v. Feedback*, 411 So. 2d 10 (La. 1982)).² Excluding the evidence observed from the protective sweep in this matter, we find the search warrant's reference to the odor of marijuana supported probable cause. *See Jarquin*, 25-00503, p. 1, --- So. 3d ----, ----, 2025 WL 2717399 at *1. The trial court erred in granting the defendant's motion to suppress. We reverse the trial court's judgment and remand for further proceedings.

² *See also, State v. Williams*, 46,842, p. 13 (La. App. 2 Cir. 3/14/12), 87 So.3d 949, 957 ("the warrant application also contained evidence that should not have been considered when the warrant was issued. The proper remedy for curing this defect is to excise the information pertaining to the illegal arrest and then review the application anew for a probable cause determination.")