

SUPREME COURT OF LOUISIANA

NO. 99-K-3304

STATE OF LOUISIANA

VERSUS

PAUL JAMES

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIRST CIRCUIT**

TRAYLOR, Justice (Dissenting)

I agree with the court of appeal that the motion to suppress was properly denied. After reviewing the facts and circumstances, coupled with the experience of the sheriff deputy, it was reasonable for the deputy to believe that the film canister contained contraband. The facts reveal that the sheriff deputy received information from an eyewitness that a man, fitting defendant's description, was selling narcotics in the parking lot of the store. The sheriff deputy was familiar with the area and had made over 100 stops involving suspicion of narcotics. Thus, based on his experience and the information provided to the deputy prior to his arrival at the scene, it was the sheriff deputy's reasonable belief that defendant was in possession of narcotics. Once the film canister was revealed, the deputy, utilizing his vast experience, determined that the canister likely contained drugs. Based on the totality of the circumstances, I agree with the court of appeal that the requirements of the plain-feel and plain-view doctrines are satisfied, and that the search and seizure of the cocaine was valid.