

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 55,860-KA

STATE OF LOUISIANA

VERSUS

DORIS L. WHITE

FILED: 03/22/24

RECEIVED: BYHAND 01/09/24

On application of Doris L. White for SUPERVISORY WRIT in No. 97814 on the docket of the Twenty Sixth Judicial District, Parish of WEBSTER, Judge Michael Owens Craig.

Franchester Pearlette Gipson

Counsel for:
Doris L. White

Hugo A. Holland, Jr.
John Schuyler Marvin
Richard Russell Ray

Counsel for:
State of Louisiana

Before COX, THOMPSON, and HUNTER, JJ.

WRIT GRANTED; CONVICTION AND SENTENCE REVERSED.

The applicant, Doris White, seeks supervisory review of the trial court's verdict finding her guilty of resisting an officer and sentencing her to a \$200.00 fine.

On July 27, 2022, a police officer for the Town of Cullen, investigating suspected criminal activity by a third party, conducted a warrantless search and seizure of Doris White's personal vehicle, which was parked on her private property, immediately adjacent to the driveway and carport attached to her home. After White objected to the search and seizure of her vehicle without a warrant, the officer arrested White for resisting an officer in violation of La. R.S. 14:108.

After supervisory review of the facts and evidence in the record, we find that the evidence was insufficient to support the verdict that White was guilty of the misdemeanor offense of resisting an officer. *Jackson v. Virginia*, 443 U.S. 307, 319, 99 S. Ct. 2781, 2789, 61 L. Ed. 2d 560 (1979); *State v. Turner*, 51,228 (La. App. 2 Cir. 4/5/17), 217 So. 3d 601; *State v. Wilson*, 35,963 (La. App. 2 Cir. 6/14/02), 822 So. 2d 20. Specifically, after viewing the evidence in the light most

favorable to the prosecution, we find that the State failed to present sufficient evidence establishing that White’s actions constituted an unlawful resistance or obstruction under La. R.S. 14:108. We further find that the State failed to present sufficient evidence establishing that the officer’s warrantless search of White’s vehicle was supported by probable cause or that the warrantless seizure of White’s vehicle, located in plain view on the curtilage of her private property, was justified by exigent circumstances. La. R.S. 14:108; *Collins v. Virginia*, 584 U.S. 586, 138 S. Ct. 1663, 201 L. Ed. 2d 9 (2018); *Florida v. Jardines*, 569 U.S. 1, 133 S. Ct. 1409, 185 L. Ed. 2d 495 (2013); *Kentucky v. King*, 563 U.S. 452, 131 S. Ct. 1849, 179 L. Ed. 2d 865 (2011); *United States v. Dunn*, 480 U.S. 294, 107 S. Ct. 1134, 94 L. Ed. 2d 326 (1987); *Coolidge v. New Hampshire*, 403 U.S. 443, 91 S. Ct. 2022, 29 L. Ed. 2d 564 (1971); *Warden v. Hayden*, 387 U.S. 294, 87 S. Ct. 1642, 18 L. Ed. 2d 782 (1967). Accordingly, the writ is granted and the conviction and sentence are reversed.

Shreveport, Louisiana, this 28 day of August, 2024.

JSC JRT MLH

FILED: August 28, 2024

Stacy Boyer
DEPUTY CLERK