

Fifth Circuit Court of Appeal State of Louisiana

No. 25-K-580

STATE OF LOUISIANA
VERSUS
EDWIN FLORENT

IN RE EDWIN FLORENT
APPLYING FOR SUPERVISORY WRIT FROM THE FORTIETH JUDICIAL DISTRICT COURT,
PARISH OF ST JOHN THE BAPTIST, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
NGHANA LEWIS, DIVISION "B", NUMBER 24,51

TRUE COPY

February 10, 2026



SUSAN BUCHHOLZ
DEPUTY CLERK

Panel composed of Judges Marc E. Johnson,
John J. Molaison, Jr., and Timothy S. Marcel

WRIT DENIED

Relator/Defendant, Edwin Florent, seeks review of the trial court's October 7, 2025 denial of his motion to suppress physical evidence. For the following reasons, we deny the writ application.

On May 3, 2024, the St. John the Baptist Parish District Attorney filed a bill of information, charging Relator with possession with intent to distribute a Schedule I Controlled Dangerous Substance, to wit MDMA, in violation of La. R.S. 40:966(A)(1). Subsequently, Relator filed the instant motion to suppress physical evidence. On May 7, 2025, a hearing on the motion to suppress was held.

At the hearing, Lieutenant Joshua Gilboy testified that he was employed in the narcotics division of the sheriff's office. He explained that the sheriff's office received information about multiple packages suspected of containing tapentadol

being sent from India to mobile homes on Neil Court in LaPlace. He stated that the packages were being sent specifically to mobile homes located at 104, 106, 108, and 110 Neil Court. Four packages were intercepted. Officers conducted a controlled delivery of the packages, which were placed in the mailbox on February 8. Officers observed Bianca Davis collect the four packages and bring them into 108 Neil Court. Lieutenant Gilboy testified that because he already had an anticipatory search warrant for all the mobile homes, the search warrant was executed for 108 Neil Court.

The search warrant stated, in relevant part:

You are hereby ordered to search forthwith the aforesaid location, curtilage, and vehicles for the property specified, serving this search warrant and making the search during the daytime. In addition to executing the search warrant during the daytime, the court hereby grants this warrant to be executed during the nighttime, weekends, and/or holidays. The court also grants officers the legal right to search all persons found at or inside the residence, curtilage, and inside any vehicles. Upon executing this search warrant, if the property described in this application of this search warrant be found there, you are ordered to seize it, leaving a copy of this search warrant and a receipt for the property seized, to make your written return on this warrant, including a written inventory of the property seized, and to bring said seized property before me within ten days of this as required by law.

Lieutenant Gilboy identified Relator's Ford F-150 as a vehicle parked in front of Neil Court at the time the warrant was executed. He testified that Relator's truck was parked two to three feet from the front of the mobile home in a gravel area accessible to anyone that lived on Neil Court. Lieutenant Gilboy testified that he considered the area where the truck was parked to be curtilage because the front tires of the truck were touching the grassy area in front of 108 Neil Court.

Lieutenant Gilboy testified that because officers were unsure of Relator's involvement in the distribution of tapentadol, his presence at the address at the time the four packages were delivered, and the vehicle's presence within the curtilage, they searched his truck. A shoulder bag was located in the center console of the truck containing 29 MDMA pills (or methamphetamine pills), four separate bags, a

bag containing 10 grams of marijuana, and a digital scale. After the items were recovered from the Relator's truck, he was placed under arrest. Lieutenant Gilboy testified that he spoke to Michelle Miller, who was present at the scene, and she told him that Relator was there to "hang out." He also spoke to Bianca Davis, who said that Relator was Michelle's friend and was there to "hang out." Lieutenant Gilboy testified that after reading Relator his Miranda rights "at Corrections," Relator informed him that he used the MDMA pills. He stated that Relator was also issued a misdemeanor summons for the marijuana.

The trial court took the matter under advisement. On October 7, 2025, the trial judge issued a written order, denying the motion to suppress evidence. In her reasons, the judge cited to *United States v. Nelson*, 385 Fed.Appx. 566 (7th Cir. 2010), and *Ybarra v. Illinois*, 444 U.S. 85, 87, 100 S.Ct. 338, 340, 62 L.Ed.2d 238 (1979). The judge explained that the instant case was analogous to *Nelson* and that it was reasonable for Lieutenant Gilboy to search Relator given the facts of the case and the search warrant. The judge stated that given the wealth of information about drug activity at the mobile home, the completion of the controlled delivery, and Relator being parked in close proximity to the home, it was reasonable that Lieutenant Gilboy would search Relator.

In his writ application, Relator first argues that the trial court found that his presence in a home with drug activity justified the search of his person and the search of his vehicle. Defendant points out that the trial court erroneously suggested that he parked "across the street" from the mobile home park. Defendant also argues that the trial court's finding that it was "reasonable" for officers to search him implies an incorrect standard of reasonable suspicion, which does not justify the search of a person or vehicle.

The Fourth Amendment to the United States Constitution and Article I, § 5 of the Louisiana Constitution prohibit unreasonable searches and seizures. If evidence

is derived from an unreasonable search or seizure, the proper remedy is exclusion of the evidence from trial. *State v. Key*, 23-167 (La. App. 5 Cir. 12/27/23), 379 So.3d 96, 115. A defendant who is adversely affected may move to suppress evidence from use at the trial on the merits on the ground that it was unconstitutionally obtained. La. C.Cr.P. art. 703(A).

As a general rule, searches and seizures must be conducted pursuant to a validly executed search warrant or arrest warrant. *Key*, 379 So.3d at 115. When evidence is seized pursuant to a search warrant, the defendant bears the burden of proof at a hearing on his motion to suppress that evidence. La. C.Cr.P. art. 703(D); *State v. Every*, 19-40 (La. App. 5 Cir. 5/23/19), 274 So.3d 770, 780, *writ denied*, 19-1048 (La. 10/1/19), 280 So.3d 159. A trial court is afforded great discretion when ruling on a motion to suppress, and its ruling will not be disturbed absent an abuse of that discretion. *State v. Jaramillo*, 23-322 (La. App. 5 Cir. 2/28/24), 382 So.3d 1072, 1079, *writ denied*, 24-367 (La. 10/8/24), 394 So.3d 267.

A review of the writ application shows that the trial court did not base its ruling on whether the vehicle was within the curtilage of the mobile home. Instead, the court stated that the officers had reasonable suspicion to search Relator's person. However, because the testimony from the hearing showed that the officers did not search Relator's person, our discussion focuses on the search of Relator's vehicle.

The curtilage of a home is that "area to which extends the intimate activity associated with the sanctity of a man's home and the privacies of life." *State v. Salinas*, 17-485 (La. App. 5 Cir. 7/6/18), 251 So.3d 1166, 1177 n.8, *writ denied*, 18-1301 (La. 4/8/19), 267 So.3d 614 (citing *United States v. Dunn*, 480 U.S. 294, 107 S.Ct. 1134, 94 L.Ed.2d 326 (1987)). It is considered part of the home itself and is therefore afforded Fourth Amendment protection. *Id.* To determine whether an outside area is part of the curtilage or extension of the residence's living area, courts look at four factors which indicate how intimately the area is tied to the home itself:

(1) the area’s proximity to the home; (2) whether the area is included within an enclosure surrounding the home; (3) whether the area is being used for the intimate activities of the home; and (4) the steps taken by the resident to protect the area from observation by passers-by. *Id.*

Relator, citing factors provided in *United States v. Dunn*, *supra*,¹ argued that while his vehicle was parked in close proximity to one side of the home, the home itself was located on the edge of a large, graveled lot that was open to public view. He stated that there was no evidence of steps taken by the resident to protect the area from observation by passersby nor any enclosure. He stated that because the home “abutted” the graveled lot without separation, there was no curtilage where he was parked.

At the suppression hearing, the only photographic evidence of the area in which Relator’s truck was parked was presented by the State as “State’s Exhibit 3.” Notably, Relator neither submitted any additional photos or other evidence at the suppression hearing nor attached any evidence in support of his writ application to this Court. Relator did include a photo within his brief that he claims shows his truck in front of Neil Court, but the photo lacks identification and it is unclear if it was admitted as an exhibit at the hearing. Courts cannot consider exhibits and attachments unless they are properly offered and admitted into evidence, even if they are filed in the trial court record. *State v. Leggett*, No. 18-K-647 (La. App. 5 Cir. 3/18/19), 2019 WL 1246911; *State v. Whitley*, 14-737 (La. App. 5 Cir. 3/25/15), 169 So.3d 658, 660 n.1 (citing *Denoux v. Vessel Mgmt. Services, Inc.*, 07-2143 (La.

¹ In *Dunn*, the United States Supreme Court gave context to the factors it provided in that case.

We do not suggest that combining these factors produces a finely tuned formula that, when mechanically applied, yields a “correct” answer to all extent-of-curtilage questions. Rather, these factors are useful analytical tools only to the degree that, in any given case, they bear upon the centrally relevant consideration—whether the area in question is so intimately tied to the home itself that it should be placed under the home’s “umbrella” of Fourth Amendment protection.

United States v. Dunn, 480 U.S. 294, 301, 107 S. Ct. 1134, 1139–40, 94 L. Ed. 2d 326 (1987).

5/21/08), 983 So.2d 84, 88). Even if defense counsel argued that certain facts supported the claim that the defendant's truck was not within the curtilage, arguments by counsel are not evidence. *Houston v. Chargois*, 98-1979 (La. App. 4 Cir. 2/24/99), 732 So. 2d 71, 73.

After review, we find that the trial court did not abuse its discretion in denying Relator's motion to suppress evidence. The warrant in this case for 108 Neil Court specifically authorized the search of "the aforesaid LOCATION, CURTILAGE AND VEHICLES for the property specified." A warrant authorizing the search of a particularized described premises permits the search of a vehicle located on the premises and subject to the warrant's authority. *State v. Smith*, 02-1842, p. 1 (La.9/20/02), 827 So.2d 1122, 1123 (*per curiam*); *State v. Carter*, 10-973, p. 8 (La. App. 5 Cir. 8/30/11), 75 So.3d 1, 5. There is no dispute that Relator's vehicle was parked just a few feet from the mobile home for which the warrant was issued. Relator failed to provide any compelling evidence, such as the photographs admitted at the hearing, to demonstrate that his truck was outside of the curtilage of the mobile home. As a result, we cannot find that the search of Relator's truck was outside the scope of the warrant.

Accordingly, on the showing made, we deny the writ application.

Gretna, Louisiana, this 10th day of February, 2026.

MEJ
JJM
TSM

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **02/10/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

25-K-580

E-NOTIFIED

40th District Court (Clerk)
Honorable Nghana Lewis (DISTRICT JUDGE)
Eusi H. Phillips (Respondent)
Mark D. Plaisance (Relator)

Geoffrey M. Michel (Respondent)
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