

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-401

STATE OF LOUISIANA

versus

TREMAINE SCOTT

IN RE TREMAINE SCOTT

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-NINTH JUDICIAL DISTRICT COURT, PARISH OF ST CHARLES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE CONNIE M. AUCOIN, DIVISION "C", No. 26,73

TRUE COPY

October 07, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Stephen J. Windhorst

WRIT DENIED

Defendant, Tremaine Scott, seeks supervisory review of the trial court's denial of his motion to suppress the evidence. For the reasons that follow, this writ is denied.

Procedural Background

The District Attorney for the Twenty-Ninth Judicial District, Parish of St. Charles, filed a bill of information charging defendant, Tremaine Scott, with possession with intent to distribute a controlled dangerous substance, to wit: marijuana, in violation of La. R.S. 40:966(A)(2) (count one); possession with intent to distribute a controlled dangerous substance, to wit: cocaine, in violation of La. R.S. 40:967(A)(1) (count two); and possession with intent to distribute a controlled dangerous substance, to wit: Suboxone, in violation of La. R.S. 40:968(A)(1) (count three).

On July 28, 2026, a hearing on a motion to suppress evidence was held. The trial court denied the motion. Defense counsel orally objected to the ruling, after which he asked for a return date to file a writ and for a stay. The trial judge gave him

until August 28, 2026, to file a writ, and she granted the stay. Defendant timely filed the writ application in this court on August 28, 2026.

Discussion

In this writ application, defendant argues that the district court erred as a matter of law in denying the motion to suppress. Defendant avers the trial court confined its ruling to whether the search warrant issued at 11:08 a.m. on February 6, 2026, was facially defective or unsupported by probable cause. It never determined whether the warrantless opening of the Nissan Juke door at approximately 9:28 a.m. was justified by any exception to the warrant requirement; never placed on the State the burden that La. C.Cr.P. art. 703(D) assigns to it once a warrantless seizure is shown; and never determined whether the search later conducted pursuant the warrant was genuinely independent of that intrusion.

Defendant argues that the record establishes that the vehicle door was opened at approximately 9:28 a.m. without a warrant and that the State's return established that the search warrant was not executed until 11:08 and 11:30 a.m. He asserts that the trial judge did not adjudicate the initial warrantless opening of the car door. Defendant contends that once he showed that the opening was warrantless, Article 703(D) required the State to justify it, but the State offered nothing.

During the suppression hearing, defense counsel argued he was seeking to suppress drugs, drug paraphernalia, and a cell phone found during the search of the vehicle. Defense counsel asserted that while the search of the vehicle occurred pursuant to a search warrant, there were deficiencies in the warrant.

Detective Jason Taliakos of the St. Charles Parish Sheriff's Office testified that on February 6, 2026, he participated in the arrest of defendant, Tremaine Scott. He stated that in the early months of 2026, SCPSO received information from a confidential informant (CI) that defendant was distributing illicit narcotics in St. Charles Parish. Detective Taliakos asserted that SCPSO thereafter conducted a series of controlled purchases during which defendant distributed illicit narcotics in St. Charles Parish. Once those transactions had been completed, he learned that defendant was wanted on a series of attachments and warrants from St. Charles Parish.

Detective Taliakos testified that they decided to take defendant into custody if he was seen in the New Sarpy area. He further testified that on February 6, 2026, he and several other detectives set up surveillance in the New Sarpy area attempting to find defendant. Detective Taliakos provided that via electronic surveillance they observed defendant standing in the driveway of 831 East Hoover Street along with another male who was on a bicycle. He stated that defendant and the male were having a conversation, and at one point, defendant left the male, went inside the house, came back outside, and then appeared to conduct a hand-to-hand transaction. Detective Taliakos said that defendant subsequently got into a black Nissan Juke that was parked in the driveway of 831 East Hoover and then exited the vehicle. He testified that the transaction between defendant and the male was captured on video. Detective Taliakos provided that at that point the deputies elected to take defendant into custody.

Detective Taliakos testified that Sergeant Quick, Detective Kingsmill, and Detective Pierce traveled in an unmarked unit to the New Sarpy location. Upon their arrival, as they exited the unit, defendant attempted to flee on foot. Detective Pierce discharged his taser, striking defendant three times, causing him to fall to the ground. Defendant was at that point taken into custody for the outstanding warrants and attachments. Detective Taliakos testified that before the arresting team set out, the warrants and attachments were confirmed through the SCPSO reporting system. Detective Taliakos also recalled that after defendant was tased, he was seen by medical personnel, who cleared him. He stated that defendant was ultimately placed under arrest for those attachments and warrants. Detective Taliakos asserted that the deputies subsequently conducted a protective sweep of the house “given the fact that what was observed between him, the vehicle, and the house, and the unknown male that was in the street.” He further asserted that during the protective sweep of the house they located a female (Krichelle Brown) and a Black male (Ma’khi Blackmon).

Detective Taliakos explained that the male and female were escorted from the residence and were seated in the driveway pending the investigation. He also explained that once the house was cleared of persons, a search warrant was “filed” in the trial court for the vehicle and the house, “given the fact that there was the odor of marijuana smelled inside the residence.” Detective Taliakos explained that based on what he observed, what was recorded on the surveillance camera, and his “observation” of the marijuana smell, he chose to obtain a warrant for the house. He identified State’s Exhibit 1 as the search warrant he authored and submitted to the court. He indicated that the warrant was later signed by the judge in this division of court.

Detective Taliakos testified that in the meantime, while they were waiting for the search warrant to be reviewed and approved, he spoke with Mrs. Brown and Mr. Blackmon separately. They advised Detective Taliakos that they resided in the house in separate bedrooms. He stated that once the warrant was signed, the deputies executed it on the residence and the vehicle in the driveway. Inside the house in the right rear bedroom, which was later identified as Mr. Blackmon’s bedroom, they found a small amount of marijuana, two Tapentadol hydrochloride pills, and a THC vape pen. Nothing was located in the other areas of the house. They searched the house first and then the vehicle.

As to the vehicle, Detective Taliakos testified that he searched the passenger side and Detective Kingsmill searched the driver’s side. He stated that Detective Kingsmill located a small amount of marijuana in the center console. Detective Kingsmill also located three prepackaged bags of marijuana and three prepackaged bags of crack cocaine in the “driver door mat compartment.” Detective Taliakos believed that Detective Kingsmill also located another bag of cocaine and five Suboxone strips inside a small child’s sock in the “driver door compartment.”

Detective Taliakos stated that he had been a narcotics detective for more than five years. He opined that the manner in which the suspected narcotics were packaged was commonly prepared for drug distribution. Detective Taliakos testified that they also found \$103 and a cell phone inside the vehicle. He stated that the evidence was seized, after which defendant and Mr. Blackmon were transported to “Corrections.” Detective Taliakos believed that there was an image on the locked screen on the cell phone that proved it belonged to defendant.

Following the initial investigation, Detective Taliakos authored and submitted a cell phone search warrant, which was approved by the judge in the instant case. He identified State's Exhibit 2 as the cell phone search warrant. After the warrant was signed, he searched the cell phone and found evidence of narcotics sales, namely, several messages in which defendant had bartered deals for marijuana and one of the narcotics.

Detective Taliakos thereafter took pictures of the message threads on defendant's cell phone. He testified that the messages on the cell phone bolstered his belief that defendant was involved in narcotics sales. *Id.* at 49. Detective Taliakos believed that the cell phone had been submitted to the forensic technician to conduct a download of the phone, which was still pending. He identified State's Exhibit 3 as copies of the returns on the search warrants for the vehicle and the residence. The trial judge then admitted State's Exhibits 1, 2, and 3 into evidence.

On cross-examination, Detective Taliakos testified that he had been a police officer for sixteen years. He stated that he had known defendant since before he was in the narcotics division and knew of defendant's criminal history. Detective Taliakos knew that defendant frequented the area and location of 831 East Hoover. They watched defendant for several days but were unsure if he lived there. Detective Taliakos indicated that prior to taking defendant into custody, SCPSO used a drone to watch him at the 831 East Hanover address. He stated that he operated the drone himself at another location in the New Sarpy area. Detective Taliakos pointed out that he was not one of the individuals who was in the truck that pulled up to make the arrest. He explained that they were communicating during that time regarding their observations based on the drone.

Defense counsel identified D-1, the drone video, that was admitted into evidence and played for the court. Detective Taliakos indicated that the arrest happened approximately two minutes into the video. He explained that the video did not show defendant going into the house. He asserted that the video showed a hand-to-hand transaction. Detective Taliakos provided that the transaction occurred immediately after defendant left the house and if the video did not show it, then the recording button was not pressed.

Detective Taliakos read from his police report where he wrote, "When he exits the residence, he conducts a hand-to-hand and enters a black Nissan Juke in the driveway, and then hands it to the male on the bicycle." He testified that based on that sentence in his report, there were two separate hand-type interactions between defendant and the individual on the bicycle. He stated that there one hand-to-hand transaction that he saw was not recorded. Detective Taliakos reiterated that defendant left the house, conducted a hand-to-hand transaction, went to the vehicle, grabbed something, and then handed it to the male on the bicycle.

Detective Taliakos testified that they did not stop the man on the bicycle. He indicated that when defendant was apprehended, a search incident to arrest was conducted by other officers. He did not believe any money or contraband was found on defendant's person. He believed that the deputies went to New Sarpy to initiate their investigation at 9:30 a.m. Detective Taliakos stated that they had no information that there was anybody in that vehicle from 9:30 a.m. until the time defendant was arrested; however, he did not know that for sure. He agreed that there were no other individuals in that vehicle "following it being cleared."

Detective Taliakos testified that there was more than one car on the scene, but he did not specify in the warrant which car he wanted to search. Detective Taliakos identified D-2 on the computer screen as the chain of custody form that he used. Defense counsel said he would submit a hard copy of D-2 at the end of the hearing. The trial judge responded that if it did not make it into evidence, it would not become part of the record. Detective Taliakos explained that he logged the evidence into a computer program utilized by the sheriff's office. Defense counsel showed him the chain of custody form on the computer screen. The detective believed that the time on the form was the time the evidence was collected, and he thought there was a timestamp on the form when it was saved in the system. Detective Taliakos stated that he saw on the form the time and date the evidence was collected; however, he did not testify what that time and date were.

The application for the search warrant, State's Exhibit 1, which was attached to the writ application, provides that a search warrant should be issued for the search of the residence at 831 East Hoover Street in New Sarpy along with the curtilage, vehicles, and any movables located on the curtilage. It states in pertinent part as follows:

Your affiant, Detective Jason Tiliakos, is a Law Enforcement Officer employed with the St. Charles Parish Sheriff's Office for approximately sixteen (16) years...Detective Tiliakos has several hours of training regarding narcotics investigations and assisted and made several narcotics arrests...Detective Tiliakos has worked with confidential informants and citizen complaints whose information has resulted in the arrest and convictions of narcotics and criminal offenders and the seizure of assorted narcotics.

During the month of January 2026 Detective Jason Tiliakos received information from a confidential informant that Tremaine Scott distributes illicit narcotics in the New Sarpy area. Detective Tiliakos began an investigation and ultimately conducted controlled narcotic purchases where Scott distributed amounts of illegal narcotics in St. Charles Parish.

Surveillance in the New Sarpy area in an attempt to locate and ultimately arrest Tremaine Scott for the several SCSO attachments/warrants for his arrest with the knowledge that he was already in the New Sarpy area [sic].

By means of surveillance by detectives, Scott was positively identified standing in the driveway of 831 East Hoover, where he was known to associate with, talking with an unknown male subject who was on a bicycle [sic].

At one point, detectives observed Scott walk away from the male and enter the front door of 831 East Hoover as the male on the bicycle remained in the driveway. Scott is then observed exit [sic] the residence and then conduct what detectives believed to be a hand-to-hand transaction. Scott then entered a black in color Nissan Juke that

was parked in the driveway of 831 East Hoover, grabbed something, and then handed it to the male on the bicycle. The male on the bicycle then departs the driveway north on East Hoover.

To note: from those previously controlled purchases Detective Tiliakos established Scott as an active drug dealer in St. Charles Parish and believed what he witnessed on this date to be a drug transaction.

After seeing this transaction detectives elected to take Scott into custody as he stood in the driveway of 831 East Hoover.

Detectives arrived at 831 East Hoover, attired in tactical vests that immediately identified them as law enforcement officers, exited their units and gave Scott commands to lay on the ground however Scott turned away and began to flee. Detectives utilized their department issued Taser, discharged it at Scott and obtained positive NMI. After falling to the ground Scott was taken into custody. Detectives surrounded 831 East Hoover and gave loud verbal commands for the occupants, if any, to exit at which time a female and male subject exited and were seated in the driveway.

Due to the evolving investigation, detectives then entered the residence and conducted a protective sweep to ensure no other persons were inside. As this sweep was being conducted detectives smelled the odor of marijuana inside the residence.

Detectives believes [sic] that the residence contains illicit narcotics and or contraband and requests that a search warrant be issued on the residence.

Detective Tiliakos believes due to his training and experience that subjects involved in the drug trade will conceal their product and or to hide it from law enforcement [sic]. To note: there are (2) vehicles parked in the driveway of 831 East Hoover, one being a Nissan Juke bearing LA plate 482GLW and the other being a Kia Optima bearing LA plate 423HVO. Furthermore, the Nissan Juke has the front passenger window lowered and is currently running and a strong odor of marijuana is also emitting from inside the vehicle.

Following Detective Taliakos' testimony, defense counsel argued that in State's Exhibit 1, the search warrant for the house and vehicles, there was no specificity as to which car they wanted to search. Counsel pointed out there were two different cars in front of the house. Counsel also asserted that the search warrant showed that it was approved on February 6, 2026, at 11:08 a.m., but the officers were out there at 9:30 a.m. according to Detective Taliakos. Defense counsel pointed out that D-2, the chain of custody, showed that the evidence from the car was collected at 10:00 a.m. prior to the signing of the warrant. He contended that D-2 showed that the officer went into the car, searched it, found evidence, and logged that evidence prior to the approval of the warrant, which was problematic and fruit of the poisonous tree. As such, defense counsel argued that all of the evidence found in the car, i.e., the drugs, phone, and money, should be suppressed. Additionally, defense counsel argued that the officers needed probable cause to obtain a warrant and that items they intended to find had to be described within the four corners of

the warrant. He further argued that although Detective Taliakos testified that there was a hand-to-hand transaction, it was not recorded by the drone, and the video that was played only showed defendant handing something to the man on the bicycle, which was not illegal.

The prosecutor responded that he had introduced the two signed search warrants into evidence and that each laid out the requisite probable cause to search. He contended that Detective Taliakos was confused by the line of questioning and unsure about whether the chain of custody form was time-stamped or if the time was manually entered. *Id.* at 112 15. Defense counsel replied that the detective was not confused and that he had testified that he entered the evidence into a software system that clocks itself in. *Id.* at 116.

After hearing the arguments of counsel, the trial judge denied the motion to suppress the evidence, stating in pertinent part as follows:

However, we are here today on a Motion to Suppress the evidence seized from both the vehicle, the house, and the cell phone that was also seized. The drugs and the cell phone which were seized pursuant to a warrant.

In order to succeed on a suppression, the defendant must prove, number one, that the warrant is defective in some way on its face, which the Court does not find has been proven today; or that there was a lack of probable cause as to the constitutionality of the search and seizure. The Court does not find that there was a lack of probable cause. While specifically the Court will note in - - this is marked D. It should be S-1. Correct?

THE CLERK:
Yes.

THE COURT:
S-1, the application for the search warrant, the Court will note specifically that, on the last page of the warrant - - or the last page of the application, I should state, that the detective indicates, "Detective Taliakos believes, due to his training and experience, that subjects involved in the drug trade will conceal their product and/or proceeds from law enforcement in vehicles on curtilage in an attempt to hide it from law enforcement."

"To note" - - the next paragraph - - "there are two vehicles parked in the driveway of 831 East Hoover. One being a Nissan Juke bearing license plate as described. The other being a Kia Optima bearing the license plate as described. [sic] "Furthermore, the Juke has the front passenger window lowered and it is currently running and a strong odor of marijuana is also emitting from inside the vehicle."

The next paragraph: "Detective Taliakos prays the Court will grant a warrant for the purpose of searching the above residence, curtilage, and any and all vehicles located at 831 East Hoover Street."

It was based on the probable cause listed in the application that the Court granted the search warrant. The Court notes, after today's hearing, I do not note that that warrant was defective. Now, as to the Chain of Custody document, does that conflict with the timeline of the testimony of the detective as to when that was seized?

Yes. But that is a credibility determination. That is not a standard to grant the Motion to Suppress based on a defective warrant or lack of probable cause. Therefore, the Court is going to deny the Motion to Suppress at this time, as I do not believe that the defendant has carried the burden of proof as to a defective warrant or lack of probable cause for the search.

Individuals are protected against unreasonable searches and seizures by the Fourth Amendment of the United States Constitution and Article I, § 5 of the Louisiana Constitution. *State v. Richardson*, 18-401 (La. App. 5 Cir. 2/6/19), 265 So.3d 1006, 1010. Evidence derived from an unreasonable search or seizure is subject to exclusion from trial. *State v. Boss*, 04-457 (La. App. 5 Cir. 10/26/04), 887 So.2d 581, 585. In a hearing on a motion to suppress evidence obtained without a warrant, the State bears the burden of proof in establishing its admissibility. La. C.Cr.P. art. 703(D); *State v. Morales*, 12-454 (La. App. 5 Cir. 12/18/12), 125 So.3d 1141, 1145. On appellate review, the trial court's ruling on a motion to suppress is afforded great discretion and is subject to the abuse of discretion standard of review. *State v. Abrego*, 21-166 (La. App. 5 Cir. 12/1/21), 334 So.3d 883, 889, *writ denied*, 21-1949 (La. 2/22/22), 333 So.3d 450. A reviewing court is to analyze the evidence in light of the totality of the circumstances, giving deference to the inferences and deductions of a trained police officer that might elude an untrained person. *State v. McKnight*, 22-499 (La. App. 5 Cir. 5/24/23), 366 So.3d 798, 804.

As a general rule, searches and seizures must be conducted pursuant to a validly executed search warrant or arrest warrant. *State v. Holmes*, 08-719 (La. App. 5 Cir. 3/10/09), 10 So.3d 274, 278, *writ denied*, 09-816 (La. 1/8/10), 24 So.3d 857. A search warrant may be issued only upon probable cause established to the satisfaction of a magistrate, by the affidavit of a credible person, particularly describing the person or place to be searched and the things to be seized. La. C.Cr.P. art. 162; *State v. Richardson*, 18-717 (La. App. 5 Cir. 9/4/19), 279 So.3d 501, 511, *writ denied*, 19-1722 (La. 7/2/20), 297 So.3d 764.

Probable cause for the issuance of a search warrant “exists when the facts and circumstances within the affiant's knowledge and of which he has reasonably trustworthy information, are sufficient to support a reasonable belief that an offense has been committed and that evidence or contraband may be found at the place to be searched.” *State v. Lee*, 05-2098 (La. 1/16/08), 976 So.2d 109, 122, *cert. denied*, 555 U.S. 824, 129 S.Ct. 143, 172 L.Ed.2d 39 (2008). A search warrant must establish a probable continuing nexus between the place sought to be searched and the property sought to be seized. *Richardson*, 279 So.3d at 511. The facts establishing probable cause for the warrant must be contained within the four corners of the affidavit. *State v. Shiell*, 16-447 (La. App. 5 Cir. 12/7/16), 204 So.3d 1213, 1217, *writ denied*, 17-41 (La. 9/15/17), 225 So.3d 477. An affidavit supporting a search warrant is presumed to be valid; the defendant has the burden of proving the representations made in the affidavit are false. *Id.*

A magistrate must be given enough information to make an independent judgment that probable cause exists to issue a warrant. *State v. Key*, 23-167 (La. App. 5 Cir. 12/27/23), 379 So.3d 96, 116. Moreover, the process of determining probable cause simply requires that enough information be presented to the issuing magistrate to enable the magistrate to determine that the charges are not capricious and are sufficiently supported to justify bringing into play further steps in the criminal justice system. *Id.* The magistrate's determination of probable cause to issue a search warrant is entitled to significant deference on review, and "marginal cases should be resolved in favor of a finding that the issuing magistrate's judgment was reasonable." *Id.*

The magistrate must make a common sense and non-technical decision as to whether, given information contained in the affidavit, there is a "fair probability" that evidence of a crime will be found in the place to be searched. *State v. Brown*, 18-1999 (La. 9/30/21), 330 So.3d 199, 252, *cert. denied*, - - U.S. - - , 142 S.Ct. 1702, 212 L.Ed.2d 596 (2022) (citing *Illinois v. Gates*, 462 U.S. 213, 238-39, 103 S.Ct. 2317, 2332, 76 L.Ed.2d 527 (1983)). The task for a reviewing court is simply to ensure that under the totality of the circumstances, the magistrate had a substantial basis for concluding that probable cause existed. *State v. Payne*, 10-46 (La. App. 5 Cir. 1/25/11), 59 So.3d 1287, 1296, *writ denied*, 11-387 (La. 9/16/11), 69 So.3d 1141.

Nevertheless, the United States Supreme Court has held that evidence seized pursuant to a warrant based on less than probable cause need not be suppressed if the officers who executed the warrant believed it to be validly issued. *State v. Davis*, 17-642 (La. App. 5 Cir. 12/11/17), 2017 WL 10118514, at *2 (citing *United States v. Leon*, 468 U.S. 897, 104 S.Ct. 3405, 82 L.Ed.2d. 677 (1984)). In formulating this judicially created good faith rule, the Court reasoned that the good faith of an officer in the execution of a warrant signed by a neutral magistrate should be enough for the evidence obtained as a result of the search to be admissible. *Id.* Thus, the Court expressed a strong preference for warrants over warrantless searches by allowing evidence seized in constitutionally questionable searches to be admissible into evidence if the officers relied on a validly issued warrant. *Id.*

In *United States v. Leon*, the Supreme Court held that evidence seized under a constitutionally defective warrant should not be suppressed where the officers acted in good faith and in objectively reasonable reliance on the validity of the warrant. The *Leon* court enumerated four instances in which suppression remains an appropriate remedy: (1) where the magistrate or judge was misled by information the affiant knew was false or would have known was false except for a reckless disregard for the truth; (2) where the issuing magistrate wholly abandoned his detached and neutral judicial role; (3) where the warrant was based on an affidavit so lacking in indicia of probable cause as to render official belief in its existence entirely unreasonable; and (4) where the warrant is so facially deficient, i.e., fails to particularize the place to be searched or the things to be seized, that the executing officers cannot reasonably presume it to be valid. *Leon*, 468 U.S. at 914-15, 104 S.Ct. at 3416.

In the case at bar, defendant argued that the search warrant was deficient. However, the affidavit for the search warrant set forth sufficient probable cause for the officers to search the residence and the Nissan Juke. It appears that the facts and circumstances within Detective Taliakos's knowledge were sufficient to support a

reasonable belief that an offense had been committed and that evidence or contraband might be found in the residence and/or the Nissan Juke vehicle.

Detective Taliakos indicated in his affidavit that in early 2026, they received information from a CI that defendant was distributing illicit narcotics in St. Charles Parish. They conducted controlled purchases during which defendant distributed illicit narcotics. Detective Taliakos learned that defendant had outstanding attachments and warrants, and they decided to take him into custody. On February 6, 2026, he and other detectives set up surveillance using a drone in the New Sarpy area. Scott was seen standing in the driveway of 831 East Hoover, where he was talking with a male subject who was on a bicycle. The affidavit reflected that detectives observed defendant walk away from the male, enter the front door of the residence at 831 East Hoover, exit the residence, and conduct what the detective believed to be a hand-to-hand drug transaction. Defendant subsequently got into a Nissan Juke vehicle that was parked in the driveway, grabbed something, and then handed it to the male on the bicycle. The male on the bicycle then left.

The affiant indicated that detectives in tactical vests thereafter arrived at 831 East Hoover, exited their units, and commanded defendant to lie on the ground; however, he turned away and began to flee. Detectives utilized their Tasers, causing defendant to fall to the ground, and he was taken into custody. Detectives commanded the occupants of the residence to exit, after which a female and a male exited and were seated in the driveway. The affiant stated that detectives entered the residence and conducted a protective sweep, during which they smelled marijuana. He believed the residence contained illicit narcotics and requested a search warrant for the residence. Additionally, Detective Taliakos stated in the affidavit that there were two vehicles in the driveway, one of which was the Nissan Juke, which had the front passenger window lowered, was currently running, and emitted a strong odor of marijuana from inside the vehicle. He also included in his affidavit a request to search the vehicle.

Defendant argues that the drone video admitted into evidence as D-1 did not show him going into the residence, exiting, and conducting a hand-to-hand transaction with the male on the bicycle. Detective Taliakos testified that he observed this hand-to-hand transaction but admitted that the video did not show it, explaining that the button must not have been pressed to record it. A viewing of D-1 confirms that it does not show this transaction; however, it does show defendant going into the Nissan Juke vehicle and then handing something to the male on the bicycle, which Detective Taliakos testified to.

Thus, the affidavit set forth sufficient probable cause for the officers to search the residence and the Nissan Juke vehicle. In any event, it also appears that under *Leon*, the officers acted in good faith and in objectively reasonable reliance on the validity of the warrant.

Defendant also argues in this writ application that the search of the Nissan Juke vehicle was conducted prior to the signing of the search warrant, and therefore, the evidence retrieved from it should be suppressed. He contends that the record establishes that the vehicle was opened at approximately 9:28 a.m. without a warrant and that the State's return showed that the search warrant was not executed until 11:08 and 11:30 a.m.

Defendant argues that D-1, the drone video, which was admitted at trial, shows the vehicle's doors closed at 9:28:15 a.m. and the front door of the vehicle open at 9:28:25 a.m., with the door still open at 9:28:37 a.m. He contends that the times are supplied by the recording device itself through its embedded telemetry frame-by-frame. Defendant attached to his writ application Exhibit H, "Flight Telemetry and Media Analysis of Defense Exhibit D-1," and Exhibit I, "Still Frames Extracted From Defense Exhibit D-1." He admits that these exhibits were prepared after the hearing and not exhibits admitted at the hearing. Exhibits and attachments not properly and officially offered and admitted into evidence cannot be considered, even if they are physically filed into the trial court record. *State v. Sagastume*, 23-224 (La. App. 5 Cir. 12/27/23), 379 So.3d 137, 142, *writ denied*, 24-135 (La. 3/19/24), 381 So.3d 712.

In the court below, defense counsel argued that the chain of custody form showed that the evidence from the car was collected at 10:00 a.m. prior to the signing of the warrant at 11:08 a.m. The trial judge stated that the chain of custody form conflicted with the detective's testimony that the vehicle was not searched until after the warrant was signed; however, she found that was a credibility determination and not a standard to grant a motion to suppress based on a defective warrant or a lack of probable cause.

In this writ application, defendant states that he does not seek review of that determination and does not challenge the chain of custody theory in this Court. However, he raises a new argument herein. Defendant now contends that the search was done prior to the warrant being signed based on exhibits he had prepared after the hearing, which he says shows that the doors to the vehicle were open at 9:28 a.m. It is unknown whether defendant's information regarding the times on the drone video are accurate. In any event, this specific argument does not appear to have been raised or ruled upon below. Articulating a new basis for the motion to suppress for the first time on appeal is prohibited under La. C.Cr.P. art. 841, since the trial court would not be afforded an opportunity to consider the merits of the particular claim. *State v. Berroa-Reyes*, 12-581 (La. App. 5 Cir. 1/30/13), 109 So.3d 487, 496.

Louisiana courts have long held that a defendant may not raise new grounds for suppressing evidence on appeal that he did not raise at the trial court in a motion to suppress. *State v. Montejo*, 06-1807 (La. 5/11/10), 40 So.3d 952, 967, *cert. denied*, 562 U.S. 1082, 131 S.Ct. 656, 178 L.Ed.2d 513 (2010). *See also* La. C.Cr.P. art. 841(A) ("An irregularity or error cannot be availed of after verdict unless it was objected to at the time of occurrence."). Therefore, we find that defendant has waived any argument as to the additional basis to suppress the evidence.

Nevertheless, because defendant made the general argument below that the search warrant was executed prior to its signing and because the drone video was admitted into evidence at the hearing, we will discuss the video. The drone video was viewed, and there is no time or date stamp on it. However, it does show that after defendant was tasered and fell on the ground, and before defendant was transported post arrest, an officer walked over to the Nissan Juke vehicle, briefly opened the driver's side door and closed it. Detective Taliakos testified that they could only partially see into that vehicle, and he indicated that they saw there was no one inside once they "cleared" it. The video does not show a full-blown search of the vehicle during which the searching officers retrieved evidence at that point in time. The trial court could have reasonably found that the actual vehicle search occurred later, that the 9:28 opening of the car door was simply to assure the officers

there was no other person in the car, and that the actual car search occurred later, after the warrant was obtained.

Additionally, Detective Taliakos' testimony indicates that the search was not conducted before the signing of the warrant. Detective Taliakos testified that he filed a search warrant after taking defendant into custody. He stated that while they were waiting for the search warrant to be reviewed and signed, he spoke to the two occupants of the residence. Detective Taliakos further testified that once the warrant was signed, they executed it on the residence and then on the Nissan Juke vehicle in the driveway.

A review of the search warrant shows that it was signed on February 6, 2026, at 11:08 a.m. The return on the search warrant for the residence, State's Exhibit 3, states, "At 11:08 o'clock on the 6 day of Feb yr. 2026, I, the undersigned member of the St. Charles Parish Sheriff's Office, executed the foregoing search warrant as follows: I searched the residence described in the said search warrant, and I left a copy of the said search warrant with Tremaine Scott." The return thereafter lists the evidence found in the residence.

The return on the search warrant for the vehicle, State's Exhibit 3, states, "At 11:30 o'clock on the 6 day of Feb yr. 2026, I, the undersigned member of the St. Charles Parish Sheriff's Office, executed the foregoing search warrant as follows: I searched the vehicle described in the said search warrant, and I left a copy of the said search warrant with Tremaine Scott." The return thereafter lists the evidence found in the residence.

Based on the foregoing, we find that the affidavit for the search warrant set forth sufficient probable cause for the search of the residence and the Nissan Juke vehicle. Also, the evidence admitted at the hearing demonstrates that the search warrant was not executed prior to its signing. Thus, this writ is denied.

Gretna, Louisiana, this 7th day of October, 2026.

SMC
FHW
SJW

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



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SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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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 **10/07/2026** 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:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-K-401

E-NOTIFIED

29th Judicial District Court (Clerk)
Honorable Connie M. Aucoin (DISTRICT JUDGE)
Devin C. Jones (Relator)

MAILED

Honorable Joel T. Chaisson, II
(Respondent)
David L. Chaisson (Respondent)
Assistant District Attorney
Twenty-Ninth Judicial District Court
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