

NO. 36053-KW
On Reconsideration

COURT OF APPEAL
SECOND CIRCUIT
STATE OF LOUISIANA

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STATE OF LOUISIANA

Respondent

versus

ANDREW VANTASSEL

Applicant

* * * * *

On application for writs from the
First Judicial District Court for the
Parish of Caddo, Louisiana
Trial Court No. 213,025

Honorable Charles Rex Scott, II, Judge

* * * * *

PETER REICHMAN FLOWERS

Counsel for
Applicant

PAUL CARMOUCHE
District Attorney

Counsel for
Respondent

EDDIE BROSSETTE
Assistant District Attorney

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Before BROWN, GASKINS, and DREW, JJ.

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

NO: 36053-KW
On Reconsideration

STATE OF LOUISIANA

VERSUS

ANDREW VANTASSEL

FILED: 02/06/02

RECEIVED: BY HAND 02/06/02

On application of Andrew Vantassel for SUPERVISORY WRIT in No. 213,025 on the docket of the First Judicial District, Parish of CADDO, Judge Charles Rex Scott, II.

Peter Reichman Flowers

Counsel for:
Andrew Vantassel

Hon. Paul Joseph Carmouche
Eddie Brossette

Counsel for:
State of Louisiana

DREW, J.

WRIT CONSIDERED AND DENIED.

Defendant/Probationer complains of the trial court's refusal to grant a motion to suppress the fruits of a warrantless search of his home. The non-consensual search allegedly arose from a "knock and talk" conducted by local police who contacted the probation officer so as to pretermitt the time and trouble of securing a search warrant for the probationer's home. Defendant alleges that this amounted to a subterfuge, which taints the search.

This is the second writ application about the same issue. Normally, successive applications are not considered by this court. However, we depart from normal procedure in this peculiar instance and examine the merits of this application, owing to some confusion in the interpretation of petitioner's first application.

The ruling of the trial court, denying defendant's Motion to Suppress, is eminently correct.

Probationers have a much reduced expectation of privacy. As a condition of probation, they agree, in writing, in advance, to be searched at any time and anywhere, including their home, by their supervising probation officer. The jurisprudence allows police officers to accompany probation officers in these surprise searches. See *State v. Odom*, 34,054 (La. App. 2d Cir. 11/1/00), 772 So. 2d 281; *State v. Shields*, 614 So. 2d 1279 (La. App. 2d Cir. 1993), writ denied, 620 So. 2d 874 (La. 1993) and, most recently, *U.S. v. Knight*, 122 S. Ct. 587 (December 10, 2001).

The constitutional reasonableness of this home search does not depend upon the actual subjective motivations of the officers involved. The officers had an objective right to accompany the probation officer, irrespective of their subjective agendas. See *Whren v. U.S.*, 517 U.S. 806, 116 S. Ct. 1769, 135 L. Ed. 2d 89 (1998).

Writ No. 36,053-KW

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The decision of the learned trial court, denying the Motion to Suppress, is AFFIRMED.

THIS WRIT IS DESIGNATED FOR PUBLICATION.