

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-K-163

MAURICE DEVINE

versus

SHAYA BEEVERS MORVANT

IN RE MAURICE DEVINE

APPLYING FOR SUPERVISORY WRIT TO THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE SHAYNA BEEVERS MORVANT, DIVISION "M", No. 19-6012

TRUE COPY

April 29, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Stephen J. Windhorst

WRIT DENIED

In this writ application, relator, Maurice Devine, seeks mandamus relief, contending that the trial court has not ruled on his motion to suppress evidence. A review of the official record shows that the trial court denied relator's motion on March 26, 2026 (see attached). Accordingly, on the showing made, relator's request for a writ of mandamus is hereby denied as moot.

Gretna, Louisiana, this 29th day of April, 2026.

**SJW
FHW
JGG**

IN THE 14TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

CASE NO: 19-06012

DIVISION "M"

STATE OF LOUISIANA

FILED FOR RECORD 03/24/2026 09:53:44
Dean J. Pertuit DY CLERK
JEFFERSON PARISH LA

VERSUS

MAURICE DEVINE

FILED: 3/18/2026 DEPUTY CLERK: KELLY BOUDREAU

MOTION TO SUPPRESS THE EVIDENCE

NOW INTO COURT, comes the defendant, and protests that he has had his Constitutional Rights violated as are guaranteed by the Constitution of the United States of America and the Constitution of the State of Louisiana, in that the evidence sought to be used against him has been unlawfully and illegally obtained, and that the defendant moves that this evidence be suppressed in any criminal proceedings against the defendant for the followings reason, to-wit:

A. Louisiana Constitutional Requirements

Louisiana's Constitution provides broader and independent protection against unlawful searches and seizures.

"No warrant shall issue without probable cause supported by oath or affirmation"
This requirement is absolute and applies to all search warrant issued in Louisiana.

B. Statutory Requirements for Search Warrants

Under the Louisiana Code of Criminal Procedure:

The affidavit is the Constitutional foundation of the warrant and must be approved by a judge.

Additionally, when warrants are executed, the copy in law enforcement's possession must include the judge's signature, reinforcing that judicial authorization is indispensable.

Louisiana law is unequivocal

- A warrant does not validly issue without judicial authorization.
- Judicial authorization is evidenced by a judge signature.
- Probable cause must be supported by an oath or affirmation.

An affidavit of probable cause that is never signed by a judge indicates that no valid warrant issued under La. Code Crim. Proc. art. 167.

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An unsigned affidavit is not a technical defect; it is a constitutional failure under La. Const. art. 1, § 5.

B. Consequences of an invalid Warrant

If the warrant was unsigned:

- The search is presumptively unconstitutional.
- All evidence seized during the search is subject to suppression.
- The good-faith exception is unlikely to apply where no valid warrant existed at all.

Louisiana statutes emphasize judicial accountability and preservation of affidavits precisely to prevent this type of violation.

A. Private Citizen vs. State Action

As a general rule, evidence discovered by a purely private citizen is not barred by constitutional search-and-seizure protections. However, constitutional protections apply if a private individual acts as an agent or instrument of law enforcement.

Here, the facts raise significant red flags:

- The ex-husband allegedly directed minor child to search the home.
- He allegedly instructed the child to remove the suspected drugs from the house.
- He then delivered the items directly to police, triggering formal testing and warrant application.

Louisiana courts look to whether law enforcement knew of, acquiesced in, or exploited a private search. While no police involvement occurred at the initial moment, the detective's use of the child-obtained evidence as the sole basis for probable cause implicates constitutional concerns under La. Const. art. 1 § 5.

- The use of children to search a home raises serious constitutional concern.
- Evidence obtained may be tainted if the children functioned as de facto agents or their conduct was knowingly exploited.
- Probable cause derived from unlawfully seized evidence is invalid.

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- A search warrant unsupported by a judge's signature or sworn affidavit violates La. Const. art. 185 and La. Code Crim. Proc. art. 162
- Suppression of all seized evidence is a legally viable outcome.

WHEREFORE, the defendant prays that this evidence sought to be used by the State of Louisiana in this matter or any other related matter be ordered, suppressed in its entirety by this Honorable Court and that the State, through its authorized representative, be prohibited from introducing same or making reference thereto during the trial of this case.

Respectfully Submitted:
Maurice Devine

1000206289
 P.O. Box 388
 Gretna, La. 70053

ORDER

Considering the above and foregoing:

IT IS ORDERED that the District Attorney show cause, if any she can, on the 19th day of ~~March~~ ²⁰²⁶ at 9 o'clock a.m. why the above and foregoing ~~motion~~ ^{to suppress the evidence} should not be granted in its entirety.

Gretna, Louisiana, this ^{26th} ~~18th~~ day of March, 2026.

The instant motion was not filed with the Clerk until March 24, 2026. However, the pro se motions were ~~not~~ ^{not} adopted by private counsel. Further, this motion is duplicative and has been adjudicated.

[Signature]
 JUDGE

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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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

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 **04/29/2026** 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

26-K-163

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Shayna Beevers Morvant (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Maurice Devine #1000206287 (Relator)
Jefferson Parish Correctional Center
P. O. Box 388
Gretna, LA 70054