

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-277

STATE OF LOUISIANA

versus

EMANUEL D. BRITTON JR.

IN RE EMANUEL D. BRITTON JR.
APPLYING FOR SUPERVISORY WRIT TO THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
ELLEN SHIRER KOVACH, DIVISION "K", No. 25-1861

TRUE COPY

July 29, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Stephen J. Windhorst,
Timothy S. Marcel, and Michael P. Mentz, Pro Tempore

WRIT DENIED

Defendant/relator, Emanuel D. Britton, Jr., seeks review of the trial court's judgment, denying his motion to suppress evidence. Defendant sought to suppress evidence obtained from the search of his residence with a search warrant. Based, in part, on evidence obtained from this search, the State charged defendant with possession with intent to distribute a controlled dangerous substance, marijuana weighing less than 2.5 pounds.

In his motion to suppress, defendant asserted the State did not establish probable cause in the affidavit for the search warrant of defendant's residence because it contained unsubstantiated allegations. He argued that relative to the alleged hand-to-hand transaction, no one observed the other person handing

anything back to defendant. Defendant also argued that the police report contained a timing discrepancy. However, no one introduced the report into evidence at the hearing.

The State asserted that the alleged time discrepancy was in the police report and not in the search warrant. Officer Drew Rel, who conducted surveillance near defendant's residence and prepared the police report, acknowledged that the timing issue in his police report was a clerical error on his end.

When evidence is seized pursuant to a search warrant, the defendant bears the burden of proof on a motion to suppress that evidence. La. C.Cr.P. art. 703 D; State v. Lowry, 23-392 (La. App. 5 Cir. 5/15/24), 389 So.3d 261, 269. The trial court is afforded great discretion in ruling on a motion to suppress, and its ruling will not be disturbed absent an abuse of discretion. Id.

Generally, searches and seizures must be conducted pursuant to a validly executed search or arrest warrant. State v. Key, 23-167 (La. App. 5 Cir. 12/27/23), 379 So.3d 96, 115. 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.” 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.” State v. Rodrigue, 437 So.2d 830, 833 (La. 1983); State v. Key, 379 So.3d at 116.

In this case, the police searched defendant’s residence after the issuance of a search warrant. The affidavit in support of the warrant stated that in March 2025, the Kenner Police Department Narcotics Division received an anonymous complaint of ongoing narcotics activity occurring within the 3000 block Dawson Street,

specifically the residence located at 3025 Dawson Street. Because of this complaint, detectives performed a search on a law enforcement database, which led them to identify defendant as a person of interest. The database showed that defendant had an extensive criminal history involving firearm and narcotics offenses, including possession with intent to distribute marijuana. As a result, Detective Brandon McCormick and Officer Rel conducted surveillance on Dawson Street. Only Officer Rel testified at the hearing on the motion to suppress.

Officer Rel testified that during the surveillance, Detective McCormick observed a male, identified as defendant, exit the residence of 3025 Dawson Street, meet with another man on a bicycle in the front yard, and hand him an unidentified object. He stated that Detective McCormick did not specify whether he saw a currency exchange between defendant and the other man or if he saw the man give anything to defendant. Defendant then departed the residence in his car. Officer Rel requested that Officer Michael Vega, who was working in the area, initiate a traffic stop of defendant. Officer Vega stopped defendant for operating without a properly displayed inspection sticker. Officer Rel testified that Officer Vega saw loose green vegetable-like matter resembling marijuana located on the center console.

Based on the above observations, Officer Rel authored search warrants to search the residence located at 3025 Dawson Street and defendant's cell phone at the time of the traffic stop. The affidavit provided that upon conducting an investigation, defendant admitted to possessing approximately three grams of marijuana, which was in plain view on the front passenger seat of the vehicle. Defendant appeared nervous and provided an inconsistent statement regarding his address, first stating he resided at 3025 Dawson, then stating he lived with his girlfriend. The affidavit indicated that drug dealers often distance themselves from their residence because they frequently keep evidence of their drug trafficking activities in their residence. The affidavit also provided that hand-to-hand

transactions like the one observed in this case are indicative of street level narcotics distribution and drug dealers.

Considering the totality of the circumstances, we find there were sufficient facts establishing the existence of probable cause for issuing the search warrant of defendant's residence. The affidavit explained (1) the substance of the anonymous complaint and included a specific address; (2) an exchange indicative of narcotics distribution was observed at the specified address; and (3) that background research on defendant provided a criminal history of possession with intent to distribute marijuana. Furthermore, the discovery of the marijuana in defendant's vehicle after the traffic stop corroborated the information given in the anonymous complaint.

Accordingly, we find the trial court did not abuse its discretion in denying defendant's motion to suppress evidence. Accordingly, we deny this writ application.

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

SJW
TSM
MPM

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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FIRST DEPUTY CLERK

MELISSA C. LEDET
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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 **07/29/2026** 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-277

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Ellen Shirer Kovach (DISTRICT JUDGE)
Barry S. Ranshi (Relator)
Mark D. Plaisance (Relator)

Thomas J. Butler (Respondent)
Michael F. Somoza (Relator)

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