

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TERREBONNE PARISH SHERIFF'S
OFFICE

NO. 2016 KW 1093

VERSUS

WAYNE ANDERSON AND JENNIFER
GOULAS

AUGUST 25, 2016

In Re: Wayne Anderson and Jennifer Anderson, applying for supervisory writs, 32nd Judicial District Court, Parish of Terrebonne, No. none.

BEFORE: McDONALD, CRAIN AND DRAKE, JJ.

WRIT GRANTED. The probable cause affidavit submitted in support of the application for the search warrant is premised upon a violation of Louisiana Revised Statute 14:47. That statute has been declared unconstitutional by both the United States Supreme Court and the Louisiana Supreme Court as it applies to public expression and publication concerning public officials, public figures and private individuals engaged in public affairs. See **New York Times v. Sullivan**, 376 U.S. 254, 84 S.Ct.710, 11 L.Ed.2d 686 (1964); **Garrison v. State of Louisiana**, 379 U.S. 64, 85 S.Ct. 209, 13 L.Ed.2d 125 (1964); **State v. Snyder**, 277 So.2d 660, 668 (La. 1973) (on rehearing), writ denied, 294 So.2d 543 (La. 1974), and rev'd on other grounds, 305 So.2d 334 (La. 1974); **State v. Defley**, 395 So.2d 759, 761-62 (La. 1981). Anthony Alford, the supposed victim, is President of the Terrebonne Parish Levee and Conservation Board of Louisiana, and a public official. Consequently, the search warrant lacks probable cause because the conduct complained of is not a criminally actionable offense. The ruling of the district court denying the motion to quash the search warrant is reversed, the motion is granted, and the search warrant is quashed.

JMM
WJC
EGD

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