

KA 03-1198
STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

STATE OF LOUISIANA

VERSUS

DANNY RAY SHERMAN

SAUNDERS, J. dissenting.

I respectfully dissent. The majority reverses the trial court's denial of defendant's motion to suppress, vacates the conviction, and remands. While the testimony regarding defendant's obstruction of the roadway was conflicting, I do not feel that the trial court abused its discretion in finding probable cause for the arrest. Because I believe the trial court was within its discretion on this point, I feel that the cocaine would have been discovered in a search incident to that arrest. As such, I feel that the trial court properly denied the motion to suppress and would affirm that ruling.