

Evidence thrown out in drug case

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A small amount of marijuana found in a Moss Bluff couple's home was thrown out as evidence recently by a district court judge who said the couple was "subtly coerced" into giving written permission to search their residence.

Following a seven-hour hearing conducted over two days, 14th Judicial District Court Judge Fred R. Godwin barred Assistant District Attorney Eric Roan from using the 12 grams of marijuana as evidence against [redacted] and [redacted].

Godwin said the [redacted] were coerced into signing the written consent form by the "extensive effort" the officers

made in getting the couple to sign the form as well as by certain intimidating remarks the officers made about obtaining a search warrant.

The ruling ended a hearing on a motion to suppress filed by local attorney Glen Vamvoras on behalf of the [redacted]. The couple was charged with possession of marijuana after the Oct. 12, 1995, search of their home on [redacted] Road in Moss Bluff.

According to testimony elicited during the hearing, the [redacted] were having a barbeque and card party for friends who were moving out of town. Reserve deputy John Tugwell, who lives in the same neighborhood, said he was taking a "cool-down" walk after jogging that night and spotted a group of people under the [redacted] lighted carport.

The deputy said what drew his attention to the group was that a cigarette was being passed around. He said he watched as the cigarette was passed twice to each person before concluding it was a marijuana joint.

Tugwell returned to his home and called the sheriff's department. Both regular and narcotics officers came to investigate. By this time the group had gone back into the home. [redacted] was called outside and was told the reason for the investigation. Deputies said he acted shocked. When they attempted to get him to sign a form giving them permission to search the home and several cars parked there, [redacted] was reluctant. They said he asked to confer with his wife who was eventually called outside.

Deputies disagreed over the amount of time that elapsed before the [redacted] finally signed the form. Some said as little as nine minutes elapsed, while the [redacted] said at least 45 minutes passed.

Deputies admitted they told [redacted] it could take as much as two hours to obtain a search warrant if he refused to sign the form.

But they were uncertain if he was told everyone in the house including the children would have to wait outside during that time.

Deputy David Judice testified it is not unusual for a deputy to wait inside and watch television with prospective arrestees while other officers leave to obtain a warrant from a judge.