HOW TO DEFEND DRUG CHARGES IN LOUISIANA

A Guidebook That Will Give You A Better Understanding Of Legal Process In Louisiana

CARL BARKEMEYER
Criminal Defense Attorney
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**DISCLAIMER**

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TESTIMONIALS

“I've worked with lawyers in the past who were very lackadaisical and nonchalant, and who didn't seem to care very much about me and my concerns. Carl was the exact opposite. I got the impression that he cares very much about going about his work in a manner that is as straightforward and aggressively as possible. He seems like an excellent criminal defense attorney and I would recommend him to anyone.”

- Brian M.

“Simply the best lawyer anyone could ever have. I contacted Mr. Barkemeyer concerning an unusual criminal matter. He was very professional, detailed, and quickly worked to resolve my issue. If you are looking for a lawyer who has your back, look no farther. I thank him for helping me...he gave me peace of mind.”

- Carolyn S.

“After talking to two different attorneys who promised me the world I sat down and talked to Carl who explained exactly what I was up against and did not promise me anything but he would do his best to help me out. Carl kept me informed and answered all my calls and emails promptly. Carl was able to turn a bad situation into one I could work with. If I ever need an attorney again Carl will be my first call.”

- James V
“A few months ago, I found myself in need of a lawyer. Carl Barkemeyer met with me free of charge for the consultation. From the first meeting he was professional and answered any questions I had. Resolved my case without having to go to trial. Not once did he make false promises; he shot straight with me every step of the way. I highly recommend him for any legal troubles you may face.”

- Troy T.

“Highly recommended! I was frightened of what will happen after I got a DUI, but with Mr. Brakemeyer working on my case everything turned out a lot better than expected. He'll let you know what will happen step by step, which made me feel reassured and stress free.”

- Anthony

“He is honest, a very serious, intellectual, and knowledgeable lawyer and I recommend him highly. And will certainly call on him if one is needed in the future. He kept me informed of all action being taken and kept me up to date on every decision being made.”

- Elizabeth

“Carl represented me and was very professional and very good in the courtroom. I strongly recommend Carl to anyone needing a civil or criminal attorney.”

- Michael
“Carl is a very impressive, courteous, friendly and just plain comfortable, to let handle my affairs, kind of man. He handled my business like I was his only Client. I will enthusiastically recommend him to anyone, who is in need of a true professional. Thank you Carl.”

- Craig

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“Excellent Defense Attorney! From the beginning, he was eager to resolve the case. His skills and knowledge were evident as he negotiated with prosecutors to get the best outcome. I highly recommend Mr. Barkemeyer; he's the best man for the job.”

- Anonymous

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ABOUT THE AUTHOR
Carl Barkemeyer
Criminal Defense Attorney

Carl Barkemeyer is a Louisiana licensed attorney that has defended over a thousand clients charged with crimes in city, state, and federal courts. His practice is based solely on protecting the constitutional rights of his clients.

Mr. Barkemeyer believes that to really be a benefit to his clients, the lawyer must have advanced skills at negotiation and trial. He is able to effectively evaluate a case to determine its strengths and weaknesses so he can give beneficial advice to his client. His skills as a trial lawyer have been fine-tuned as a result of years of dedication. He has represented clients at trial for all types of criminal charges in many courts throughout Louisiana.

Also, he provides assistance and/or counseling with other lawyers at criminal and civil trials. His services vary from case evaluation and strategy to evidence tactics as well as questioning potential jurors and cross-examining witnesses and other facets of trial.
He provides news interviews, videos, and lectures to other attorneys regarding the latest criminal law issues. His lectures and presentations focus on the changes of drug laws in Louisiana and how to protect clients with drug charges.

Although trial skills are important, not every case goes to trial. Mr. Barkemeyer takes a proactive approach in helping his clients by advising them on how to seek treatment for alcohol/drug abuse if necessary. He helps his clients clean up their lives, which can help them clean up their drug charge. His most rewarding client is the one who turns his/her life around and is able to move forward again after the case is over.
I have been handling drug cases for 13 years. I started at the public defender’s office, where I represented only clients charged with drug crimes for two years in a Drug Court section. Drug charges are unique crimes, since they have an entire body of law dedicated to them in Louisiana. There is a lot of interplay between drug charges, so it is basically a subsector of criminal law.
Usually, there is no victim involved; the City, State, or U.S. Government is essentially the victim. This means the prosecutors can make all the decisions regarding how they want to prosecute a particular defendant. The prosecutor does not have to clear any deals with the victim. However, the prosecutor may have to run everything by the arresting agencies or the officers that made the arrest. The police officers may have a lot invested in the arrest of a defendant. The arresting agency may have spent a lot of time and money in pursuing the arrest. Therefore, they will want to be considered regarding any deals to the defendant.

There are a lot of constitutional issues involved with drug charges, including traffic stops, searches, and seizures relating to a drug arrest. You do not see as many issues as often in a lot of criminal charges, such as sex charges, burglary, or theft.

**How Commonly Are People Arrested And Charged With Drug Crimes In Louisiana?**

Similar to the rest of the country, drug possession arrests in Louisiana skyrocketed in the mid-2000s. The drug possession rate has since fallen slightly, according to
the FBI, hovering around 400 arrests per 100,000 people. According to the FBI, more than one of every nine arrests by state law enforcement is for drug possession, amounting to more than 1.25 million arrests each year. In fact, police make more arrests for marijuana possession alone than for all violent crimes combined.

**Is Marijuana Still Illegal in Louisiana?**

We have had some recent changes in the marijuana possession laws here in Louisiana. However, it is still a misdemeanor for simple possession first and second offense. Possession of marijuana first offense when the offender possesses more than fourteen grams and second offense possession both carry a sentencing range of up to six months in jail. Third offense possession of marijuana is still a felony charge that carries up to two years in prison. It is legal for physicians to prescribe marijuana with certain limitations.

**How Is A Drug Charge Determined To Be Either A Misdemeanor Or A Felony Charge?**

In Louisiana, a drug charge is a felony if it is punishable by hard labor. For example, any person
convicted of possession of less than two grams of cocaine shall be imprisoned, with or without hard labor, for not more than two years. They can also be fined no more than $5,000. On a first conviction of a marijuana simple possession charge, where the offender possesses 14 grams or less, the offender shall be fined no more than $300, imprisoned in the Parish jail for no more than 15 days, or both. The difference is there is no hard labor for simple possession of marijuana. Therefore, it is a misdemeanor.
There are five schedules of controlled substances, I, II, III, IV and V. In determining if a substance is to be added to these schedules, the Secretary of the Louisiana Department of Health shall consider whether there is potential for abuse. It must be determined whether there is a lack of accepted safety for use of the substance under medical supervision, and whether the abuse of the substance may lead to severe psychological or physical dependence. It is also considered whether or not there is
a currently accepted medical use in treatment in the United States.

Many consider the current scheduling to be outdated. For instance, possession of marijuana falls under Schedule I, though most people would agree that it is not as dangerous as a substance like heroin, which is also a Schedule I narcotic drug. Currently, Louisiana is experiencing an epidemic with heroin. It is killing many people, often, first-time users. On the other hand, the legislature has slightly reduced the sentences on marijuana possession. Both marijuana and heroin are Schedule I.

**What Is Considered Possession, Sale, Distribution And Intent To Distribute Unlawful Drugs?**

Possession charges occur when a person knowingly or intentionally possesses a controlled dangerous substance. Possession can be actual or constructive. Actual possession is when the drugs are found on the person of the offender, such as in his pocket or cigarette pack.

Constructive possession is when the drugs are not physically on him, yet, it can be proven that he was in
possession of the drug. Circumstantial evidence will be used by the prosecutor to show that the defendant knowingly or intentionally possessed the drug although it was not on his person. For example, the defendant may be in constructive possession of drugs if they were found in his bag, in the trunk of his vehicle, in the glove compartment, or anywhere near him. The court will consider if the defendant had dominion of control of the substance.

It possibly for more than one person to be in joint possession of a controlled substance, as well. Joint possession cases may arise when drugs are found in a vehicle that multiple people occupy during an arrest. The officer may question all individuals as to who the drugs belong to. Sometimes, one individual will claim full ownership. That can result in the officer only arresting that individual. However, if the officer doesn’t believe him, he may arrest all individuals for joint possession.

Possession with intent to distribute is when the offender allegedly possesses a controlled dangerous substance with the intent to distribute that substance. Circumstantial evidence will be used, quite often, to prove
this charge. For instance, the presence of empty baggies, guns, scales, cash, and individually packaged drugs can be evidence of possession with intent to distribute.

Distribution is known as drug dealing, or the sale of narcotics. Many times, the buyer gets picked up for possession and decides to help the police to set up the distributor. However, there are other forms of distribution, such as a college student giving an Adderall Pill to his roommate. That is technically dispensing a narcotic without a valid prescription, which is distribution. The exchange of money is not necessary.
Drug trafficking charges are basically possession cases involving a very large amount of drugs. The most common scenario occurs when the offender is pulled over for a traffic violation. The officer may obtain probable cause to search through the facts and circumstances, such as a dog alerting to possible drugs. The driver may also give consent to search and a large amount of drugs are found in the vehicle. Trafficking can be prosecuted on the state or federal...
level and trafficking charges in federal court involve much harsher sentences than in state court in Louisiana.

Can Police Execute A Warrantless Search Of A Residence If They Suspect A Drug Related Offense?

If an officer has probable cause to believe drugs are in a home, he must obtain a search warrant before entering the home, with some exceptions.

For example, a warrantless search of a home may be legal if the officer has probable cause to arrest and exigent circumstances exist such as an emergency situation that justifies the immediate search without a warrant. This situation may arise when the officers must search to prevent the escape of the arrestee, avoid a violent confrontation, avoid the destruction of evidence, or protect another person.

If the officers are in “hot pursuit” of an offender, the officers may follow him into a residence without a warrant to make an arrest. While in the residence, the officers may search for hidden offenders and immediately accessible areas where weapons could be found. The
officer may also retrieve evidence in plain view, such as drugs on the coffee table.

Officers can also search residences without a valid warrant if the resident gives consent. Officers may go to a house where a suspect is residing and perform a “knock and talk.” The officer will knock on the door and begin a conversation with a resident. The officer will then ask for permission to enter and search. The officer may even claim that he smelled marijuana saw it while looking in. Therefore, leading to a valid warrantless search.

Can Police Execute A Warrantless Search Of A Vehicle If They Suspect A Drug Related Offense?

If an officer has probable cause to believe drugs are in a vehicle and exigent circumstances exist, he can search without a warrant. This exception to the warrant requirement is provided due to the possibility that the vehicle could be moved or evidence destroyed during the time it would take for a warrant to be obtained. There is less privacy with a vehicle than a home.
Police can also conduct an inventory search of a vehicle that was legitimately impounded by the police without a warrant. The purpose of the inventory search is for the officer to take an inventory of all the items in the vehicle to protect the police from claims of loss or theft by the arrestee. To be a valid inventory search, the State must prove that nobody else could take possession of the vehicle. Impoundment must be reasonable.

**Can A Passenger In A Motor Vehicle Face Drug Charges If Drugs Are Discovered In The Vehicle?**

A passenger can be charged with a drug crime, as a result of the legal concept of joint possession. Legally, two or more people can possess the same drugs. For instance, if a large amount of cocaine is found in the console of the vehicle when there is a driver and passenger, unless there is proof that it only belongs to one person, the officer will probably arrest both people.
chapter 4
should i hire an attorney beforehand if i suspect i am being investigated for a crime?

It is always best to hire an attorney if you suspect that you are under investigation for a crime. The fact that you hire an attorney cannot be used against you in a potential trial. A judge or a jury will have no concern over whether or not you hired a lawyer early on. Hiring an attorney before being arrested may be able to keep you from even being arrested, by providing beneficial knowledge or negotiating with the police officer.
What Charges Can I Face If Arrested For A Drug Related Crime In Louisiana?

Most drug charges in Louisiana are broken down into either possession, possession with intent to distribute, or distribution. Possession of drug paraphernalia can also be charged if a device for using drugs is found. This is a misdemeanor.

What Happens Within Those First 24 To 72 Hours After A Drug Related Arrest?

The person arrested has, from the moment of his arrest, a right to procure and confer with counsel and to use the telephone or send a message for the purpose of communicating with his family or with counsel.

Some courts authorize the use of a predetermined bail, otherwise a judge will actually have to set the bail amount. Law enforcement must present the arrestee before the judge within 72 hours, for the purpose of appointment of counsel.

There will also a probable cause determination. A law enforcement officer effecting the arrest of a person
without a warrant shall promptly complete an affidavit of probable cause, supporting the arrest of the person, and submit it to a magistrate. A person remaining in custody pursuant to an arrest made without a warrant shall be entitled to a determination of probable cause within 48 hours of arrest. The probable cause determination shall be made by a magistrate and shall not be an adversary proceeding. The determination may be made without the presence of the defendant and may be made on affidavits or other written evidence.

**How And When Do Miranda Rights Come Into Play In A Criminal Case?**

Miranda rights go into effect only when the arrestee is actually in custody and is being interrogated by a law enforcement officer. The arrestee must have been arrested or is not free to leave, and he must be questioned or interrogated by an officer. The officer must read the rights prior to questioning an arrestee who is in custody. If the rights were not read to an arrestee in custody, then any statement the arrestee makes to the officer in response cannot be admitted in trial.
Therefore, before the Miranda rights kick in, the arrestee must be in custody and subject to interrogation by the officers. If the individual is being questioned by an officer when the individual is not in custody, the statements made by the individual can be used against him in his trial. For example, a driver is pulled over. The officer questions him about an odor of marijuana coming from his vehicle. If the driver states that he has marijuana in his vehicle, that statement can be used against him at his trial even though his Miranda rights were not read to him.

Another common example is when an individual is arrested and he claims the officer never read him his Miranda rights. However, the arrestee never speaks to the officer nor makes any statements. In that case, there are no statements to try to suppress from a trial. The lack of the officer to read the Miranda rights does not defeat the case. It can only potentially defeat statements made while in custody when the officer is questioning him.
You should contact an attorney immediately if you are under investigation, if there is a warrant for your arrest, or if you have been arrested.

**Will I Be Arraigned Before I Am Released From Jail On Drug Charges?**

The arraignment takes place after the prosecutor files a Bill of Information or obtains an indictment. The prosecutor has to obtain all the reports from the arresting
officer and this can take several weeks. Once he gets them, he decides whether or not he wants to prosecute. If he decides he wants to prosecute, he will file the Bill of Information or get a grand jury indictment. Then, the case will be set for an arraignment date. The only way that a defendant is arraigned while he is in jail is if he does not bond out.

**What Common Mistakes Do People Make During The Arrest Phase In A Drug Case?**

Most commonly, people wait until they start actually going to court to hire an attorney. Hiring an attorney early on can make a huge difference in drug cases.

**How Does The Bail Bond Process Work In The Court Where My Drug Case Will Be Heard?**

Most drug charges are bondable in state court. In federal court, there is a presumption in drug trafficking cases that a defendant should be detained without a bond. In state court, there are situations where the judge can deny a bail, but that is rare. A judge shall set the bail amount within 72 hours. The defendant can post the cash bond in the entire amount of the bail, post a property bond if he has
enough unencumbered property, or hire a bail bondsman, who will bond him out after receiving a 10% non-returnable fee for putting up the entire bail amount.

**How Do I Know What To Do Once I Am Released From Jail?**

In drug cases, you will be leaving the jail with an appearance bond paperwork. It will detail the charges and the bail amounts and bonds. The judge may order conditions of your release, such as refraining from criminal conduct and drug use. The judge may order drug tests at the courthouse. Depending on the charges you are arrested for, you will be given notice for your arraignment date. If the specific parish does not provide the notice for the arraignment date, then the notice will be served upon you at the residence provided on the bond paperwork.
The only time you would go to court during the first month is if you are ordered to take a drug test. Otherwise, you will be waiting until the reports get to the prosecutor from the arresting agency, so that he make a decision as to whether and how he wants to prosecute.
How Often Should I Expect To Meet With My Attorney To Discuss My Drug Case?

You and your attorney should meet at least once, to get the ball rolling with representation. The attorney should give you advice on how to proceed regarding any drug tests and/or treatment needed, as well as preparing any defenses. Your attorney will inform you of the elements of the charge and sentencing ranges.

Will I Have To Meet With The Pre-Trial Probation Office Of Any Kind Within The First 30 Days?

If you need to meet with a pre-trial officer, it will be after 30 days. However, the judge may require that you meet with a bond officer, who will supervise you while you are on bond. This may include the bond officer ordering drug tests, ankle bracelets, and monitoring to make sure you are staying clean and are not getting any more new arrests while on bond.

Should I Start Voluntary Pre-Trial Counseling In My Drug Related Case?

Whether you should seek treatment depends on the type of drug charge you have and your situation.
Every case is different. However, there are many times when we advise a drug evaluation and/or treatment immediately after the arrest. It can only help your case if it is advised.
An attorney can advise you regarding any necessary drug evaluation and treatment, which can have a huge impact on the result of the case.

**What Factors Do You Consider In Determining How To Proceed In A Drug Related Case?**

Every case has different facts and circumstances. The evidence that the prosecutor can present at trial is the
most important factor in determining the outcome. We examine the potential evidence to determine the possible outcome at trial. The defendant’s criminal record also plays a large part in the decision whether to go to trial. We have to consider the potential sentence of going to trial and losing, versus the sentence with a plea deal, if pleading guilty. Generally, the more prior convictions on the record, the harsher the potential sentence, if convicted. It is a risk/reward analysis that we must calculate.

**What Do Sentences Generally Look Like For Drug Offenders In Louisiana?**

For first-time offenders, some drug cases require mandatory prison time, while others can lead to a deferred sentence. Sometimes, we can make a deal with the prosecutor in which the end result is a dismissal. As the defendant starts accumulating more convictions, the potential sentences get harsher.
Most cases settle in the end, with either a dismissal or a plea of guilty. Very few drug cases actually go to trial. There are situations where we have a suppression hearing, which is a hearing that the defense can request to try to prove that evidence the prosecutor wants to use at trial against the defendant should be suppressed from trial. The result of that suppression hearing determines whether the defendant pleads guilty or the case is dismissed. Many times, if the defendant loses the suppression hearing, the
prosecutor will withdraw all offers, leaving the defendant with the only option of pleading guilty.

What Factors Does The Judge Consider When Determining My Drug Sentence?

The judge will consider all the facts and circumstances surrounding the case, including the sentencing range of the statute in which the defendant was convicted, any agreed sentence between the prosecutor and the defendant, the criminal record of the defendant, and whether a habitual offender bill was filed. Also, the facts of the case, whether or not victims were involved, the severity, whether the defendant likely to commit the crime again, any treatment completed by the defendant, any forfeitures of drug contraband, and whether or not the defendant admitted guilt. In federal court, whether the defendant helped the prosecutor is a main factor that will influence the sentence.

What Should I Understand About Probation In My Drug Related Case?

When a defendant is convicted of a crime, whether it is a misdemeanor or felony, the judge must sentence him.
The judge usually will sentence the defendant to serve jailtime for a specified period of time. In the judge’s discretion, he can suspend the jail sentence and place the defendant on probation. Essentially, the judge is giving the defendant a second chance.

Probation can either be supervised or unsupervised. Unsupervised probation is usually ordered by the judge for misdemeanor convictions. The judge will order a period of probation in which the defendant must complete conditions of probation, such as drug tests, substance abuse treatment, community service, rehabilitation classes, and pay fines and court costs. If the defendant comes back to court and shows proof of completing the conditions, without having been arrested or convicted during that time, the judge can terminate the probation satisfactorily.

Supervised probation, on the other hand, involves the defendant signing up for supervision with Louisiana Probation & Parole. He will be assigned a probation officer, who will supervise him. The judge may order the defendant to complete conditions of probation which may include paying monthly supervision fees.
If the probation officer believes that the defendant is not properly complying with probation or he has a new arrest, the probation officer can file a probation revocation hearing request, as well as obtaining probation warrants for his arrest. At the hearing, the judge will hear testimony from the probation officer and rule on the revocation. The defendant is given an opportunity to make his case as well. If the judge decides to revoke the probation, then the defendant will be ordered to serve the suspended jail sentence.
Prior convictions are very important. It is highly necessary that the client inform their attorney during their first conversation of exactly what he has been arrested and convicted of, in all states, even if the client thinks the conviction was expunged. The prosecutor will still be able to see it. If the client is honest with the attorney early on, regarding his criminal record, the attorney can give better, more realistic advice regarding any possible outcomes of the case.
Prior convictions are more important than prior arrests. However, even prior arrests will be analyzed by prosecutors and judges. Prior convictions are important, because many statutes provide for enhanced sentences if the prosecutor can prove that the defendant has been convicted on the same or similar charges before. If the defendant has prior felony convictions, the state can file a habitual offender bill of information, drastically increasing the sentencing range.

In the event the case goes to trial, prior convictions can greatly affect the outcome at trial. Prior convictions can be brought up by the prosecutor at trial if the defendant chooses to testify. This can hurt the defendant’s credibility to the jury. Prior convictions can be brought up in trial even if the defendant does not testify if the convictions are relevant to prove an enhanceable offense.

For instance, if the defendant is charged with possession of marijuana third offense, which is a felony, the prosecutor can offer proof of the defendant’s prior two convictions of possession of marijuana to the judge or jury. This is not good for the defendant.
What Steps Can I Take Prior To Sentencing Hearing To Help My Case?

If the defendant is engaged in treatment, then he needs to continue that treatment and be prepared to show written proof of it at sentencing. Additionally, if there are any agreed upon conditions between the defendant and the prosecutor that the defendant complete before sentencing, then he needs to complete those conditions. Most importantly, he needs to stay out of trouble and not get re-arrested.

Are There Alternative Punishments To Jail That I May Qualify For?

There are many options for resolving drug cases, other than going to jail. Since each case is different and each defendant is different, each outcome is different. After examining the case, options can include deferred adjudication, mitigation with the prosecutor, probation, drug court, diversion, and also orders to reside at rehabilitative residency programs.
CHAPTER 10

POSSIBLE DEFENSES TO DRUG CHARGES IN LOUISIANA

The legality of the police officer’s investigation is the first defense we consider. The defendant has constitutional rights against unreasonable search and seizure. If the officer violated those rights, we attempt to prove this at a suppression hearing before trial. If the judge believes the search and/or seizure was illegal, he may order the evidence to be suppressed from use at trial. Many times, this can make the prosecutor’s case fall apart, which can lead to a dismissal.
Evidence suppression is a very common defense to drug charges, assuming the defendant’s rights were violated at some point by law enforcement. If the police have conducted a completely legal investigation, then the issue becomes whether the state can prove the alleged facts at trial.

Regarding possession, the prosecutor must prove that the defendant knowingly or intentionally possessed the drugs. The most common defense on the facts is that the drugs belonged to someone else. The defendant can assert that he did not even know of the existence of the drugs. For instance, the defendant is a driver of a vehicle. He picks up a friend who is carrying a kilo of heroin in is backpack that is thrown in the backseat. Subsequently, a traffic stop is conducted, police consent-search the vehicle and find the drugs. Both the driver and passenger are arrested. The driver will argue that the bag was not his, he had no dominion of control over the bag or its contents, and he was not aware of the contents of the bag.

Another common defense to possession of drugs is that the defendant knew they were there, but the drugs did
not belong to him. Given the facts above, let’s assume the passenger got into the car with the backpack. The driver asked the passenger, “What’s in your bag?” The passenger told him that heroin was in the bag. The driver knew drugs were in his vehicle. However, the driver was not in possession of the drugs because they did not belong to him. In fact, if he took the drugs from the passenger, the passenger would be very upset. Therefore, the driver had no dominion of control.

Compare this scenario to when a lady passenger with a purse gets into a vehicle with a driver. The driver is not now in possession of the lady’s purse and the contents. If she tells him that lipstick is in the purse, that does not mean the lipstick now belongs to the driver. What if she tells him that cocaine is in the purse?

A defense to possession with intent to distribute is that the defendant possessed the drugs, but did not intend to distribute; it was his personal drugs. Important facts to consider here are the amount of drugs, whether scales, baggies, guns, and/or cash would be introduced at trial. If those items will not be offered, the defense may work.
It may be beneficial to the client to make the argument that although he possessed the drugs, it was not with intent to distribute. This argument would be made when it is not possible to beat the facts on possession. It is better for the defendant to get convicted of possession instead of possession with intent to distribute. The difference in the sentencing range is quite drastic. Many times, possession with intent to distribute carries mandatory jail time.

**Is It Possible To Have My Drug Charges Dropped Or Reduced?**

It is always possible to have charges dismissed or reduced, depending on the facts and circumstances, the charges, criminal record, evidence, and any substance abuse treatment.
Listen to and follow the advice of your attorney, in order to get the best outcome in your case.

I Was Just Arrested For Marijuana Possession. Do I Really Need An Attorney To Represent Me In A Case Like This?

Marijuana possession is a drug charge that can haunt your criminal record forever. Although you may not think it is a big deal, most employers and schools do not
like marijuana convictions on the record of anyone they are
considering. Marijuana simple possession cases should be
taken just as seriously as any other case, if you care about
your future. Possession of marijuana is still an enhance-
able offense, if committed within two years of a prior
conviction, third offense marijuana possession is a felony
punishable with imprisonment.

What Qualities Should I Look For In A Criminal Defense Attorney To Represent Me In My Drug Related Case?

The most important quality of an attorney is that he
has experience defending drug cases in Louisiana. Drug
cases are not like most other criminal defense cases. They
are highly unique, with specific laws that are
interconnected. Drug cases have a lot of constitutional
issues not found as often in sex crime, burglary, or DWI
cases. It is also very important that your attorney has
significant trial experience. Your defense attorney should
have great knowledge of substance abuse treatment and
process as well as established connections.
What Specifically Sets You And Your Firm Apart In Handling Drug Cases In Louisiana?

I have spent years representing only clients charged with drug crimes. I have a great understanding of drug addiction, treatment, and recovery. I know how to negotiate with prosecutors, because I use treatment and constitutional issues to my advantage. I know what is important to prosecutors and judges. I am knowledgeable enough to educate other attorneys and write publications regarding drug laws and drug defense in the state of Louisiana.
What Is The Next Step?

The strategy for your defense starts immediately after you are arrested. Drug charge defendants should meet with their attorney to give as much information as possible to the attorney regarding the facts surrounding the arrest and the defendant’s criminal record. The client should remain drug free and be prepared to pass drug tests on court dates. The attorney and client should make a plan for any necessary substance abuse evaluations and/or treatment. The facts of every case are different and the client and his/her situation is always different. All these aspects make up the whole case and must be considered to get the best result.
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How to Defend Drug Charges in Louisiana
A Guidebook That Will Give You A Better Understanding Of Legal Process In Louisiana

“I’ve worked with lawyers in the past who were very lackadaisical and nonchalant, and who didn’t seem to care very much about me and my concerns. Carl was the exact opposite. I got the impression that he cares very much about going about his work in a manner that is as straightforward and aggressively as possible. He seems like an excellent criminal defense attorney and I would recommend him to anyone.”

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- James V

Carl Barkemeyer, Criminal Defense Attorney

Carl Barkemeyer is a Louisiana licensed attorney that has defended over a thousand clients charged with crimes in city, state, and federal courts. His practice is based solely on protecting the constitutional rights of his clients.

Mr. Barkemeyer believes that to really be a benefit to his clients, the lawyer must have advanced skills at negotiation and trial. He is able to effectively evaluate a case to determine its strengths and weaknesses so he can give beneficial advice to his client.

Also, he provides assistance and/or counseling with other lawyers at criminal and civil trials. His services vary from case evaluation and strategy to evidence tactics as well as questioning potential jurors and cross-examining witnesses and other facets of trial.

He provides news interviews and lectures to other attorneys regarding the latest criminal law issues.

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