

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 55,958-KW

STATE OF LOUISIANA

VERSUS

ELVAN T. MCDANIEL

FILED: 05/31/24

RECEIVED: E-Filed 05/31/24

On application of Elvan T. McDaniel for SUPERVISORY WRIT in No. 34,604 on the docket of the Second Judicial District, Parish of CLAIBORNE, Judge Walter Edward May, Jr.

LAW OFFICES OF CHRIS L. BOWMAN
Chris Lane Bowman
Colby L. Bowman

Counsel for:
Elvan T. McDaniel

LOUISIANA ATTORNEY GENERAL
Liz Murrill
Darwin Clayton Miller
Michelle Anderson Thompson

Counsel for:
State of Louisiana

Before STONE, HUNTER, and MARCOTTE, JJ.

WRIT GRANTED IN PART; DENIED IN PART.

The applicant, Elvan T. McDaniel, seeks supervisory review of the trial court's ruling setting bail at \$200,000.00 and imposing the following conditions on bail:

(1) Defendant is not to carry any weapons, including any gun, taser or other instrument that may be considered a weapon; (2) Defendant is not to have access to the Homer Police Department, specified as he is not permitted on the premises; (3) Defendant is not to have access to any Homer Police vehicle or contact with any Homer Police personnel; (4) Defendant shall not have authority to swear any affidavits or other official documents; (5) No Homer police personnel shall have any contact with Greg Moak or any witnesses and other persons involved in the current case involving Greg Moak.

We find that the trial court abused its discretion in imposing conditions of bail that effectively restrict the applicant's ability to perform his responsibilities as the duly elected Chief of Police. This writ is granted in part and conditions (2), (3), and (4)

are vacated in their entirety. In addition, the portion of condition (5), which purports to apply to all other Homer police officers, is vacated in part to limit application of the restriction solely to Elvan T. McDaniel. La. C. Cr. P. art. 320(B) and (J).

In all other respects, this writ is denied.

Shreveport, Louisiana, this 13 day of June, 2024.

MLH SDS Com

FILED: _____

Stacy Jones

DEPUTY CLERK