# CAPTION: STATE V. MITCHELL

**12-07-22**

APPEAL NOS.: C-220155

C-220156

TRIAL NOS.: B-2003758

B-2003749

KEY WORDS: DRUG OFFENSES – POSSESSION – TRAFFICKING – WEAPONS UNDER DISABILITY – EXCLUSIONARY RULE – CONSTITUTIONAL LAW/CRIMINAL – MERGER – FOURTH AMENDMENT

SUMMARY:

The trial court properly denied defendant’s motion to suppress where competent and credible evidence existed to support the court’s finding that defendant resided in the apartment in which he was arrested.

The trial court erred in failing to merge defendant’s offenses for trafficking in and possession of marijuana where the offenses were allied offenses of similar import, and also erred in issuing an overbroad forfeiture edict.

JUDGMENT: AFFIRMED IN PART, REVERSED IN PART, AND CAUSE REMANDED

JUDGES: OPINION by BERGERON, J.; MYERS, P.J., and ZAYAS, J., CONCUR.