

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-00927

VS.

JAMES E. TATE

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 560-640, Court of
Appeal, Fourth Circuit, Number(s) 2024-K-0354;

August 20, 2024

Writ application granted. See per curiam.

SJC
JLW
JTK
WJC
JBM

Griffin, J., would deny.

Supreme Court of Louisiana
August 20, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KK-00927

STATE OF LOUISIANA

VS.

JAMES E. TATE

On Supervisory Writ to the Criminal District Court, Parish of Orleans

PER CURIAM:

Writ granted. We find that the trial court abused its discretion in ruling that the police officers did not have reasonable articulable suspicion to justify an investigatory stop of the car in which defendant was a passenger. A traffic stop, analogous to a so-called “*Terry*¹ stop,” is permitted under the Fourth Amendment in the absence of probable cause when an officer’s “observations lead him reasonably to suspect” that a particular person has committed, is committing, or is about to commit a crime. *Berkemer v. McCarty*, 468 U.S. 420, 439–40, 104 S.Ct. 3138, 3150, 82 L.Ed.2d 317, (1984). The officer may stop the defendant in order to “investigate the circumstances that provoke suspicion.” *Id.*, quoting *United States v. Brignoni-Ponce*, 422 U.S. 873, 881, 95 S.Ct. 2574, 2580, 45 L.Ed.2d 607 (1975). A reviewing court “must look at the ‘totality of the circumstances’ of each case to see whether the detaining officer has a ‘particularized and objective basis’ for suspecting legal wrongdoing.” *United States v. Arvizu*, 534 U.S. 266, 273, 122 S.Ct. 744, 750, 151 L.Ed.2d 740 (2002). This “allows officers to draw on their own experience and specialized training to make inferences from and deductions about the cumulative information available to them.” *Id.*, 534 U.S. at 273, 122 S.Ct. at 750–51.

In this case, while patrolling at approximately 7:30 p.m. on December 1, 2023,

¹ See *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

officers observed a grey Camaro with red racing stripes and an invalid license plate² idling with its lights on in a parking lot of an apartment complex in an area known to be a “hub for illegal narcotics, weapons, and vehicle violations.” The officers recognized the car (based on its color, make, and missing valid license plate) from an incident earlier in the week when they observed it speeding in a reckless manner.

Based on this information, the officers were justified in initiating an investigatory stop of the Camaro in order to dispel their suspicion that its occupants had committed, were committing, or were about to commit a crime. In particular, having previously witnessed the Camaro driven on the streets of the city without a valid license plate, the officers reasonably suspected the driver of the idling vehicle was about to, or had just committed a traffic violation pursuant to New Orleans Municipal Code § 154-307. As soon as the stop was initiated, the driver fled on foot before he was captured, and defendant, the passenger, attempted to step out of the Camaro and was detained. From their lawful position outside the Camaro, the officers observed, in plain view, two firearms. A name-check of the occupants revealed both had prior felony convictions. Based on all this information, the officers

² In the place on the rear bumper where a license plate should have been affixed was a piece of paper with words typed on it inside a plastic cover. It was neither a valid permanent nor temporary license plate. New Orleans Municipal Code § 154-307, provides, in pertinent part:

(a) Every person who is a resident of the state and owns a motor vehicle of any description must first obtain an appropriate, current, valid license plate from the state before driving his motor vehicle upon any public streets of the city, except that a 20-day temporary registration marker may be used for new cars when lawfully issued by a dealer.

(b) No vehicle shall be driven on the streets of this city with any vehicle license plate which is mutilated, defaced, damaged, or obscured in such a manner as to make the letters and numerals thereon illegible.

(c) A license plate shall be placed and positioned to be clearly visible and securely fastened. At night, the plate must be so illuminated as to be visible from a distance of 50 feet.

(d) It shall further be a violation of this section for any person to operate upon the streets of the city a motor vehicle not bearing a current license plate from this state or from the state where the owner resides, if he is a nonresident.

applied for and were granted a warrant to search the Camaro. The search turned up firearms, illegal narcotics, and additional evidence which was seized. This evidence formed the basis of the charges against defendant. The initial stop of the vehicle was justified, and each step thereafter taken by the officers fell within the confines of the Fourth Amendment. The trial court abused its discretion in granting defendant's motion to suppress and by finding no probable cause. The decision of the trial court is reversed. The evidence is admissible. The matter is remanded for further proceedings.