

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00919

VS.

TYRON BURTON

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 563-427, Court of
Appeal, Fourth Circuit, Number(s) 2025-K-0317;

December 09, 2025

Writ application granted. See per curiam.

WJC
JLW
JBM
PDG
JMG
CRC

Griffin, J., additionally concurs and assigns reasons.
Hughes, J., concurs.

Supreme Court of Louisiana
December 09, 2025

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-00919

STATE OF LOUISIANA

VS.

TYRON BURTON

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

PER CURIAM

New Orleans Police Department officers were patrolling an area in New Orleans East, known by the officers as a location where stolen vehicles are found. They encountered a vehicle that matched a stolen vehicle description. The vehicle did not have a license plate. When the officers turned on their lights, the front right door of the vehicle opened, and defendant fled on foot. Officers pursued the defendant into an overgrown lot where they found him hiding behind a dirt pile in some brush. Defendant complied with verbal commands from the officers to stop and lie down. Officers then searched the area where defendant had hidden and discovered a discarded firearm on the ground.

Defendant was charged under La. R.S. 14:95.1 with possession of a firearm by a felon. The trial court suppressed the firearm. The appellate court denied the state's writ, with one judge dissenting. The state now seeks review from this court. We find error.

The Fourth Amendment to the United States Constitution and Article I, § 5 of the Louisiana Constitution prohibit unreasonable searches and seizures. The protections of the Fourth Amendment extend to brief investigatory stops. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968). Such investigatory stops require reasonable suspicion of criminal activity, which is something less than

probable cause. *State v. Huntley*, 97-0965 (La. 3/13/98), 708 So.2d 1048, 1049. Reasonable suspicion requires only a minimal level of objective justification. *Id.* This includes knowledge of recent crime patterns or incidents of crimes. *State v. Martin*, 99-123 (La. App. 5 Cir. 6/1/99), 738 So.2d 98, 102. “[N]ervous, evasive behavior is a pertinent factor in determining reasonable suspicion” and “[h]eadlong flight—wherever it occurs—is the consummate act of evasion: it is not necessarily indicative of wrongdoing, but it is certainly suggestive of such.” *Illinois v. Wardlow*, 528 U.S. 119, 124, 120 S.Ct. 673, 145 L.Ed.2d 570 (2000).

The totality of the circumstances here are critical. The officers were patrolling an area where stolen vehicles are often recovered. They saw a vehicle that matched a stolen vehicle description. The vehicle had no license plate. When officers attempted to stop this vehicle, defendant fled from it on foot. Given the totality of these circumstances, reasonable suspicion existed to stop the defendant.

During his flight, the officers also observed the defendant leaning forward and clutching the front of his clothing, as if he was reaching for a firearm. Defendant then fled into an open field and attempted to hide. After defendant complied with verbal instructions to surrender, officers searched the area where he had hidden and recovered the firearm. No Fourth Amendment protection is given to abandoned items, and open fields are not afforded the same Fourth Amendment protection as a person’s home or other private structures. *Hester v. United States*, 265 U.S. 57, 44 S.Ct. 445, 68 L.Ed. 898 (1924); *State v. Ryan*, 358 So.2d 1274, 1276 (La. 1978); *Oliver v. U.S.*, 466 U.S. 170, 104 S.Ct. 1735, 80 L.Ed.2d 214 (1984). Thus, defendant had no reasonable expectation of privacy in the firearm found abandoned in an open field that was not his private property.

The trial court erred in granting defendant’s motion to suppress evidence. This judgment is hereby reversed, and the matter remanded for further proceedings consistent with this opinion.

REVERSED AND REMANDED