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SUPREME COURT OF LOUISIANA

NO. 16-KK-2257

STATE OF LOUISIANA

VERSUS

LEON SCOTT

**ON SUPERVISORY WRITS TO THE CRIMINAL DISTRICT COURT FOR
THE PARISH OF ORLEANS**

CRICHTON, J. would grant and assigns reasons

I would grant the State's writ and reverse the trial court's suppression of the defendant's statement. In my view, police officers were justified in making an investigatory stop of the defendant; and upon his flight and apprehension, it was reasonable to place defendant in handcuffs pending investigation. *See* La. C.Cr.Pr. art. 215.1. Because the defendant's choice to flee necessitated the detention and handcuffs, I do not deem the status to be custodial such that the Miranda advisement is required. *State v. Boudoin*, 2010-2868 (La. 3/4/11, 3), 56 So.3d 233, 235 ("[T]he officers' use of handcuffs to detain the men as they questioned them briefly did not transform the stop into a de facto arrest.") Therefore, in my view, defendant's voluntary statement is admissible and should not have been suppressed by the trial court.