

SUPREME COURT OF LOUISIANA

No. 2019-KK-0634

STATE OF LOUISIANA

VERSUS

LORI ANNE ELLIS

ON SUPERVISORY WRIT TO THE 22ND JUDICIAL DISTRICT COURT,

PARISH OF ST. TAMMANY

PER CURIAM

GRANTED. The ruling of the district court denying defendant’s motion to suppress is vacated.

“During detention of an alleged violator of any provision of the motor vehicle laws of this state, an officer may not detain a motorist for a period of time longer than reasonably necessary to complete the investigation of the violation and issuance of a citation for the violation, absent reasonable suspicion of additional criminal activity.” La. C.Cr. P. art. 215.1(D). *See also Rodriguez v. United States*, 135 S. Ct. 1609, 1615, 191 L. Ed. 2d 492 (2015) (“An officer, in other words, may conduct certain unrelated checks during an otherwise lawful traffic stop. But...he may not do so in a way that prolongs the stop, absent the reasonable suspicion ordinarily demanded to justify detaining an individual.”). In this case, after the deputy searched defendant’s vehicle, he had no continued belief that defendant might have a weapon on her. Further, the deputy admitted that nothing from defendant’s post-vehicle search interview lead him to believe defendant had contraband. Based on the deputy’s testimony and the particular facts of this case, we find the deputy did not have reasonable suspicion of additional criminal activity so as to justify a continued investigation of defendant in connection with this traffic stop. Because reasonable

suspicion was lacking, the deputy's announcement that a female officer was in route to perform a pat-down of defendant constituted a threat to conduct an unlawful search under the Fourth Amendment, as the deputy had no authority to do a pat-down without a warrant. *See United States v. Howard*, 156 F.Supp. 3d 1045, 1050 (N.D. Cal. 2016) (citing *United States v. Saafir*, 754 F.3d 262 (4th Cir. 2014), and *United States v. Guzman*, 739 F.3d 241, 247 (5th Cir. 2014)).

Accordingly, defendant's inculpatory statement and the evidence obtained by the deputy following the threat of an involuntary search of her person without probable cause, in violation of the Fourth Amendment, are not admissible. *See Howard*, 156 F.Supp. 3d at 1050. Defendant's motion to suppress the statement and evidence is granted.