

# STATE OF LOUISIANA

## COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2017 KW 0409

VERSUS

MAY 25 2017

MICHAEL NEILSON

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In Re: Michael Neilson, applying for supervisory writs, 17th Judicial District Court, Parish of Lafourche, Nos. 519113, 519114, & 520705.

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**BEFORE: WHIPPLE, C.J., GUIDRY AND McCLENDON, JJ.**

**WRIT DENIED.** This case involved two separate instances of driving while intoxicated. The first stop was made after the officer observed relator commit a traffic violation inside his jurisdiction, and the second stop was made after the police received a call from a citizen who wished to remain anonymous, but verified his complaint, in person, with the arresting officer. Both stops were reasonable under the totality of the circumstances. See **State v. Gates**, 2013-1422 (La. 5/7/14), 145 So.3d 288. Furthermore, the right of law enforcement officers to stop and interrogate one reasonably suspected of criminal conduct is recognized by both federal and state jurisprudence. **Terry v. Ohio**, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); **State v. Ducre**, 604 So.2d 702, 706 (La. App. 1st Cir. 1992). See also La. Code Crim. P. art. 215.1. Therefore, even if defense counsel had filed motions to suppress, the outcome of the criminal proceedings in the instant cases would not have been different because both stops are supported by the law and jurisprudence. See **Strickland v. Washington**, 466 U.S. 668, 694, 104 S.Ct. 2052, 2068, 80 L.Ed.2d 674 (1984). Accordingly, the district court did not err by denying the application for postconviction relief.

PMc  
VGW  
JMG

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