

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2021 KW 0814

VERSUS

ANTONIO GIBSON

**OCTOBER 18, 2021**

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In Re: State of Louisiana, applying for supervisory writs,  
19th Judicial District Court, Parish of East Baton  
Rouge, No. DC-20-04784.

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**BEFORE: LANIER, WOLFE, AND BURRIS,<sup>1</sup> JJ.**

**WRIT GRANTED.** The officer, upon effecting the traffic stop, had the authority to open the defendant's door, as well as order the defendant out of the vehicle, particularly in light of the reasonable suspicion obtained by the lack of any identifying paperwork or information about the vehicle the defendant was driving. See State v. Cure, 2011-2238 (La. 7/2/12), 93 So.3d 1268 (per curiam), cert. denied, 568 U.S. 988, 133 S.Ct. 549, 184 L.Ed.2d 357 (2012). Upon learning that the defendant did not have insurance or a driver's license, the officer had the authority to arrest the defendant and have the vehicle towed. See State v. Sherman, 2005-0779 (La. 4/4/06), 931 So.2d 286, 291. Accordingly, pursuant to the plain view doctrine, the officer lawfully seized the gun. See Horton v. California, 496 U.S. 128, 110 S.Ct. 2301, 110 L.Ed.2d 112 (1990). The methamphetamine in the defendant's bag was seized pursuant to a valid search incident to arrest. See Rawlings v. Kentucky, 448 U.S. 98, 111, 100 S.Ct. 2556, 2564, 65 L.Ed.2d 633 (1980). See also State v. Surtain, 2009-1835 (La. 3/16/10), 31 So.3d 1037, 1044-47. The trial court's ruling is reversed, and the matter is remanded for further proceedings.

**WIL  
EW  
WJB**

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT

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<sup>1</sup> Judge William J. Burris, retired, serving *pro tempore* by special appointment of the Louisiana Supreme Court.