

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 2076

VERSUS

CHARLES D. CURRY

FEB 27 2014

In Re: State of Louisiana, applying for supervisory writs,
18th Judicial District Court, Parish of West Baton
Rouge, No. 113,216.

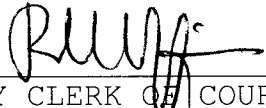
BEFORE: KUHN, HIGGINBOTHAM AND THERIOT, JJ.

WRIT GRANTED. Because of the exigency created by personally observing an erratic or reckless driver, an out-of-jurisdiction police officer, following proper protocol, can effect a traffic stop of the driver. See **State v. Stapa**, 45,773 (La. App. 2nd Cir. 8/27/10), 46 So.3d 264, writ denied, 2010-2126 (La. 11/19/10), 49 So.3d 391; **State v. Williams**, 45,775 (La. App. 2nd Cir. 8/27/10), 46 So.3d 262. Thus, Officer Southon, a Brusly police officer who observed respondent driving in an erratic manner in Addis; contacted Addis Police Lieutenant Patterson requesting, and being granted, permission to stop respondent; effected a traffic stop of respondent in a marked vehicle; and turning over the investigation to Lieutenant Patterson, who arrived on the scene prior to respondent exiting his vehicle, acted properly and within the confines of the Fourth Amendment. Further, in interviewing respondent and preparing (and possibly conducting) the breath test, Officer Southon was not acting under the color of law of his own jurisdiction, but was merely providing limited assistance to Lieutenant Patterson, who was in charge of and conducting the investigation of respondent.

MRT
JEK

Higginbotham, J., dissents and would deny the writ.

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FOR THE COURT