

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

STATE OF LOUISIANA

NO. 2017 KW 1452

VERSUS

HERMAN ROBERSON

DEC 07 2017

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In Re: State of Louisiana, applying for supervisory writs,  
19th Judicial District Court, Parish of East Baton  
Rouge, No. 04-14-0346.

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**BEFORE: WHIPPLE, C.J., McDONALD AND CHUTZ, JJ.**

**WRIT GRANTED.** The trial court's ruling granting the motion to suppress is reversed, and this matter is remanded for further proceedings. Based on the observed parking violation, Corporal Kennedy was permitted to approach respondent, request identification, and ask him to step out of his vehicle. See La. R.S. 32:143; **Whren v. United States**, 517 U.S. 806, 813, 116 S.Ct. 1769, 1774, 135 L.Ed.2d 89 (1996); **Pennsylvania v. Mimms**, 434 U.S. 106, 111 n.6, 98 S.Ct. 330, 333 n.6, 54 L.Ed.2d 331 (1977) (per curiam). At this point of the investigative traffic stop, respondent got out of his vehicle and immediately revealed that he was carrying a gun, which the officer seized. Respondent had not been arrested at this point and had not been questioned by Corporal Kennedy when he freely admitted to possessing a gun. That admission, therefore, as well as the gun, would be allowed in evidence at trial. A traffic stop does not constitute a custodial interrogation; therefore, a defendant's statements to a police officer during a traffic stop do not trigger the **Miranda** requirement. See **State v. Manning**, 2003-1982 (La. 10/19/04), 885 So.2d 1044, 1073-74, cert. denied, 544 U.S. 967, 125 S.Ct. 1745, 161 L.Ed.2d 612 (2005). When Corporal Kennedy learned that respondent was a convicted felon, he arrested respondent and gave him his **Miranda** warnings. Respondent then told Corporal Kennedy that he had purchased the gun that same day. This statement, too, offered subsequent to being **Mirandized**, would be allowed in evidence at trial.

JMM  
WRC  
VGW

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