

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT
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NOT DESIGNATED FOR PUBLICATION

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REHEARING ACTION: May 11, 2016

Docket Number: 15 00865-KW

**STATE OF LOUISIANA
VERSUS
ZACHARIAH LASTRAPES**

Writ Application from Lafayette Parish Case No. CR 150955

BEFORE JUDGES:

**Hon. Sylvia R. Cooks
Hon. Billy Howard Ezell
Hon. John E. Conery**

As counsel of record in the captioned case, you are hereby notified that the ruling for the application for rehearing filed by **Zachariah Lastrapes** is:

REHEARING GRANTED: Rehearing in this matter is granted for the limited purpose of deleting from the original ruling: "Pretextual stops are not prohibited. *Whren v. U.S.*, 517 U.S. 806, 116 S.Ct. 1769 (1996); *State v. Sherman*, 05-779 (La. 4/4/06), 931 So.2d 286."

For a traffic stop to be justified at its inception, an officer must have an objectively reasonable suspicion that some sort of illegal activity occurred or is about to occur before stopping the vehicle. A traffic stop supported by probable cause does not violate the Fourth Amendment regardless of the officer's actual motivations. See *Florida v. Jardines*, ___ U.S. ___, 133 S.Ct. 1409 (2013); *Brendlin v. California*, 551 U.S. 249, 127 S.Ct. 2400 (2007); *Arkansas v. Sullivan*, 532 U.S. 769, 121 S.Ct. 1876 (2001); *Parker v. Town of Woodworth*, 14-943 (La.App. 3 Cir. 3/4/15), 160 So.3d 1113, writ denied, 15-659 (La. 5/22/15), 171 So.3d 254.

The original opinion of this court as amended in this rehearing is affirmed in all respects.

Ezell, J., dissents and would deny the rehearing.

cc: Keith A. Stutes, Counsel for the Applicant
Celeste C. White, Counsel for the Applicant