



A Hypothetical Case Scenario The Case of the Scarlet Tag

On June 14, 2017, Ross Landry was stopped by the Calcasieu Parish Sheriff's Office while he was driving home after work at approximately 10 p.m. Mr. Landry, 23, was stopped because the deputy observed that his car displayed a court-ordered, red DUI license tag. Mr. Landry was not speeding or violating any traffic laws at the time of the stop.

Mr. Landry told the deputy that he had been issued the tag as a result of a DUI arrest and conviction earlier in the year. According to LA 538 (see handout), law enforcement officers do not need probable cause to stop vehicles displaying such tags, pursuant to the law that was passed in 2008.

Upon stopping Mr. Landry's vehicle, the deputy thought he observed an open bottle of wine in the vehicle. Mr. Landry explained that he had just been to the grocery store and purchased a bottle of wine for home and that the bottle had not been opened. Mr. Landry was asked to get out of his car while the deputy examined the bottle. The bottle was indeed closed. Mr. Landry told the deputy that he needed to leave to make it home in time for his wife to go to work so he could look after the children while they slept. An argument began and Mr. Landry was arrested for disorderly conduct.

Mr. Landry was convicted of disorderly conduct by the trial court. He appealed the conviction and questioned the constitutionality of the initial stop under LA 538. Landry argued the stop and the statute were violations of his Fourth Amendment rights to be free from unreasonable searches and seizures. Because the statute allows law enforcement to stop anyone with a DUI tag without probable cause (which is a good reason to believe the person is violating a law), Landry felt the statute was unconstitutional. Landry challenged other aspects of the statute as well.

What do you think?