

# Fifth Circuit Court of Appeal State of Louisiana

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No. 26-K-215

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STATE OF LOUISIANA

*versus*

SAJAY STEVENSON

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IN RE SAJAY STEVENSON  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
FRANK A. BRINDISI, DIVISION "E", No. 26-357

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TRUE COPY

May 20, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,  
John J. Molaison, Jr., and Scott U. Schlegel

## WRIT DENIED

The relator and defendant, Sajay Stevenson, faces charges in Jefferson Parish for being a felon in possession of a firearm, violating La. R.S. 14:95.1. He filed a motion to suppress evidence and a statement, but the trial court denied the motion after a hearing on April 15, 2026. He then promptly filed this writ application.

### *The April 15, 2026 Hearing*

Harahan Police Officer Troy Eiermann testified at the hearing on the defendant's motion to suppress. He responded to a dispatch around 1:00 a.m.<sup>1</sup> to a

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<sup>1</sup> Although Officer Eiermann did not provide the date of his investigation, the bill of information in this case shows that the defendant was arrested on December 19, 2025.

residential area after a caller reported a small white Ford pickup traveling down the street with its lights off. The truck had parked, and “two suspicious people” walked away from the vehicle with its lights off, wearing dark clothing and hoodies.

Officer Eiermann described the area having experienced vehicle burglaries about one month earlier on a block adjacent to where the defendant was located that night.

Officer Eiermann arrived within minutes of the call and saw only the defendant and a second person walking on the sidewalk, both matching the clothing description exactly. No other pedestrians were present. A second officer at the scene instructed them to stop; one person complied, but the defendant initially kept walking. Officer Eiermann told the defendant to place his hands on the police vehicle window, repeated the request several times, and then physically placed the defendant’s hands on the window for officer safety. Before conducting a pat-down, Officer Eiermann asked the defendant if he had any weapons or sharp objects, but the defendant did not respond. Officer Eiermann then conducted the pat-down and found a firearm in the defendant’s left front pants pocket, stating the firearm was sticking out of the pocket. During his investigation, Officer Eiermann learned Mr. Stevenson had prior convictions prohibiting firearm possession and arrested him for possession of a firearm by a convicted felon. He advised Mr. Stevenson of his *Miranda* rights from a card after the arrest.

On cross-examination, Officer Eiermann testified that when he encountered the defendant, the defendant did not appear to be trying to burglarize vehicles. Before the frisk, Officer Eiermann did not see the defendant with a weapon. He stated that the reasons for the frisk were the time of night and the other officer’s request to stop. He did not check the defendant’s criminal history before the frisk and did not know he was a felon at that time. After advising the defendant of his *Miranda* rights, Officer Eiermann learned that the defendant lived in the area.

The State introduced Officer Eiermann's body camera footage from that night into evidence.<sup>2</sup> The video shows repeated police commands for the defendant to place his hands on the car, and the defendant's lack of response before the firearm's discovery.

### **Issues Raised**

The relator argues that the officers lacked reasonable suspicion to stop and question him and that no evidence supports the frisk that followed the stop. The defendant concludes that because police seized all evidence after an unlawful stop and frisk, the court should have suppressed evidence of the firearm and his statement as fruit of the poisonous tree.

### **Law and Analysis**

The Fourth Amendment to the United States Constitution and Article I, § 5 of the Louisiana Constitution prohibit unreasonable searches and seizures. *State v. Gray*, 06-298 (La. App. 5 Cir. 10/31/06), 945 So.2d 798, 801, *writ denied*, 06-2958 (La. 9/14/07), 963 So.2d 993. However, La. C.Cr.P. art. 215.1, as well as state and federal jurisprudence, authorizes law enforcement officers to conduct investigatory stops, allowing officers to stop and interrogate a person reasonably suspected of criminal activity. *Id.*, citing *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

“Reasonable suspicion” to stop is less than probable cause and depends on the facts and circumstances of each case—specifically, whether the officer had enough facts within his knowledge to justify infringing on the individual's right to be free from governmental interference. *State v. Taylor*, 12-25 (La. App. 5 Cir. 6/28/12), 97 So.3d 522, 529. Police do not have to observe clear criminal behavior

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<sup>2</sup> The video was not included in the writ application.

before investigating. Instead, officers must have a reasonable suspicion of criminal activity. *State v. Morales*, 12-454 (La. App. 5 Cir. 12/18/12), 125 So.3d 1141, 1146. Evidence derived from an unreasonable stop will be excluded from trial. *Taylor*, 97 So.3d at 529.

The determination of reasonable grounds for an investigatory stop does not depend on the officer's subjective beliefs or attitudes but on an objective evaluation of all the circumstances known to the officer at the time of the challenged action. *State v. Sierra*, 11-161 (La. App. 5 Cir. 12/28/11), 83 So.3d 239, 246. In considering whether the officer acted reasonably, courts must give due weight not to the officer's inchoate and unparticularized suspicion or hunch but to the specific reasonable inferences the officer may draw from the facts in light of his experience. *State v. Gross*, 14-110 (La. App. 5 Cir. 6/24/14), 145 So.3d 521, 527-28, *writ denied*, 14-1516 (La. 2/27/15), 159 So.3d 1065.

A reviewing court must consider the totality of the circumstances, giving deference to the inferences and deductions of a trained police officer that might elude an untrained person. An officer's experience, knowledge of recent criminal patterns, and knowledge of an area's frequent incidence of crimes are factors that may support reasonable suspicion for an investigatory stop. *State v. Gibson*, 12-350 (La. App. 5 Cir. 10/30/12), 103 So.3d 641, 649. A ruling on a motion to suppress receives great deference and will not be set aside absent an abuse of discretion. *State v. Wells*, 08-2262 (La. 7/6/10), 45 So.3d 577, 581.

### *The Initial Stop of the Defendant*

La. C.Cr.P. art. 215.1 states:

- A. A law enforcement officer may stop a person in a public place whom he reasonably suspects is committing, has committed, or is about to commit an offense and may demand of him his name, address, and an explanation of his actions.
- B. When a law enforcement officer has stopped a person for questioning pursuant to this Article and reasonably suspects that he

is in danger, he may frisk the outer clothing of such person for a dangerous weapon. If the law enforcement officer reasonably suspects the person possesses a dangerous weapon, he may search the person.

- C. If the law enforcement officer finds a dangerous weapon, he may take and keep it until the completion of the questioning, at which time he shall either return it, if lawfully possessed, or arrest such person.

The evidence presented at the hearing showed that a caller reported the defendant as a suspicious person for driving through a neighborhood late at night with no headlights.<sup>3</sup> The information provided alleged a violation of La. R.S. 32:301, which requires all vehicles to display lighted lamps under specified conditions. As stated above, La. C.Cr.P. art. 215.1 gives law enforcement the authority to stop a person in a public place whom they reasonably suspect has committed an offense and may demand the person's name, address, and an explanation of his actions. The facts presented support the trial court's conclusion that the police officers had reasonable suspicion to stop and question the defendant.

In addition, the defendant allegedly committed the offense of driving a vehicle without lights within one block of where car burglaries had recently taken place. Officer Eiermann's testimony at the hearing showed that he knew where and when the car burglaries had occurred. An officer's experience, knowledge of recent criminal patterns, and knowledge of an area's frequent incidence of crimes are factors that may support reasonable suspicion for an investigatory stop. *State v. Hill*, 01-1372 (La. App. 5 Cir. 5/15/02), 821 So.2d 79, 83.

#### *Frisk of the Defendant*

After finding reasonable suspicion to stop and investigate the defendant, we next address his argument that a frisk for weapons was not proper.

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<sup>3</sup> The writ application does not contain a copy of the police report.

Louisiana courts have consistently held that an objective standard governs the reasonableness of a frisk. The question is not whether the officer subjectively believed he was in danger or even articulated that belief at the suppression hearing, but whether a reasonably prudent person in the circumstances would believe that his safety or that of others was in danger. *State v. Dumas*, 00-862 (La. 5/4/01), 786 So.2d 80, 82; *State v. Boyer*, 07-476 (La. 10/16/07), 967 So.2d 458. The officer does not need to establish that it was more likely than not that the individual was armed and dangerous; it is sufficient that there was a substantial possibility of danger. *State v. Sims*, 02-2208 (La. 6/27/03), 851 So.2d 1039, 1044.

In this case, Officer Eiermann testified that he considered several factors before frisking the defendant. One was the time of night when the stop took place. Another was the defendant's evasive action of continuing to walk away from the investigation after being asked not to. Officer Eiermann determined that the defendant's disregard of the other officer's requests posed a safety concern. The defendant was also non-responsive when asked if he was armed and refused Officer Eiermann's multiple requests to place his hands on the police vehicle.

An objective review of the facts supports the conclusion that the frisk of the defendant was reasonable under the circumstances. Officer Eiermann responded to an early morning call of suspicious activity in an area that had recently experienced a rash of car burglaries. A car driving without lights, presumably to remain unseen, could raise further police suspicions about the driver's intent. When police attempted to interview the defendant about the car with no lights in the vicinity of recent burglaries, the defendant acted evasively and kept walking away. When officers asked the defendant to comply with measures to ensure officer safety, he repeatedly refused. Taken together, these facts show that Officer Eiermann reasonably believed his safety could be in danger, and the frisk of the defendant was lawful.

## **Conclusion**

Because the officers had reasonable suspicion to stop the defendant for questioning, and the subsequent frisk was justified, the trial court did not abuse its discretion in denying the defendant's motion to suppress. Therefore, we deny the defendant's writ application.

Gretna, Louisiana, this 20th day of May, 2026.

**JJM  
FHW  
SUS**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



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CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
CHIEF DEPUTY CLERK

LINDA M. TRAN  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

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**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **05/20/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-K-215**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Frank A. Brindisi (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)                      Eric E. Malveau (Relator)

**MAILED**

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