

5/15/01

SUPREME COURT OF LOUISIANA

No. 00-C-2408

LULA CHARLENE RIDDLE AND PHILLIP RIDDLE

Versus

LARRY BICKFORD, ET AL.

LEMMON, J., Dissenting

If the Legislature had intended to vest the trial judge with discretion whether or not to entertain peremptory challenges at any time during voir dire until the entire jury is accepted and sworn, it would have been very easy to write such a law. Instead, the Legislature established a scheme whereby a party can exercise a peremptory challenge after a juror has not been excused for cause, and set a time limit for exercising such challenges. In so doing, the Legislature did not include any mention of discretion in the trial judge.

Moreover, it is highly doubtful that the Legislature intended a system under which the law on the time for exercising peremptory challenges will vary from district to district, and even will vary among divisions within a judicial district.

