

SUPREME COURT OF LOUISIANA

No. 2018-KH-1581

STATE OF LOUISIANA

VERSUS

NORRIS L. GUIDRY

**ON SUPERVISORY WRITS TO THE
FIFTEENTH JUDICIAL DISTRICT COURT, PARISH OF ACADIA**

CRICHTON, J., additionally concurs and assigns reasons:

While I agree with this Court’s writ denial and related finality order, I write separately to express my opinion that the Habitual Offender Law was correctly applied in the present case. I have previously expressed concern that “use of the Habitual Offender Law by prosecutors should be cautiously exercised with reasonable discretion.” *State v. Ellison*, 2018-0053, p. 6 (La. 10/29/18), 2018 WL 5629078, at *6 (Crichton, J., additionally concurring) (citing *State v. Guidry*, 2016-1412 (La. 3/15/17), 221 So. 3d 815, 831 (Crichton, J., additionally concurring); *State v. Hickman*, 2017-0142 (La. 9/29/17), 227 So. 3d 246, 247, *reconsideration not considered*, 2017-0142 (La. 11/28/17), 230 So. 3d 224 (Crichton, J., additionally concurring); *State v. Hagans*, 2016-0103 (La. 10/17/16), 202 So. 3d 475 (Crichton, J., additionally concurring); *State v. Ladd*, 2014-1611 (La. 3/27/15), 164 So. 3d 184 (Knoll, J., additionally concurring and Crichton, J., additionally concurring for the reasons assigned by Justice Knoll)).

However, it is my view that the use of the Habitual Offender Law is appropriate for public policy and safety reasons to enhance sentences of convicted felons who repeatedly commit non-violent felony crimes when such recidivism arises to egregious levels. Here, although none of the defendant’s previous nine

felony convictions are “crimes of violence” as defined by La. R.S. 14:2, the defendant is a proven recidivist to whom the application of a 20-year habitual offender sentence—which is notably the minimum possible sentence under La. R.S. 15:529.1(A)(4) for an adjudicated fourth felony offender—is not unconstitutionally excessive.