

SUPREME COURT OF LOUISIANA

2019-K-00699

STATE OF LOUISIANA

v.

GABRIEL JACKSON

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
SECOND CIRCUIT, PARISH OF CADDO**

CRICHTON, J. concurs and assigns reasons:

I additionally concur with the writ denial and write separately to again spotlight an appropriate application of the Habitual Offender Law¹. Gabriel Jackson was found guilty of Aggravated Flight From an Officer arising from a high-speed police chase traversing a significant portion of Shreveport, through residential streets and narrow roadways, while running stop signs and crossing double-yellow lines. Following the jury's verdict, the district attorney filed a habitual offender bill of information asserting third felony offender status, and the trial court adjudicated him accordingly. Considering the predicate crimes of violence – Aggravated Battery and Aggravated Burglary, *see* R.S. 14:2 – and in compliance with C.Cr.P. art. 894.1, the court appropriately sentenced Jackson to a substantial hard labor term.

In previous cases, I have criticized abuse of the Habitual Offender Law involving non-violent crimes. Merely because a district attorney can file a multiple offender bill of information does not mean that he or she should do so. Furthermore, an adjudication of multiple offender status also does not necessarily

mean that a later downward departure might not be warranted. *See, e.g., State v. Ellison*, 2018-0053, p. 6 (La. 10/29/18), 255 So.3d 568, 572 (Crichton, J., additionally concurring) (“[U]se of the Habitual Offender Law by prosecutors should be cautiously exercised with reasonable discretion.”); *State v. Guidry*, 2016-1412 (La. 3/15/17), 221 So.3d 815, 831 (Crichton, J., additionally concurring) (“[T]he abusive frequency with which a *de minimis* number of jurisdictions invoke habitual offender laws against non-violent actors appears to do little to protect the people of Louisiana, and depletes the already scarce fiscal resources of this state.”). Although reasonable minds can differ with regard to this particular case, in my view, the repeated crimes of violence of this defendant warrant the district attorney’s use of the multiple offender bill and the judge’s imposition of a substantial hard labor sentence.

¹ *See also State of Louisiana v Adam L. Martin*, 19-1087 (La. 10/1/19), ___So. 3d ___ (Crichton, J., concurs and assigns reasons).