

10/01/2019 "See News Release 041 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

2019-KO-1087

STATE OF LOUISIANA

v.

ADAM L. MARTIN

**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. I write separately to spotlight the proper utilization of the Habitual Offender Law. This defendant was previously convicted of a crime of violence, aggravated second degree battery (shooting his own father), and shortly after supervised release from custody, he engaged in another crime of violence against his domestic partner.¹ The trial court adjudicated the defendant as a second felony offender and, in full compliance with La. C.Cr.P. art. 894.1, appropriately sentenced him to a substantial hard labor term.

I have, in previous cases, criticized abuse of the Habitual Offender Law in non-violent cases. Just because a district attorney can file a multiple offender bill of information does not mean that he should do so. And, just because a district attorney does so and the court accordingly adjudicates multiple offender status does not mean that a 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

¹ Specifically, the defendant took a knife from the victim’s kitchen, lured her to a dark street, stabbed her six times and, assuming his vicious attack to be fatal, left and later lied to police about a kidnapping by strangers. *State v. Martin*, 52-674 (La. App. 2 Cir. 5/22/19), 273 So. 3d 578 (noting the victim’s description of the “savagery” of his attack and his lack of remorse).

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.”). Here, in my view, the repeated crimes of extreme violence warrant the district attorney’s use of the multiple offender bill and the judge’s imposition of a substantial hard labor sentence.