

02/10/2020 "See News Release 006 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2019-KK-01907

STATE OF LOUISIANA

VS.

CHRYSTAL CLUES-ALEXANDER

**ON SUPERVISORY WRIT TO THE 16TH JUDICIAL DISTRICT COURT,
PARISH OF ST. MARTIN**

CRICHTON, J., additionally concurs and assigns reasons:

I agree with the grant of the State’s writ application and write separately to emphasize the dangerous precedent the lower courts’ rulings would create if allowed to stand. The mere fact that Judge Comeaux presided over a protective order matter involving defendant and the victim is not a fact, alone, that creates a “probability of actual bias on the part of the judge or decisionmaker [] too high to be constitutionally tolerable.” *Rippo v Baker*, ___ U.S. ___, 137 S.Ct. 905, 197 L.Ed. 2d 167 (2017) (citing *Withrow v. Larkin*, 421 U.S. 35, 47, 95 S.Ct. 1456, 43 L.Ed.2d 712 (1975)); *see also*, C.Cr.P. art. 671, cmt. (“If the district judge has signed restraining orders in a civil suit involving the same allegations as the charges in the criminal prosecution, he is not subject to recusation for having performed a judicial act in the cause ‘in another court.’”). If allowed to stand, the lower courts’ rulings could be viewed as precedent for a party to criticize past judicial orders in a concerted effort to force a recusal, thereby effectively engaging in the distasteful exercise of judge shopping.