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SUPREME COURT OF LOUISIANA

No. 2017-KK-0690

STATE OF LOUISIANA

VERSUS

CHRISTOPHER DURNING

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIFTH CIRCUIT, PARISH OF JEFFERSON**

CRICHTON, J., would grant and assigns reasons:

I would grant the State's writ application. The defendant is charged with committing the crime of cyberstalking. The State filed a Notice of *Res Gestae*, seeking to introduce two consent judgments that (i) enjoin defendant from harassing, stalking, following, or threatening the victim, and (ii) terminate the defendant's parental authority over his child with the victim. But *res gestae* evidence does not typically require notice and, in any event, I question the accuracy of using that legal term. Instead, I would treat the State's Notice of *Res Gestae* as a motion *in limine* regarding admissibility; and, in my view, the consent judgments are clearly admissible in this bench trial as either a party admission or a judicial declaration.