

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-00287

VS.

BRIDGETTE DIGEROLAMO

IN RE: Bridgette Digerlamo - Applicant Defendant; Applying For Supervisory Writ, Parish of East Baton Rouge, 19th Judicial District Court Number(s) 20-04388, Court of Appeal, First Circuit, Number(s) 2023 KW 1257;

April 30, 2024

Writ application granted. See per curiam.

WJC

JLW

JDH

SJC

JTG

JBM

PDG

Weimer, C.J., additionally concurs and assigns reasons.

Crichton, J., additionally concurs and assigns reasons.

Supreme Court of Louisiana

April 30, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KK-00287

STATE OF LOUISIANA

VS.

BRIDGETTE DIGEROLAMO

On Supervisory Writ to the 19th Judicial District Court,
Parish of East Baton Rouge

PER CURIAM

Writ granted. The jury’s verdict finding defendant not guilty is facially valid and was read in open court by the minute clerk. After neither party requested polling, the trial court thanked the jurors for their service and dismissed them to the jury room. The trial court then declared the case concluded, adjourned court, and met privately with the jury. The verdict was sufficiently received and recorded to make it final under Louisiana Code of Criminal Procedure articles 810 and 811.

Once final, a verdict of acquittal gives rise to the prohibition against double jeopardy. *See* U.S. Const. Amendment V; La. Const. art. I, §15; *State v. Gasser*, 22-0064 (La. 6/29/22), 346 So. 3d 249, 260; *State v. Hurst*, 367 So.2d 1180, 1181 (La. 1979). When a defendant is acquitted by a verdict duly returned and received, “the court [can] take no other action than to order his discharge.” *Ball v. United States*, 163 U.S. 662, 671; 16 S.Ct. 1192, 1195; 41 L.Ed. 300 (1896). Here, after receiving a final verdict and retiring the jury, the trial court erred by allowing the jury to continue to deliberate and change its verdict, particularly after the court violated the sanctity of any further deliberations by meeting privately with the jury. Likewise, as both parties agree, the trial court erred by granting a mistrial months later. The

trial court's order declaring a mistrial is reversed, and the jury's verdict finding defendant not guilty is reinstated.

**ORDER DECLARING MISTRIAL REVERSED; NOT-GUILTY
VERDICT REINSTATED.**