

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00572

VS.

MISTY DAWN ROBERTS

IN RE: Misty Roberts - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Beauregard, 36th Judicial District Court Number(s) CR-2024-0841, Court
of Appeal, Third Circuit, Number(s) KW 25-00174;

June 03, 2025

Writ application granted. See per curiam.

WJC
JLW
JBM
PDG
JMG
CRC

Hughes, J., concurs in the result.

Supreme Court of Louisiana
June 03, 2025

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-00572

STATE OF LOUISIANA

VS.

MISTY DAWN ROBERTS

On Supervisory Writ to the 36th Judicial District Court, Parish of Beauregard

PER CURIAM

Writ granted. Defendant’s motion to recuse Judges Martha O’Neal and C. Kerry Anderson was timely. *See* La. Code Crim. P. art. 674 (providing the motion for recusal must be filed no later than thirty days after discovery of the facts constituting the ground upon which the motion is based); *State v. Collins*, 288 So. 2d 602, 604 (La. 1974) (recognizing that in certain instances, the cumulative nature of incidents alleged as grounds for recusal may bring the motion within the purview of Article 674).

“[R]ecusal is required when, objectively speaking, ‘the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.’” *Rippo v. Baker*, 580 U.S. 285, 287, 137 S.Ct. 905, 907, 197 L.Ed.2d 167 (2017) (*quoting Withrow v. Larkin*, 421 U.S. 35, 47, 95 S.Ct. 1456, 1464, 43 L.Ed.2d 712 (1975)). “In a criminal cause, a judge of any trial or appellate court shall ... be recused when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner.” La. Code Crim. P. art. 671(B).

Under the circumstances presented, we reverse the trial court’s denial of defendant’s motion to recuse Judges O’Neal and Anderson. Based on an objective evaluation of the totality of the circumstances, we find the judges would likely be unable to conduct this criminal cause in a fair and impartial manner. *See* La. Code

Crim. P. art. 671(B); *State v. LaCaze*, 16-0234 (La. 3/13/18), 239 So. 3d 807 (citing *Rippo* for the proposition that “evidence of *actual bias* is not necessary to require recusal”) (emphasis added). As we have recently held, recusal may be required as “a constitutional safeguard against the risk of bias.” *State v. Daigle*, 2018-0634 (La. 4/30/18), 241 So. 3d 999, 999-1000. We add that there has been no allegation or showing that the trial judges in this case harbor any actual bias and note that there is no indication they are not diligent district court judges. However, based upon the unique facts presented, the *Rippo* standard requires recusal here. *See Daigle*, 241 So. 3d at 999-1000.

REVERSED AND REMANDED.