

SUPREME COURT OF LOUISIANA

No. 2026-KD-00865

STATE OF LOUISIANA

VS.

ELIZABETH BAKER MURRILL

On Supervisory Writ to the Criminal District Court, Parish of Orleans Criminal

GUIDRY, J., dissents and assigns reasons.

Without even allowing the ink to dry on the indictment, the majority gives preference and priority to one criminally accused citizen over of all her fellow citizens who also have been criminally charged, many of whom are languishing behind bars awaiting action by lower courts, and it may take them years before they are ever granted review of their matters by this court. There is no exigency that exists here that is not faced by every other indicted citizen. This is not supposed to be how the system works. Due process and equal protection under the law does not allow anyone to cut the line and have their matters considered more preferentially than others. Such preferential treatment has no place under the rule of law where all individuals should stand on equal footing before the bar of justice. As our state's highest court, we should sincerely care about the rule of law and vigorously protect it without fear or favor. To do anything less is beneath the dignity of our state's highest court. This perilous and unprecedented action threatens this court's long-term legitimacy in the eyes of the public. Can our court truly say with a straight face after today's ruling, on the eve of the 250th anniversary of our nation's independence, that we truly believe that no one is above the law?

Our actions should always be evidence based. Yet the majority takes this extraordinary and unprecedented action based on the applicant's mere allegations, often couched in the legal jargon of "on information and belief," unsupported by sworn record evidence. We have no idea what evidence was presented or what sworn testimony was given before the grand jury. That is why this matter should be allowed to be vetted through the normal legal process. How can we even second guess that which we have not been made privy to? Further, in a footnote in the majority opinion in Crockett v. State, 26-00594 (La. 6/1/26), ___ So. 3d ___ (the decision upholding the removal of Calvin Duncan as the Criminal Clerk of Court of Orleans Parish), the majority made clear that the Orleans officials had not violated the law the attorney general wrote them about and that their action could not form the basis for any prosecution.¹ Now with today's action, the majority repudiates that finding now that it seems to be at the core of the grand jury indictment.

Let me be absolutely clear, I believe **every** criminally accused person should be afforded the presumption of innocence and should be entitled to all the protections afforded the criminally accused under our state and federal constitutions on an equal basis before all courts, including this one. Today, the majority's action gives the public the perception that the scales of justice can be tilted to favor the position of one criminally accused person, but not others. That erodes public confidence in the judiciary, undermines the rule of law, and makes a mockery of the ideal of blind justice. I cannot, in good conscience, be complicit in such a course of action and therefore, I respectfully dissent.

¹ The pertinent text states:

Additionally, due to the obvious confusion surrounding the implementation of Act 15, we foreclose any implication that Chapter 3 of Title 42 of the Louisiana Revised Statutes of 1950, as amended, relating to the usurpation of office, should be found to have been violated here. Any actions taken prior to this Court rendering this judgment shall not be considered a violation of that Chapter.

Crockett, 26-00594, p. 8 n.5, ___ So. 3d ___, ___ n.5.