

**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*

**WEIMER, C.J.**, dissents and assigns reasons.

It is said that procedure is the handmaiden of substance, but in criminal cases procedural rules are indispensable to serve justice and ensure that all are treated equally. Yet, ironically, on the eve of this July 4<sup>th</sup> when our nation will commemorate the 250<sup>th</sup> anniversary of the Declaration of Independence, this court is once again called upon to provide exceptions to the normal process pursuant to another feigned emergency by one party. The role of the judiciary is to resolve issues before the court by applying the rule of law as enacted by the legislative branch, tempered by the fundamental law of the Constitution. The judiciary must resolve matters fairly, justly, impartially and independently without partisanship, personality or politics. Fair and consistent application of such procedural rules demonstrate that no one is above the law and all stand equal before a court of justice.

It is troubling that the filing before the court, a self-described “Motion to Enforce Stay,” goes far beyond requesting enforcement of this court’s earlier stay order. The motion seeks, and this court now orders, that the alias capias warrant be recalled. This is another extraordinary remedy considering a stay is already in place and the merits of the underlying indictment are not yet before the court. The grand jury that issued the indictment consisted of ordinary citizens randomly summoned and chosen to serve. In theory, the role of the grand jury is designed to

prevent prosecutorial overreach. Here, a prosecutor is essentially demanding that the efforts of these jurors be disregarded. The gravity of such a demand should be supported by proper presentation of evidence and this court should not take action so hastily. Unfortunately, it is becoming apparent to the public that the majority of this court has already resolved the substantive issues, without the benefit of an evidentiary record, without hearing from the other side, and without oral argument.

For the above reasons, I must respectfully dissent.