

SUPREME COURT OF LOUISIANA

State v. Overstreet

111 So. 3d 308 (La. 2013) · Decided March 19, 2013

SUMMARY

The Louisiana Supreme Court reversed a district court judgment declaring sex-offender registration statutes unconstitutional as applied to a person adjudged not guilty by reason of insanity. The court held that the respondent failed to specially plead and sufficiently particularize the constitutional grounds for his challenge, and that the district court improperly based its ruling on grounds raised sua sponte. The case was remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Victory, J.; Jefferson D. Hughes III, Justice pro tempore
JURISDICTION	Louisiana
DECIDED	March 19, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State directly appealed a district court judgment declaring Louisiana’s sex-offender registration statutes unconstitutional as applied to a person adjudged not guilty by reason of insanity.
STANDARD OF REVIEW	The constitutionality of a statute is reviewed under a strong presumption that the statute is constitutional, and the party challenging it bears the burden of proving unconstitutionality. The court also reviewed whether the constitutional challenge had been properly pleaded and particularized.
PRECEDENTIAL VALUE	published
PARTIES	State of Louisiana v. Isaiah Overstreet, Jr.

TOPICS

- constitutional law
- appellate procedure
- criminal procedure
- due process
- statutory interpretation

PRACTICE AREAS

- constitutional law
- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the district court could declare La. R.S. 15:541(7) and 15:542 unconstitutional on constitutional grounds that the respondent had not sufficiently pleaded or particularized.
2. Whether the district court erred by basing its ruling on its own sua sponte concern that persons adjudged not guilty by reason of insanity lack the capacity to comply with sex-offender registration requirements.

HOLDINGS

1. A party challenging the constitutionality of a statute must raise the constitutional issue in the trial court, specially plead the unconstitutionality, and particularize the constitutional grounds and basis for the challenge.
2. A district court may not sua sponte declare a statute unconstitutional or base its constitutional ruling on grounds that were not asserted and particularized by the party challenging the statute.

KEY QUOTATIONS

“This Court has expressed the challenger’s burden as a three step analysis. First, a party must raise the unconstitutionality in the trial court; second, the unconstitutionality of a statute must be specially pleaded; and third, the grounds outlining the basis of unconstitutionality must be particularized.” (314-315)

“Further, a district court may not sua sponte rule that a statute is unconstitutional, nor can it declare a statute unconstitutional on grounds other than those asserted by a movant.” (317)

FACTUAL BACKGROUND

Isaiah Overstreet, Jr. attacked or attempted to attack several female students at Southeastern Louisiana University and Louisiana State University in April 1994. He was charged with aggravated burglary and two counts of attempted aggravated rape, was initially found incompetent to proceed, and was later adjudged not guilty by reason of insanity with the district attorney's consent. After prolonged confinement and possible transfer or release, Overstreet challenged the requirement that persons in his position register as sex offenders.

PROCEDURAL HISTORY

Overstreet was charged with aggravated burglary and two counts of attempted aggravated rape and was later adjudged not guilty by reason of insanity under Louisiana Code of Criminal Procedure article 558.1. After years of confinement and in anticipation of possible release, he sought a declaratory judgment concerning his status and obligations under the sex-offender registration statutes. The district court declared La. R.S. 15:541(7) and 15:542 unconstitutional as applied to defendants adjudged not guilty by reason of insanity. The State appealed directly to the Louisiana Supreme Court because a law had been declared unconstitutional.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded to the district court for further proceedings after reversal of the judgment declaring La. R.S. 15:541(7) and 15:542 unconstitutional as applied to a defendant adjudged not guilty by reason of insanity.

CASES CITED

- State v. Hatton, 07-2377 (La. 7/1/08), 985 So. 2d 709
- State v. Fleury, 01-0871 (La. 10/16/01), 799 So. 2d 468
- State v. Brenner, 486 So. 2d 101 (La. 1986)
- State v. Rones, 228 La. 839, 67 So. 2d 99 (1953)
- Bd. of Comm'rs of N. Lafourche Conservation, Levee & Drainage Dist. v. Bd. of Comm'rs of Atchafalaya Basin Levee Dist., 95-1353 (La. 1/16/96), 666 So. 2d 636
- State v. Caruso, 98-1415 (La. 3/2/99), 733 So. 2d 1169
- State v. Schoening, 00-0903 (La. 10/17/00), 770 So. 2d 762
- Vallo v. Gayle Oil Co., 94-1238 (La. 11/30/94), 646 So. 2d 859
- State v. Expunged Record (No.) 249,044, 03-1940 (La. 7/2/04), 881 So. 2d 104
- Louisiana Municipal Ass'n v. State, 00-0374 (La. 10/6/00), 773 So. 2d 663
- Moore v. Roemer, 567 So. 2d 75 (La. 1990)
- State v. Granger, 07-2285 (La. 5/21/08), 982 So. 2d 779
- State v. Herring, 211 La. 1083, 31 So. 2d 218 (1947)
- City of Shreveport v. Pedro, 170 La. 351, 127 So. 865 (1930)
- State v. Hudson, 162 La. 543, 110 So. 749 (1926)
- A. Sulka & Co. v. City of New Orleans, 208 La. 585, 23 So. 2d 224 (1945)
- Williams v. State, Department of Health and Hospitals, 95-0713 (La. 1/26/96), 671 So. 2d 899
- State v. Campbell, 263 La. 1058, 270 So. 2d 506 (1972)
- State v. Bertrand, 08-2215 (La. 3/17/09), 6 So. 3d 738
- Bd. of Comm'rs of Orleans Levee Dist. v. Connick, 94-3161 (La. 3/9/95), 654 So. 2d 1073
- Jones v. United States, 463 U.S. 354 (1983)
- State v. Branch, 99-1484 (La. 3/17/00), 759 So. 2d 31