

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Phillip Allen Wilson v. Liz Murrill, in her official capacity as the Attorney General of the State of Louisiana, et al.

2025 CW 0929 · No. 2025 CW 0929 · Decided March 19, 2026

SUMMARY

The Louisiana Court of Appeal, First Circuit, granted in part and denied in part supervisory writs concerning challenges to La. R.S. 14:42. The court upheld the trial court’s denial of the exception of lack of subject matter jurisdiction, but reversed the denial of the exception of no cause of action and dismissed Phillip Allen Wilson’s claims against the defendants.

CASE DETAILS

COURT	Louisiana Court of Appeal, First Circuit
WRITING FOR THE COURT	Miller, J.; Edwards, J.; Fields, J.
JURISDICTION	Louisiana Court of Appeal, First Circuit
DECIDED	March 19, 2026
DOCKET	2025 CW 0929
DISPOSITION	other
PROCEDURAL POSTURE	Defendants applied for supervisory writs challenging portions of the trial court's August 25, 2025 judgment denying their exceptions of lack of subject matter jurisdiction and no cause of action.
PRECEDENTIAL VALUE	Unknown
PARTIES	Liz Murrill, in her official capacity as the Attorney General of the State of Louisiana, Hillar C. Moore, III, in his official capacity as District Attorney for East Baton Rouge Parish v. Phillip Allen Wilson

TOPICS

- writ of certiorari
- subject matter jurisdiction
- motions to dismiss
- pleadings
- constitutional law

PRACTICE AREAS

- civil procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the trial court had subject matter jurisdiction over Wilson's constitutional challenge to Louisiana Revised Statutes section 14:42.
2. Whether Wilson's petition stated a cause of action against the Attorney General and the East Baton Rouge Parish District Attorney in their official capacities.

HOLDINGS

1. The trial court properly denied the defendants' exception of lack of subject matter jurisdiction because Louisiana district courts generally have original jurisdiction over civil and criminal matters, including the authority to rule on the constitutionality of statutes.
2. The petition failed to state a cause of action of unconstitutionality against the defendants because it contained no allegations against them; the defendants' exception of no cause of action was properly granted and Wilson's claims against them were dismissed.

KEY QUOTATIONS

“Subject matter jurisdiction is the legal power and authority of a court to hear and determine a particular class of actions or proceedings, based upon the object of the demand, the amount in dispute, or the value of the right asserted.” (1)

“the constitutional challenge must first be made in the trial court; the unconstitutionality must be specially pleaded; and the grounds outlining the basis of unconstitutionality must be particularized.” (2)

FACTUAL BACKGROUND

Phillip Allen Wilson's petition alleged that Louisiana Revised Statutes section 14:42 was unconstitutional because it was vague, imposed a mandatory life sentence that violated separation of powers, and constituted cruel and unusual punishment. He asserted those claims against Liz Murrill and Hillar C. Moore, III, in their official capacities. The appellate court found that the petition contained no allegations against the defendants and therefore failed to state a cause of action of unconstitutionality.

PROCEDURAL HISTORY

Wilson filed a petition challenging the constitutionality of Louisiana Revised Statutes section 14:42 and named the Attorney General and the East Baton Rouge Parish District Attorney in their official capacities. The Nineteenth Judicial District Court denied in part the defendants' exception of lack of subject matter jurisdiction and denied their exception of no cause of action. The court of appeal denied the writ regarding subject matter jurisdiction, granted the writ regarding no cause of action, reversed that portion of the judgment, and dismissed Wilson's claims against the defendants.

DISPOSITION

other

CASES CITED

- *Christian Schools, Inc. v. Louisiana High School Athletic Association*, 2020-0762 (La. App. 1st Cir. 5/18/22), 342 So. 3d 1068, 1072, writ denied, 2022-01015 (La. 10/12/22), 348 So. 3d 78
- *Piazza's Seafood World, LLC v. Odom*, 2007-2191 (La. App. 1st Cir. 12/23/08), 6 So. 3d 820, 825
- *ANR Pipeline Co. v. La. Tax Commission*, 2002-1479 (La. 7/2/03), 851 So. 2d 1145, 1151
- *Labranche v. Landry*, 2022-0461 (La. App. 1st Cir. 12/15/22), 357 So. 3d 395, 405
- *Istre v. Meche*, 2000-1316 (La. 10/17/00), 770 So. 2d 776, 779
- *Vallo v. Gayle Oil Co.*, 94-1238 (La. 11/30/94), 646 So. 2d 859, 864-65
- *State v. Prestridge*, 399 So. 2d 564, 571 (La. 1981)
- *State v. Berry*, 95-1610 (La. App. 1st Cir. 11/8/96), 684 So. 2d 439, 459-60, writ denied, 97-0278 (La. 10/10/97), 703 So. 2d 603
- *State v. Ford*, 2017-0471 (La. App. 1st Cir. 9/27/17), 232 So. 3d 576, 588, writ denied, 2017-1901 (La. 4/22/19), 268 So. 3d 295

OPINION

PER CURIAM.

STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT PHILLIP ALLEN WILSON
NO. 2025 CW 0929 PAGE 1 OF 2 VERSUS LI4 MURRILL, IN HER OFFICIAL CAPACITY AS
THE ATTORNEY GENERAL OF THE STATE OF LOUISIANA, HILLAR C. MOORE, Tit, IN
HIS OFFICIAL CAPACITY AS DISTRICT ATTORNEY FOR EAST BATON MARCH 19, 2026
ROUGE PARISH In Re: Liz Murrill, in her official capacity as the Attorney General of the State
of Louisiana, and Hillar C. Moore, III, in his official capacity as District Attorney for East Baton
Rouge Parish, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton
Rouge, No. 759216.

BEFORE: MILLER, EDWARDS, AND FIELDS, JJ. WRIT GRANTED IN PART AND DENIED
IN PART. The writ is denied as to the portion of the trial court's August 25, 2025 judgment which
denied, in part, Defendants', Liz Murrill, in her official capacity as the Attorney General of the
State of Louisiana, and Hillar C. Moore, III, in his official capacity as the District Attorney for
East Baton Rouge Parish, Exception of Lack of Subject Matter Jurisdiction.

Subject matter jurisdiction is the legal power and authority of a court to hear and determine a
particular class of actions or proceedings, based upon the object of the demand, the amount in
dispute, or the value of the right asserted. La. Code Civ. P. art. 2. Subject matter jurisdiction is
created by the constitution or by legislative enactment; the parties cannot confer or waive it.

Christian Schools, Inc. v. Louisiana High School Athletic Association, 2020-0762 (La. App. 1st
Cir. 5/18/22), 342 So.3d 1068, 1072, writ denied, 2022-01015 (La. 10/12/22), 348 So.3d 78, citing
La. Code Civ. P. art. 3. With few exceptions, Louisiana district courts have original jurisdiction
over all civil and criminal matters. *Piazza's Seafood World, LLC v. Odom*, 2007-2191, (la.

App. 1st Cir. 12/23/08), 6 So.3d 820, 825, citing La. Const. art. V, § 16(A). It is the district court that has original jurisdiction to rule on the constitutionality of statutes. *Piazza's Seafood World, LLC v. Odom*, 6 So.3d at 825, citing *ANR Pipeline Co. v. La. Tax Com'n*, 2002-1479 (La. 7/2/03), 851 So.2d 1145, 1151.

We find that the trial court properly denied the exception of lack of subject matter jurisdiction. The writ is granted as to the portion of the trial court's judgment which denied Defendants' Exception of No Cause of Action, and this portion of the trial court's August 25, 2025 judgment is reversed.

The Louisiana Supreme Court has held that STATE OF LOUISIANA COURT OF APPEAL, FIRST CIRCUIT NO. 2025 CW 0929 PAGE 2 OF 2 the party challenging constitutionality has a three-part burden: the constitutional challenge must first be made in the trial court; the unconstitutionality must be specially pleaded; and the grounds outlining the basis of unconstitutionality must be particularized.

Labranche v. Landry, 2022-0461 (La. App. 1st Cir. 12/15/22), 357 So.3d 395, 405, citing *Istre v. Meche*, 2000- 1316 (La. 10/17/00), 770 So.2d 776, 779; see *Vallo v. Gayle Oil Co.*, 94-1238 (La. 11/30/94), 646 So.2d 859, 864-65.

The allegations made by Plaintiff, Phillip Allen Wilson, in his petition alleging the unconstitutionality of La. R.S. 14:42, that La. R.S. 14:42 is vague, the mandatory life sentence imposed by La. R.S. 14:42 violates the separation of powers, and La. R.S. 14:42 constitutes cruel and unusual punishment, have been rejected by various courts in Louisiana. See *State v. Prestridge*, 399 So.2d 564, 571 (La.

1981), (rejecting the argument that La. R.S. 14:42 is unconstitutionally vague); *State v. Berry*, 95-1610 (La. App. 1st Cir. 11/8/96), 684 So.2d 439, 459-60, writ denied, 97-0278 (La. 10/10/97), 703 So.2d 603, citing *Prestridge*, 399 So.2d at 582 (holding that the Supreme Court has consistently held it is within the legislature's prerogative to determine the length of sentences for felony crimes.); and *State v. Ford*, 2017-0471 (La.

App. 1st Cir. 9/27/17), 232 So.3d 576, 588, writ denied, 2017-1901 (La. 4/22/19), 268 So.3d 295 (holding mandatory life sentence under La. R.S. 14:42 was not unconstitutionally excessive). We find Plaintiff's petition contains no allegations against the Defendants and fails to state a cause of action of unconstitutionality as to the statute at issue.

Therefore, Defendants' Exception of No Cause of Action is granted and Plaintiff's claims against Liz Murrill, in her official capacity as the Attorney General of the State of Louisiana, and Hillar C. Moore, III, in his official capacity as the District Attorney for East Baton Rouge Parish, are dismissed. SMM BDE WEF COURT OF APPEAL, FIRST CIRCUIT Ld ha ¥ Ay OK WW DERUTY CLERK OF COURT (FOR THE COURT

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