

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KK-01389

VS.

RONALD ROBINSON, ET AL.

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IN RE: Ronald Robinson - Applicant Defendant; Applying For Supervisory Writ,  
Parish of Orleans Criminal, Criminal District Court Number(s) 544-470, Court of  
Appeal, Fourth Circuit, Number(s) 2020-K-0427;

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**March 09, 2021**

Writ application granted in part. See per curiam.

PDG

JLW

JTG

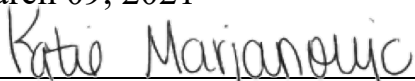
WJC

JBM

Hughes, J., additionally concurs and assigns reasons.  
Crichton, J., dissents.

Supreme Court of Louisiana

March 09, 2021



Chief Deputy Clerk of Court  
For the Court

03/09/21

**SUPREME COURT OF LOUISIANA**

**No. 2020-KK-1389**

**STATE OF LOUISIANA**

**VERSUS**

**RONALD ROBINSON, ET AL.**

**ON SUPERVISORY WRIT TO THE CRIMINAL  
DISTRICT COURT, PARISH OF ORLEANS**

**PER CURIAM**

Writ granted in part. Defendant was indicted with two counts of conspiracy to obstruct justice, La.R.S. 14:130.1(A), in two second degree murder investigations. Because none of the discovery tendered by the State appeared to directly implicate defendant, defendant filed a motion for a bill of particulars. In response, the State provided nine subsections of La.R.S. 14:130.1(A) it alleged defendant had violated, and otherwise referred defendant to the discovery already provided. Defendant objected that the State's response was insufficient, and sought to quash the indictment. The district court denied the motion to quash. The court of appeal granted writs in part and remanded to the district court with instructions to afford the State an opportunity to file another supplemental bill of particulars that will inform the defense of the nature of the accusations against him. *State v. Robinson*, 2020-0040, p. 3 (La. App. 4 Cir. 3/05/20) (unpub'd) ("Defendant is entitled to know what it is the State alleges he did to commit the offense.").

On remand, the State filed a supplemental bill of particulars explaining the meaning of various terms used in La.R.S. 14:130.1(A) generally. With respect to specific allegations against the defendant, the State clarified only that defendant was part of a conspiracy to remove and destroy the victims' bodies and ballistic and other evidence with the intent to distort the results of criminal proceedings. The defendant

objected that the State had still not alleged facts relating to the particulars of the offenses and his alleged role in them, and again sought to quash the indictment. The district court denied the renewed motion to quash, and the court of appeal denied writs. *State v. Robinson*, 2020-0427 (La. App. 4 Cir. 11/2/20) (unpub'd). The courts below erred.

La. Const. Art. I, § 13 requires the State to inform the accused in a criminal prosecution of the nature and cause of the accusation against him. The State may provide that information in the indictment alone, or in its responses to a defense request for a bill of particulars. *State v. Gainey*, 376 So.2d 1240, 1242–43 (La. 1979). The purpose of the bill of particulars is to inform the accused more fully of the nature and scope of the charge against him so that he will be able to defend himself properly and to avoid any possibility of ever being charged again with the same criminal conduct. *State v. Marcal*, 388 So.2d 656 (La. 1980); *State v. Rogers*, 375 So.2d 1304 (La. 1979). A bill of particulars may not be used to obtain the State's evidence, *State v. Huizar*, 414 So.2d 741 (La. 1982), and a motion to quash is generally not an appropriate vehicle for raising defenses on the merits. *State v. Perez*, 464 So.2d 737 (La. 1985). Nevertheless, if the indictment and/or bill of particulars fails to inform the defendant adequately of the charges against him or if it appears that the offense charged was not committed by the defendant, the trial court may order the indictment quashed, and it may indeed be reversible error to fail to do so. La.C.Cr.P. arts. 485, 532(A)(4). In *State v. Miller*, 319 So.2d 339 (La. 1975), this court set forth some of the factors to be considered in determining whether a defendant was given all of the information to which he is constitutionally entitled:

The state is required, upon defendant's motion, to provide a criminal defendant with enough information so that he can identify the criminal transaction. There is no exact formula which can be applied to every charge to determine in a particular case whether a defendant has all of the information to which he is constitutionally entitled. In general, however, the extent to which the bill should be granted turns on the complexity of the case. If the crime is a single event, such as a murder,

the scope of the bill will be less extensive than it will be if the crime involved is a series of occurrences, such as tax fraud or bootlegging. When a crime charged may be committed in a number of different ways, this Court has always recognized the accentuated need for the state to furnish particulars. Likewise, when the crime involves not a single occurrence but a series of occurrences, the state must supply enough information so that the accused can identify each criminal transaction.

*Miller*, 319 So.2d at 342–43 (citations omitted).

Applying those factors here, the case is complex, and defendant is accused of a broad conspiracy to obstruct justice in two separate murder investigations. In addition, the State has alleged numerous means in the statute by which defendant may have committed the crimes. After reviewing the State’s responses thus far, it is clear that the State has yet to provide defendant with enough information about the nature and cause of the accusations against him to comply with La. Const. Art. I, § 13, and to sufficiently inform him of the nature and scope of the charges so that he will be able to defend himself properly.

Accordingly, we grant defendant’s application in part to remand to the district court, which is ordered to afford the State one final opportunity to expeditiously provide sufficient particulars. The application is otherwise denied.

**REMANDED**