

The Supreme Court of the State of Louisiana

KAREN COHEN KINNETT

No. 2022-CJ-01199

VS.

JARRED BRANDON KINNETT

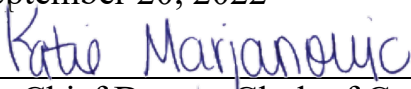
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IN RE: Jarred Brandon Kinnett - Applicant Defendant; Applying For Writ Of  
Certiorari, Parish of Jefferson, 24th Judicial District Court Number(s) 768-195,  
Court of Appeal, Fifth Circuit, Number(s) 17-CA-625;  
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September 20, 2022

Writ application granted. See per curiam.

JLW  
SJC  
JTG  
WJC  
JBM

Hughes, J., would deny.  
Griffin, J., would deny.

Supreme Court of Louisiana  
September 20, 2022  
  
\_\_\_\_\_  
Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 2022-CJ-01199**

**c/w**

**No. 2022-CJ-1246**

**KAREN COHEN KINNETT**

**VS.**

**JARRED BRANDON KINNETT**

On Writ of Certiorari to the Court of Appeal, Fifth Circuit, Parish of Jefferson

PER CURIAM

Granted. It is well settled that the determination of whether a statute is constitutional presents a question of law, which is reviewed on a de novo basis. *Westlawn Cemeteries, L.L.C. v. Louisiana Cemetery Bd.*, 2021-01414 (La. 3/25/22), 339 So.3d 548, 559; *City of New Orleans v. Clark*, 2017-1453 (La. 9/7/18), 251 So. 3d 1047, 1051; *State v. Webb*, 2013-1681 (La. 5/7/14), 144 So.3d 971, 975. There is sufficient evidence in the record, including the proffered evidence, for the court of appeal to review the district court's judgment finding La. Civ. Code art. 198 to be constitutional.<sup>1</sup>

Accordingly, the judgment of the court of appeal remanding this case to the district court for a new trial is vacated and set aside. Pursuant to our decree in *Kinnett v. Kinnett*, 20-1134 (La. 12/10/21), 332 So.3d 1149, the case is remanded to the court of appeal to consider Mr. Andrews' constitutional challenge.

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<sup>1</sup> To the extent Mr. Andrews failed to proffer certain testimony, he is precluded from complaining of the exclusion of this testimony. *McLean v. Hunter*, 495 So.2d 1298, 1305 (La. 1986).