

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 0702

VERSUS

ZOE R. WHITE

AUG 07 2018

In Re: Zoe R. White, applying for supervisory writs, 21st
Judicial District Court, Parish of Tangipahoa, No.
1702098.

BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT DENIED IN PART AND GRANTED IN PART. The constitutional challenge to La. R.S. 14:103 is not properly before this court as notice of such was not served to the Louisiana Attorney General prior to the matter being filed with this court and the constitutional challenge to La. R.S. 14:63.3 is not properly before this court because the unconstitutionality of that statute was not first raised in the trial court. La. R.S. 49:257(C); **State v. Schoening**, 2000-0903 (La. 10/17/00), 770 So.2d 762, 764-65. See also **Vallo v. Gayle Oil Co.**, 94-1238 (La. 11/30/94), 646 So.2d 859, 864-65. The video recording and the testimony adduced at the bench trial was sufficient to support the conviction for disturbing the peace. The evidence was not sufficient to support the conviction for entry on or remaining in places or land after being forbidden as relator was not afforded a reasonable time to actually accomplish his departure. Accordingly, the conviction for violating La. R.S. 14:63.3 is reversed and the sentence is vacated on Count 2 only. See **State v. Kology**, 2000-1718 (La. App. 3d Cir. 5/2/01), 785 So.2d 1045, 1048.

JMM
WJC
GH

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT