

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0670

VERSUS

LISA MARIE CAUSER

JUL 22 2019

In Re: Lisa Marie Causer, applying for supervisory writs,
21st Judicial District Court, Parish of Livingston,
No. 116468.

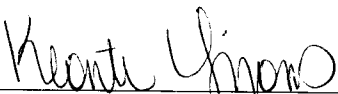
BEFORE: McCLENDON, HIGGINBOTHAM, AND LANIER, JJ.

WRIT GRANTED. Relator's conviction for resisting an officer is reversed, the sentence is vacated, and relator is ordered discharged. Essential to a conviction for resisting an officer is the defendant's knowledge of his or her arrest or impending detention. **State v. Nix**, 406 So.2d 1355, 1357 (La. 1981) (*per curiam*); **State v. Knowles**, 40, 324 (La. App. 2d Cir. 12/30/05), 917 So.2d 1262, 1273. Here, the deputy failed to convey his intention to detain relator. Futhermore, based on our independent review of the residential security footage and the testimony presented at trial, even viewing the evidence in the light most favorable to the State, this court finds the State failed to prove beyond a reasonable doubt relator intentionally and knowingly interfered with, opposed, resisted, or obstructed the deputy in making a lawful arrest or detention. Thus, relator's conviction must be reversed.

PMc
TMH

Lanier, J., dissents.

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DEPUTY CLERK OF COURT
FOR THE COURT