

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-350

STATE OF LOUISIANA

versus

JASON HARRISON

IN RE JASON HARRISON
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
FRANK A. BRINDISI, DIVISION "E", No. 26-1358

TRUE COPY

August 27, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT DENIED

Defendant-relator, Jason Harrison, seeks supervisory review of the trial court's denial of his motion to quash the bill of information.

On March 19, 2026, the Jefferson Parish District Attorney's Office filed a bill of information charging defendant with failure to maintain his registration as a sex offender by failing to make his community notification, a violation of La. R.S. 15:542.1.4(A)(1). According to the official record, on March 20, 2026, defendant was arraigned and pled not guilty.

On April 7, 2026, defendant filed a Motion to Quash Bill of Information and Request for Hearing. Defendant explained that the allegations arise from his alleged failure to complete community notification requirements early in 2026. He

stated that he fully served his underlying sentence, and the instant prosecution arises solely from his alleged noncompliance with statutory registration obligations. He claimed that he is indigent and lacks the financial ability to comply with the costly requirements of sex offender notification, including mandatory mailings and publication expenses that the statutory scheme requires. He contended that his alleged noncompliance was not willful, but rather the direct result of his inability to pay. He maintained that under *Bearden v. Georgia*, 461 U.S. 660, 674, 103 S.Ct. 2064, 2074, 76 L.Ed.2d 221, 234 (1983), and *State v. Jones*, 16-17 (La. 1/13/17), 206 So.3d 871, the court must first determine indigency and reassess the viability of prosecution. He argued that failure to do so would constitute reversible error.

On April 15, 2026, the trial court heard defendant's motion to quash but held the matter open for the State to present testimony from a detective.¹ On July 1, 2026, following the second hearing, the trial court denied the motion to quash. Defendant noticed his intent to seek supervisory review and timely filed the instant writ application.

The pending charges against defendant have not yet been tried, nor has defendant entered a *Crosby* plea. Given this procedural posture, we find the issue of defendant's indigency is a matter to be litigated as a defense to the charges and/or as a defense to the penalties called for in La. R.S. 15:542.1.4(A)(1), rather than in a motion to quash the bill of information. Accordingly, finding the issue of defendant's indigency premature at this time, the writ is denied.

Gretna, Louisiana, this 27th day of August, 2026.

SMC
JGG

¹ The record indicates that the hearing on the motion to quash was continued and reset on several occasions, including April 29, 2026, May 6, 2026, May 27, 2026, June 15, 2026, June 17, 2026, and June 29, 2026.

Fifth Circuit Court of Appeal

State of Louisiana

NO. 26-K-350

STATE OF LOUISIANA

versus

JASON HARRISON

JOHNSON, J., DISSENTS WITH REASONS

I, respectfully, dissent from the majority disposition in this matter. The majority finds that the issue of indigency for Defendant, Jason Harrison, is “premature and is a matter to be litigated as a defense to the charges and/or as a defense to the penalties called for in La. R.S. 15:542.1.4(A)(1).” I find that the determination of Defendant’s indigency is properly before the court at this juncture.

First, indigency is not among the criminal defenses recognized by the Louisiana Criminal Code in Louisiana Revised Statutes 14:13 through 14:22. A factfinder does not determine a defendant’s indigency *during* a criminal trial. A court determines indigency after considering evidence at a separate contradictory hearing. Thus, raising indigency as a trial defense to La. R.S. 15:542.1.4(A)(1) would be improper.

Additionally, a motion to quash is the proper procedural vehicle in this instance because a conviction and subsequent sentence imposed solely due to Defendant’s indigency would be unlawful. As a general matter, a motion to quash does not serve as a vehicle for asserting defenses on the merits. *State v. Clark*, 12-1296 (La. 5/7/13), 117 So.3d 1246, 1249. However, an exception to this rule exists where the state has alleged or admitted facts under which a lawful conviction for the

charged offense is not possible. *Id.*, citing *State v. Legendre*, 362 So2d 570, 571 (La. 1978) (holding a pre-trial motion to quash is the appropriate remedy if charges are based “upon an allegation of fact which cannot conceivably satisfy an essential element of the crime”). I find that an exception to the rule exists in this matter.

Pursuant to *Bearden v. Georgia*, 461 U.S. 660, 672, 103 S.Ct. 2064, 2073, 76 L.Ed.2d 221 (1983), a court may not imprison a defendant for failure to pay a fine and make restitution, absent evidence and a finding that he was somehow responsible for the failure or that alternative forms of punishment are inadequate to meet the State’s interest in punishment and deterrence. In furtherance of its application of *Bearden*, the supreme court in *State v. Jones*, 16-17 (La. 1/13/17), 206 So.3d 871, ordered the trial court to reconsider its denial of the defendant’s motion to quash and permitted the withdrawal of the defendant’s guilty plea, in the event that he was determined to be indigent and entitled to relief. Accordingly, under *Bearden* and *Jones*, neither a conviction nor a sentence based solely on indigency would be legal.

When considering the merits of the trial court’s denial of Defendant’s motion to quash, in the interest of justice, I would follow *Bearden* and *Jones*, grant the writ application, and remand the matter for a hearing and an express determination of Defendant’s indigency. The hearings transcripts indicate indigency based on Defendant’s uncontroverted testimony and the notes in his employment file referenced by Deputy Stephen Hartley. Deputy Hartley testified that he was not aware of Defendant’s financial situation. The trial court did not render a ruling regarding Defendant’s indigency. A remand would ensure compliance with *Bearden* in this matter.

For the foregoing reasons, I would grant the writ application and remand the matter for further proceedings.

MEJ

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETN, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **08/27/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

A handwritten signature in blue ink that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-K-350

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Frank A. Brindisi (DISTRICT JUDGE)
Thomas J. Butler (Respondent) Eric E. Malveau (Relator)

MAILED

Eric C. Cusimano (Respondent)
Assistant District Attorney
Twenty-Fourth Judicial District
200 Derbigny Street
Gretna, LA 70053