

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-C-00970

VS.

ROBERT BERRY

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IN RE: State of Louisiana, By and Through Attorney General Jeff Landry, In His Official Capacity - Applicant Plaintiff; Applying For Writ Of Certiorari, Parish of Bossier, 26th Judicial District Court Number(s) 163047, Court of Appeal, Second Circuit, Number(s) 54231CA;

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**April 25, 2023**

Writ application granted. See per curiam.

WJC

JLW

JDH

JTG

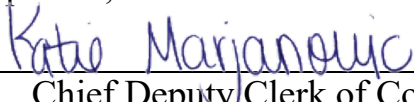
JBM

Crichton, J., dissents, would grant and docket and assigns reasons.

Griffin, J., dissents and would grant and docket.

Supreme Court of Louisiana

April 25, 2023



Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 2022-C-00970**

**STATE OF LOUISIANA VS. ROBERT BERRY**

On Writ of Certiorari to the Court of Appeal, Second Circuit, Parish of Bossier

**PER CURIAM**

Writ granted. The judgment sustaining the exception of *res judicata* herein is based on a summary judgment now reversed by this court. *See Marvin v. Berry*, 23-0214 (La. 4/\_\_/23), \_\_\_ So. 3d \_\_\_ (*per curiam*). Thus, the trial court’s judgment sustaining the exception of *res judicata* and dismissing plaintiff’s claims is also reversed. *See* La. R.S. 13:4231 (requiring a “valid and final judgment” for *res judicata*). The case is remanded for further proceedings.

**JUDGMENT REVERSED; CASE REMANDED.**