



# Recent Developments in Criminal Law


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# Duty to Render Aid in Use-of-Force

- Officers have an affirmative obligation to seek and sometimes personally provide adequate medical care following a use-of-force encounter.
- Adequate medical care depends on circumstances.
- If need is obvious, scene is safe, and no more threat, call EMS and render aid.
- If scene is not secure or injuries are so severe that first aid seems futile, summoning EMS is enough.

# La. R.S. 14:31-Manslaughter

- When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, or any combination thereof, which significantly contributes to the death of the recipient who ingested or consumed the controlled dangerous substance.
- When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance which significantly contributes to the death of the person who ingested or consumed the controlled dangerous substance.
- Moved these from Second Degree Murder



## La. R.S. 14:34.8(B)(3)-Battery of emergency room personnel, emergency services personnel, or a healthcare professional

- Amends definition to include veterinarians and veterinary staff.

## La. R.S. 14:40.9. Unlawful disruption of the operation of a healthcare facility

- "Healthcare facility" means any hospital, outpatient clinic, ambulatory surgical center, **veterinary clinic**, or other setting where healthcare services are provided.

## La. R.S. 14:42.1-Second degree rape

- Additional definition
- When the offender acts without the consent of the victim, the victim is thirteen years of age or older but less than seventeen years of age, and the difference between the age of the victim and the age of the offender is three years or greater. Lack of knowledge of the victim's age shall not be a defense.

## La. R.S. 14:46.3-Trafficking of children for sexual purposes

- Adds this definition - For any person to knowingly solicit or purchase a person under the age of eighteen years for the purpose of engaging in commercial sexual activity.

## La. R.S. 14:66-Extortion

- Adds to definition - A threat intended to compel a pregnant woman to have an abortion as defined in R.S. 14:87.1.



## La. R.S. 14:67.24- Theft of critical infrastructure

- Theft of critical infrastructure is the misappropriation, taking, or illegal possession, as defined in R.S. 14:69(A), of critical infrastructure. The intent to deprive the owner permanently of the critical infrastructure is essential.
- As used in this Section, "critical infrastructure" shall have the same meaning as provided in R.S. 14:61.
- Penalties are similar to theft.

## La. R.S. 14:70.4(D)- Access device fraud

- Creates the crime of theft of gift cards or gift card redemption information
- Adds gift card and account information related to a gift card to the definition of access device.
- “Gift card” means a card, code, or device that is issued to a consumer on a prepaid basis in a specified amount and is redeemable in exchange for goods or services. The value of the gift is either the maximum face value of the card when it is held for sale by the merchant or the actual value of the funds deposited with the merchant at the time of the activation and purchase.

## La. R.S. 14:75.1-Misappropriation of funds; utility services

- No person who has received money or payment in accordance with a lease contract or rental agreement to pay utility services shall knowingly:
- Fail to apply the money or payment as necessary to satisfy the amount owed for the utility services within sixty days of the person's receipt of the bill for utility services.
- Use or cause an agent or employee to use any deception, false pretense, or false promise in the failure to apply the money or payment as necessary to satisfy the amount owed for the utility services.
- Same penalties as theft

# La. R.S. 14:81- Indecent Behavior with Juveniles

- **Creates the crime of child grooming.**
- The grooming of a child under the age of seventeen, where the offender is at least four years older than the child. Completion or attempt to complete such act is not necessary to constitute grooming. Lack of knowledge of the child's age shall not be a defense.
- "Grooming" shall mean the pursuit of an intimate relationship with a child under the age of seventeen by means of seduction, emotional manipulation, threats, promises, coercion, enticement, isolation, or extortion with the specific intent to commit a sex offense as defined in R.S. 15:541 against the minor, whether aggravated or not.

## La. R.S. 14:81.1-Child sexual abuse materials

- Amends terminology regarding pornography involving juveniles
- It shall be unlawful for a person to produce, promote, advertise, distribute, possess, or possess with the intent to distribute **child sexual abuse materials**.

\* \* \*

- Child sexual abuse materials" is any photograph, videotape, film, or other reproduction, whether electronic or otherwise, of any sexual performance involving a child under the age of seventeen.

## La. R.S. 14:81.1-Child sexual abuse materials

- For all purposes, "pornography involving juveniles" and "child sexual abuse materials" mean the offense defined by the provisions of this Section and any reference to the crime of pornography involving juveniles is the same as a reference to the crime of child sexual abuse materials. Any act in violation of the provisions of this Section that is committed on or after August 1, 2025, shall be referred to as "child sexual abuse materials"

## La. R.S. 14:83-Soliciting for prostitutes

- Any child who is identified to be a victim of the crime of soliciting for prostitutes shall be referred and be eligible for specialized services and shall not be prosecuted for a violation of this Section if such violation is committed as a direct result of being trafficked.



## La. R.S. 14:87.6-Coerced abortion

- Coerced abortion is committed when any person **knowingly** engages in the use or threatened use of physical force, **control, or intimidation** with the intent to compel a pregnant woman to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed. For purposes of this Section, physical force, control, or intimidation shall mean any of the following:
  - (1) Battery as defined in R.S. 14:33.
  - (2) Assault as defined in R.S. 14:36.
  - (3) Simple kidnapping as defined in R.S. 14:45.
  - (4) False imprisonment as defined in R.S. 14:46.
  - (5) Extortion as defined in R.S. 14:66.



# La. R.S. 14:91.1 and 14:91.2

## Unlawful presence of a sexually violent predator & sex offender

- Cannot loiter between the hours of 6:00 a.m. and 9:00 a.m. or 2:00 p.m. and 5:00 p.m. within five hundred feet of a location that is commonly used for the pickup or drop-off of children for school or a school-related activity when a child is present and the offender has reasonable grounds to believe that a child or children are awaiting pickup or drop off from school or a school-related activity.
- "Loitering" means lingering, remaining, or prowling in a public place or on the premises of another for a protracted period of time without lawful business or reason to be present.

## La. R.S. 14:93.16. Unlawful sales of consumable hemp products to persons under twenty-one

- It is unlawful for any person to sell, distribute, dispense, or otherwise deliver any consumable hemp product, as defined in R.S. 3:1481, to any person under twenty-one years of age unless such person is the lawful owner or lawful employee of an establishment to which the sale is being made and is accepting such delivery pursuant to such ownership or employment. Lack of knowledge of the person's age shall not be a defense.
- “Consumable hemp product” means any product derived from industrial hemp that contains any cannabinoid, including cannabidiol or THC, and is intended for consumption or topical use.
- Misdemeanor

## La. R.S. 14:93.17. Purchase and possession of consumable hemp products by a minor

- It is unlawful for any person under twenty-one years of age to purchase or possess any consumable hemp product as defined in R.S. 3:1481.
- Whoever violates the provisions of this Section shall be fined not more than one hundred dollars.
- Any person apprehended while violating the provisions of this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations. A citation issued by a law enforcement officer for such violation shall not be included on the person's criminal history record.

## La. R.S. 14:95- Illegal carrying of weapons

- Changes definition of “school.”
- The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, or high school, vocational-technical school in this state and "campus" means all facilities and property within the boundary of the school property. "School" shall not mean a vocational-technical school that is privately owned. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

# La. R.S. 14:100- Hit-and-run driving

- Provides for a minimum mandatory sentence for certain hit and run driving offenses
- Whoever commits the crime of hit-and-run driving, when death or serious bodily injury is a direct result of the accident when the driver knew or should have known that death or serious bodily injury has occurred, **and the driver's vehicle was directly involved in the accident**, shall be fined not more than five thousand dollars or imprisoned with or without hard labor for not **less than two years nor** more than ten years, **two of which shall be served without the benefit of parole, probation, or suspension of sentence**, or both.

## La. R.S. 14:107.3. Criminal blighting of property

- "Blighted property" means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable, and hazardous by an administrative hearing officer or other applicable law.
- **Amended to include any vacant or occupied immovable property that has been** declared or certified as blighted, or a public nuisance by a court of competent jurisdiction or by an administrative hearing officer or any other applicable law.

# La. R.S. 14:337-Unlawful use of an unmanned aircraft system

- Added military installations and facilities to places where you cannot use drones.
- Mandatory Felony



# La. R.S. 14:337.1. Unlawful use of an unmanned aircraft system at a parade

- Unlawful use of an unmanned aircraft system at a parade is the intentional use of an unmanned aircraft system by an unauthorized person over any parade or parade route for which a permit is issued by a governmental entity.
- (1) "Parade" means any celebration of Mardi Gras or directly related pre-Lenten or carnival related festivities, school parades, parish parades, state parades or municipal parades, or any demonstration for which a permit is issued by a governmental entity.
- (2) "Parade route" means any public sidewalk, street, highway, bridge, alley, road, or other public passageway upon which a parade travels.



# La. R.S. 14:337.1. Unlawful use of an unmanned aircraft system at a parade

- Notice of the area known as the "Drone No Fly Zone" shall be posted along the parade route and may be announced through the use of local media outlets or social media platforms.
- The provisions of this Section shall not apply to unmanned aircraft systems used for motion picture, television, or similar production where the filming is authorized.
- Relative Felony

## La. R.S. 32:71(B)(2)-Driving on right side of road

- **Any** vehicle proceeding on a multilane highway at a speed slower than the posted maximum speed limit shall be driven in the right hand lane then available for traffic, or as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing a vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.
- Took out 10 mph



# **BOSSIER SHERIFF JULIAN WHITTINGTON COMMENDS DETECTIVE KELLY DOWNEY FOR HER ROLE IN PASSAGE OF LA HOUSE BILL 74**

This bill provides legal protection for survivors of domestic abuse, sexual assault or stalking by allowing them to suspend remote access technology in their vehicles. The bill requires motor vehicle manufacturers to disable remote tracking and control features within two business days when a survivor provides a certified protective order, temporary restraining order, or other official documentation proving they have been a victim of abuse. The victim must either own the vehicle or have a court-issued document granting them exclusive use of the vehicle.

# La. R.S. 46:2192-Remote access suspension

- A motor vehicle manufacturer shall suspend the remote access technology on a motor vehicle within two business days from receipt of a complete remote access suspension request from a survivor.
- A complete remote access suspension request requires the following:
  - A certified copy of a protective order as provided by R.S. 46:2136 against the abuser that has been signed by a judge, hearing officer, or commissioner, a temporary restraining order as provided by R.S. 46:2135 against the abuser that has been signed by a judge, hearing officer, or commissioner, or any other official document that evidences that abuser has committed a covered act.
  - The survivor has ownership interest in the motor vehicle or a certified copy of a judgment that provides exclusive use of the motor vehicle regardless of ownership.

## La. C. Cr. P. art. 571.1. Time limitation for certain sex offenses

- Except as provided by Article 571, 572, or any other provision of law that establishes a longer period of limitation, the time within which to institute prosecution of the perpetration or attempted **perpetration of, conspiracy to commit, or commission of any sex offense as defined in R.S. 15:541(24) that involves a victim under eighteen years of age shall be thirty years.** **This thirty-year period begins to run when the victim attains the age of eighteen.**

## La. C. Cr. P. art. 812- Same; polling and disposition of jury

- C. In cases for which no verdict could be reached and a mistrial has been declared under Article 775(2) of this Code, the court shall order the clerk to poll the jury if requested by the state or the defendant. The poll shall be conducted in writing by applying the procedures of Subsection D of this Section and shall be done in open court.



## La. C. Cr. P. art. 812- Polling and disposition of jury

- D. The procedure for the written polling of the jury shall require that the clerk hand to each juror a separate piece of paper containing the name of the juror and the words "What was your verdict?". Each juror shall write on the slip of paper the words "guilty" or "not guilty" or "guilty of a lesser offense" along with his signature. The clerk shall collect the slips of paper, make them available for inspection by the court and counsel, and record the results. The polling slips may be placed under seal upon order of the court, which shall state the specific reasons for placing the polling slips under seal. If so ordered, the polling slips shall not be released to the public without a subsequent order of the court authorizing their release. If the court orders the release of the polling slips, the names of the jurors shall be redacted



Cases



# State v. David Mayfield, 2024-KK-00731 (La. 11/06/2024)

- After completing probation for misdemeanor charges, defendant sought the return of firearms held by the State.
- Can only forfeit evidence that is considered contraband. LASC ordered a hearing to determine which firearms were contraband.

# State v. Keith Brumfield, 2024-KK-01543 (La. 04/01/2025)

- The Jefferson Parish Sheriff's Office received an anonymous complaint of harassment: woman stated that a man in a white Mitsubishi sedan harassed her on the street by yelling at her from his car to ask for her phone number.
- Officer spotted the vehicle but did not observe any traffic violations or illegal activity.
- Conducted an investigatory stop of the vehicle.
- Strong odor of marijuana and saw a small bag in plain view.
- Searched the car and found a handgun under the driver's seat, additional marijuana in the back of the car, and a blister pack of tapentadol in the center console.
- Motion to suppress the stop.

# State v. Keith Brumfield, 2024-KK-01543 (La. 04/01/2025)

- The district court denied the motion, and the Fourth Circuit denied defendant's writ application.
- LASC: granted a supervisory writ. Based on the evidence, the anonymous tip lacked sufficient information, and officers made no corroborating observations. They lacked reasonable suspicion to support the investigatory stop of defendant under *Terry v. Ohio*, 392 U.S. 1 (1968). The Court reversed the denial of the motion to suppress and remanded.

# State v. KB, 2024-CK-00491 (La. 05/09/2025)

- “Terry stop” of juvenile K.B. who was with three other people.
- One of the other three may have been involved in a crime the day before.
- Officer found a gun and cannabis on K.B. after “patting” him down.
- Testimony of officer at the motion to suppress not clear about his initial contact with K.B.
- LASC - question was whether, considering the totality of the circumstances, the officer reasonably suspected KB was committing, had committed, or was about to commit an offense.
- Ultimately found there was no reasonable suspicion to stop.

# State v. Curry III, 2025-00365 (La. 6/17/25)

- Defendant Leon Curry was detained and brought to the Violent Crimes Unit for questioning. At the start of the interview, defendant was informed of his rights under *Miranda*, both verbally and in writing. Defendant initially invoked his right to counsel.
- Then, he, and not law enforcement, immediately thereafter reinitiated conversation with law enforcement as to the offenses that led to defendant being detained.
- Discussion of defendant's Miranda rights ensued for ten minutes, during which, at one point, the law enforcement officer conducting the interview made a misstatement of law.
- Defendant questioned that statement, which the officer subsequently corrected and clarified.
- Defendant reviewed the written form of the Miranda warnings multiple times.
- Defendant was explicitly asked “[d]o you want a lawyer at this time, yes or no,” to which defendant replied “[a]t this time, no.”
- LASC reversed - Miranda has never required a verbatim recitation of warnings, but instead that the warnings reasonably convey to the suspects his rights as required.

# U.S. v. Barber, 24-40069 (US 5<sup>th</sup> Cir. 12/23/24)

- Police officers arrested Barber at his wife's home after gunfire from the residence struck two vehicles. The shots rendered the first vehicle inoperable, and its passengers fled uninjured. The passengers in the second vehicle were not so fortunate: dad was shot in the elbow, and his ten-year-old daughter was shot in the head.
- Officers asked Wife for her consent to search her home for the firearm, but she refused.
- Officers conducted a protective sweep of the home. They found Barber hiding in a back bedroom. He had warrant out of Missouri.
- Several hours after conducting the initial sweep, Texas Ranger again asked Wife for consent to search the home. Police officers explained that a young girl had been shot, and that the gun that was used in the shooting was still missing. The officers also explained how verbal consent worked and emphasized that she could revoke consent at any time. Wife eventually consented.



# U.S. v. Barber, 24-40069 (US 5<sup>th</sup> Cir. 12/23/24)

- Barber argued his wife did not validly consent to the search of her home; the felon in possession statute is unconstitutional, and insufficient evidence to support his conviction.
- 5<sup>th</sup> Circuit:
  - Wife's consent was voluntary, police did not use coercion, and police adequately informed her of her rights;
  - Felon in possession law is constitutional- referenced SCOTUS precedent that disarming felon laws are presumptively lawful;
  - Evidence was sufficient: Barber's DNA was on the firearm, eyewitness testimony, and evidence of the firearm's interstate travel history.
- Petition for a writ of certiorari denied by SCOTUS

# United States v. Turner, 125 F.4th 693 (5th Cir. 2025)

- San Antonio police officers were dispatched to an apartment building based on two calls reporting a gunshot. Roughly one hour after the gunshot was reported, officers entered Jonte Turner's apartment and conducted a protective sweep.
- Found multiple firearms and loaded magazines in plain view. Following the sweep, officers arrested Turner and obtained a search warrant. In the subsequent, warranted search, they seized firearms, magazines, and marijuana.
- A grand jury indicted Turner on three charges. Turner moved to suppress the physical evidence, claiming the sweep and warranted search violated the Fourth Amendment. The District Court denied those motions.



# United States v. Turner, 125 F.4th 693 (5th Cir. 2025)

- Turner argued that officers unlawfully entered his apartment in violation of the Fourth Amendment and that the warrant which was later obtained and used to search the apartment and seize evidence was based on false or misleading information and relied on unlawfully obtained evidence.
- 5<sup>th</sup> Cir.: The court concluded that exigent circumstances justified police officers' warrantless entry into the defendant's apartment. Even though guns aren't usually evidence that can be destroyed, there was a clear danger to officers and others in the neighborhood that the shooter could have started shooting again.

## US v. Riojas, 24-40378 (US 5<sup>th</sup> Cir. 6/4/25)

- At two in the morning, Isaac Riojas rolled through a stop sign. Officers recognized him. Stopped the car. They smelled marijuana, searched his car, and found drugs. Riojas moved to suppress the evidence.
- The District Court denied his motion. Riojas then asked the Fifth Circuit to review the search.
- 5<sup>th</sup> Cir: concludes that the search was lawful under the automobile exception to the Fourth Amendment. The Court held that the officers had probable cause to search Riojas's vehicle based on the smell of marijuana, the visible ashes, and the partially smoked marijuana joint.



# Qualified Immunity Cases

# Salinas v. City of Houston

- Houston Police Officers were on patrol when they received a dispatch call with vehicle information, including vehicle type and plate number.
- At that time, Salinas was going home after stopping at a gas station and was on the phone with his friend.
- Officers located the vehicle and turned on their lights.
- Salinas did not pull over after 20 seconds, a high-speed chase ensued, ending when Salinas crashed into a cement pillar of a freeway underpass. His car was disabled.
- Officers parked their cruiser next to Salinas' driver-side door, preventing Salinas from exiting the car.

# Salinas v. City of Houston

- Surrounded the car with their weapons drawn and pointed at Salinas. Salinas, at this point, appeared to be in the passenger seat. One officer stood by the driver-side door of Salinas' vehicle while the other stood near the passenger-side door.
- Officers repeatedly yelled at Salinas, ““Let me see your hands! Let me see your hands! Let me see your hands! Hey! Hands! Hands! Hands! Hands! Let me see your hands!” or, ““Hey let me see your hands! Hands! Hands! Hands! Hands! Hands! Hands! Let me see your f--king hands! Hands! Let me see your hands!”
- During this interaction, as Salinas moved around from side to side and raised and lowered his hands intermittently, and officers demanded Salinas to “stop reaching.” Salinas’ friend was still on the phone during this interaction and heard Salinas state, “Don't shoot, I am looking for my phone.”

# Salinas v. City of Houston

- Salinas appeared to reach for something behind the driver's seat of his vehicle, leaning over the center console, two officers fired 11-12 rounds at Salinas. At no point did the Officers see Salinas wield a gun.
- Brittany Salinas filed suit in June 2023, asserting claims against the Officers, and the City of Houston under § 1983, the Texas Tort Claims Act, and the state-created danger theory of constitutional liability.
- The district court ultimately dismissed Brittany's claims with prejudice, concluding that the Officers were entitled to qualified immunity, and the claims against Houston were meritless.
- 5<sup>th</sup> circuit - reasoned that the Officers had reasonable suspicion to detain Salinas based on the identifying information on his vehicle and his refusal to stop when the Officers engaged their lights. The Court further found that the Officers did not violate Salinas' Fourth Amendment rights, as they reasonably believed he posed an immediate threat when he continuously reached within his vehicle despite their commands that he show his hands.



# Bailey v. Ramos, 125 F.4th 667, 674 (5th Cir. 2025)

- Officers Ramos and Dech were on bike patrol in downtown San Antonio when they responded to an assault at a bar.
- Officers interviewed witnesses while victim was being treated.
- Bailey and his friends were filming and were hostile when they first approached Ramos and Dech. Bailey gave the officers the middle finger and said “f\*\*\* off” as he walked away.
- After this initial interaction, most of the group wandered away, and Dech went back to the bar, leaving Ramos alone.
- Bailey's friend, Miller, walked up to Ramos while openly carrying a gun. Miller asked Ramos, “What are you shaking your f\*\*\*ing head at?”
- Ramos and Dech continued to tell Miller and Bailey to back up.



# Bailey v. Ramos, 125 F.4th 667, 674 (5th Cir. 2025)

- Bailey did not immediately comply. Ramos stated that he lightly touched Bailey's shoulder to guide him away. Bailey swatted Ramos' arm away and continued to show signs of aggression.
- Ramos asserts he “was in fear of an impending assault.” In response, Ramos placed both hands on Bailey's chest and pushed him. He then grabbed Bailey by his upper body and forced him to the ground.
- Dech handcuffed Bailey once Ramos had him on the ground. The officers lifted Bailey into a standing position and placed him up against a nearby wall. Bailey repeatedly yelled expletives at Ramos and Dech while they asked him to calm down and sit down. Bailey screamed at both officers that he would “dial up my wife to own your ass” and told Dech that he would “lock you up with this little piece of sh\*t,” referring to Ramos.
- Ramos used some type of leg maneuver to bring Bailey to a seat on the ground.

# Bailey v. Ramos, 125 F.4th 667, 674 (5th Cir. 2025)

- Bailey was charged with interfering with the duties of a public servant. Bailey then filed suit under § 1983, alleging unlawful seizure and arrest, excessive force, malicious prosecution, violation of his right to record the police, and First Amendment retaliation.
- District Court: granted qualified immunity for the malicious prosecution claim; and (4) denied qualified immunity and summary judgment for the unlawful arrest, unlawful seizure, First Amendment retaliation, and excessive force claims because genuine disputes of material fact existed.

# Bailey v. Ramos, 125 F.4th 667, 674 (5th Cir. 2025)

- 5th Cir.: The Court reasoned that Ramos was entitled to qualified immunity because he reasonably could have believed he had probable cause to arrest Bailey for interference with public duties where the bystander hesitated in complying, made an obscene gesture at the officer shortly before given an instruction to stand back, was cursing at the officer, and an individual with the bystander had approached the officer while openly carrying a gun
- However, the court found that even if takedown procedure employed by police officer during arrest of bystander for interference with public duties, allegedly consisting of shoving arrestee, pulling off arrestee's shirt, and pushing arrestee to ground to handcuff him, amounted to excessive force, unlawfulness of officer's conduct was not clearly established, and thus officer was entitled to qualified immunity in arrestee's § 1983 action asserting excessive force.

# Stapleton v. Lozano, 125 F.4th 743 (5th Cir. 2025)

- Officer Lozano stopped a car he observed swerving in and out of the center lane. He approached the vehicle and asked the driver, Stapleton, for his driver's license.
- Noting Stapleton's bloodshot eyes and slurred speech, Officer asked him to exit the car for a field sobriety test. Stapleton complied and failed the test.
- Officer arrested Stapleton and Guerrero, the passenger, for public intoxication. Officer searched Stapleton's car and found four hydrocodone bitartrate pills, two diazepam pills, one acetaminophen and hydrocodone pill, and two gabapentin capsules. He also found a clear package labeled “hemp” and two burnt pipes.

# Stapleton v. Lozano, 125 F.4th 743 (5th Cir. 2025)

- About an hour later, Lozano booked Stapleton and Guerrero into jail. During booking, Stapleton told Officer that he “was not feeling well.” He was “visibly swaying and slightly unsteady on his feet,” and he had a dark substance on the fingertips of both of his hands. Stapleton did not request or receive medical attention.
- Lozano placed both men in a holding cell monitored by video cameras.
- Lozano came to the holding cell several times to speak to both men and give them hand sanitizer.
- About two hours after booking, took his temp still “swaying and generally unsteady on his feet.” Stapleton knelt on the floor, leaned forward slowly over his folded legs, and began rocking back and forth.



# Stapleton v. Lozano, 125 F.4th 743(5th Cir. 2025)

- Stapleton died from “combined drug toxicity.” Stapleton’s family sued the officers and the police chief under 42 U.S.C. § 1983, alleging deliberate indifference to Stapleton’s serious medical needs while he was in jail. The officers and the police chief moved to dismiss the lawsuit based on qualified immunity.
- The district court denied the officers’ motion. The officers and the police chief appealed.
- 5<sup>th</sup> Cir.: The court reversed the district court, finding that the officer was not deliberately indifferent to his serious medical needs, after the motorist died in jail of combined drug toxicity, even though the officer discovered opioids in the car and the motorist told the officer that he “did not feel well.”
- The court noted that the motorist's symptoms were initially ambiguous, the motorist did not request medical assistance, the officer did not refuse to treat the motorist, ignore his complaint, intentionally treat him incorrectly, or engage in any similar conduct, the officer came to the holding cell multiple times to speak to the motorist and his companion, and he responded quickly after detainees in an adjacent holding cell began screaming for help. Thus the officer was entitled to qualified immunity.

# Esteviz v. Cantu, 24-40277 (US 5<sup>th</sup> Cir. 4/6/25)

- After a two-hour, high-speed pursuit of Alejandro Esteviz through the nighttime streets of Laredo, officers from the Laredo Police Department (“LPD”) forced Esteviz’s truck off the road and boxed him in. Unwilling to surrender, Esteviz rammed his truck into one of the police cruisers and lurched off the road into a fence, wheels smoking and engine revving.
- At that point, two LPD officers fired nine shots into the truck over the course of ten seconds, badly injuring Esteviz, who sued them for using excessive force.
- The District Court granted the officers qualified immunity for shots 1– 3 but denied it for shots 4–9.
- The Fifth Circuit: reverses and renders judgment granting qualified immunity to the officers for all shots fired. The Court finds that at a minimum, the officers did not violate clearly established law by firing those additional shots under the dangerous and unpredictable circumstances facing them; the situation here was dangerous and unpredictable, and the officers had reason to believe they were still under threat; videos showed the continuing threat to the officers from multiple angles.
- The Court found that existing precedent did not clearly establish that the officers' actions were unlawful, and thus, they were entitled to qualified immunity for all shots fired.





Updates in AI

# US Teen Dies By Suicide After Being Blackmailed With AI-Generated Nudes

- In this unfortunate case, the victim received a threatening text with an A.I.-generated nude photo of himself demanding he pay \$3,000 to keep it from being sent to friends and family. The predator also threatened to harm the victim's family if he did not comply. He died by suicide shortly after receiving the message.
- The victim's mother said she regularly checked her son's phone, but the interaction occurred during the night and the situation must have "put him in panic mode."
- In the text messages she saw, her son sent a portion of money to the offender, to which the anonymous user replied, "This is not enough." The 16-year-old was rushed to the hospital but succumbed to his injuries on Feb. 28, his mother said.
- FBI detective reviewed the victim's phone, recognized it as a potential sextortion case. The investigation into Eli Heacock's death is still in its beginning stages, but lawmakers are championing to make sextortion a felony and establishing penalties for those convicted of the crime.

# Financially Motivated Sextortion

- According to the FBI, financially motivated sextortion occurs when “predators pose as someone else online to coerce victims into taking and sending sexually explicit photos and videos—and then immediately demand payment or threaten to release the photo to the victim’s family and friends.”
- Victims are typically males between the ages of 14 to 17, but any person can become a victim.
- Predators identify and target children through social media platforms, online games, gaming consoles, livestreaming and video platforms, and messaging apps.

# Financially Motivated Sextortion

- Predators often ask victims to switch to a platform that lets them video call. Then, predators ask children to send sexually explicit images and videos and/or engage in sexually explicit activities via video call, then they capture that material without the victims' knowledge.
- In some cases, predators will promise to send sexually explicit material back, or they will send sexually explicit material to encourage their victim to do the same.
- Predators begin extorting their victims immediately after receiving a sexually explicit image. They threaten to send the image to family, friends, social media followers, schools, and elsewhere unless the child pays money in some form

# Financially Motivated Sextortion

- Predators sometimes create images with AI to elicit a response from the child, like:
  - A fake news headline about the arrest of the child
  - A collage containing sexually explicit material and identifying information
  - A draft of a social media post that would distribute the sexually explicit material
- Reports of the scheme have skyrocketed: The National Center for Missing and Exploited Children said it received more than 500,000 reports of sextortion scams targeting minors in just the last year. At least 20 young people have taken their own lives because of sextortion scams since 2021