

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-329

STATE OF LOUISIANA

versus

KERRY E. STERLING

IN RE KERRY E. STERLING, M.D.
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE E.
ADRIAN ADAMS, DIVISION "G", No. 24-3821

TRUE COPY

July 28, 2026



LINDA TRAN
DEPUTY CLERK

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

WRIT DENIED

Defendant/relator, Kerry E. Sterling, seeks this Court's expedited supervisory review of the trial court's July 16, 2026 oral ruling which denied his motion to quash the bill of information filed against him for accessory after the fact to manslaughter, a violation of La. R.S. 14:25.¹ For the following reasons, we deny the writ application.

FACTS AND PROCEDURAL BACKGROUND

On May 30, 2025, the State of Louisiana, in a superseding bill of information, charged defendant with violating La. R.S. 14:25, in that he was "an accessory after the fact to the manslaughter of George Singleton." In the State's third response to

¹ The writ application indicates that the trial on the merits of this matter is currently scheduled for August 10, 2026.

defendant's bill of particulars, the State expounded on the charge against defendant as follows:

At the trial of this matter the State will prove beyond a reasonable doubt that the Defendant's actions as documented in the open file discovery including but not limited to the arrest warrant for Kerry Sterling under B-13066-23 were actions done with the intent to aid, harbor, or conceal his sister, Kyana Traylor, with the intent that she may avoid or escape from trial, conviction, and/or punishment. *See Exhibit A*, Arrest Warrant JPSO Item B-130660-23. To this end, the State's evidence will demonstrate that Kerry Sterling was on notice that Kyana Traylor had been charged by bill of information in 24-3821 with Manslaughter (La. R.S. 14:31), Obstruction of Justice (La. R.S. 14:130.1), Insurance Fraud (La. R.S. 14:22:1924A(l)(a)), and Cruelty to the Infirm (La. R.S. 14:93.3.). The State will show that Sterling's actions evidence his intent to aid, harbor and/or conceal Kyana Traylor with the *intent* that she may *avoid or escape from her upcoming trial*, conviction, and/or punishment, including but not limited to leading up to the time he bonded Kyana Traylor out of jail, dropping her off at the hospital, his actions during her treatment and/or hospitalization, picking Kyana Traylor up from the hospital after she leaves the hospital on her own accord, being observed and identified by Agent Alroy Allen as the individual cutting Traylor's ankle monitor, and his subsequent flight from the scene.

On February 27, 2025, Traylor's trial date of March 10, 2025, was converted to a plea status date and the trial was reset to March 17, 2025. *See Exhibit B*, February 27, 2025 Minute Entry. On March 9, 2025, the day before her status date, Sterling brought Traylor to the hospital. On March 10, 2025, a warrant was issued for Traylor's failure to appear. *See Exhibit C*, Minute Entry March 10, 2025. On March 11, 2025, while Traylor's attachment was still outstanding and trial was set for March 17, 2025, Traylor's ankle monitor sent out a "tampering alert," and Sterling was subsequently identified as the person cutting Traylor's ankle monitor when trial was scheduled to begin March 17, 2025. *Id. Exhibit B*. An arrest warrant was subsequently issued for Stirling. *Id. Exhibit A*, and *See Exhibit D Supplemental*, Report JPSO Item B-13066-23.

Nothing in this response is intended to in any way whatsoever deviate from the elements of the crime set by statute and nothing in this response is in any way whatsoever intended to limit the State's presentation of evidence.

(Emphasis in original.)

Defendant subsequently filed a "Motion to Quash Indictment," arguing that the charge of accessory after the fact should be quashed since the bill of information fails to charge an offense which is punishable under a valid statute, citing La. C.Cr.P.

art. 532(1).² In his motion to quash, defendant argued that fatal to the State's case is the fact that, as indicated in the State's response to the bill of particulars, the ankle strap on Ms. Traylor's leg had only been partially cut and it remained on her leg. Thus, defendant argued, the State cannot prove a *completed* act of harboring, concealing, or aiding Ms. Traylor within the meaning of La. R.S. 14:25.

Defendant also argued in his motion to quash that venue is improper in Jefferson Parish under this charge as, although the principal offense allegedly committed by Ms. Traylor occurred in Jefferson Parish, all of the conduct allegedly committed by defendant occurred in Orleans Parish. Defendant argued that although La. C.Cr.P. art. 611(D)(1)³ would authorize venue in Jefferson Parish for the State to bring a charge of this nature against defendant "in a genuine accessory-after-the-fact prosecution," such is not the case here because of the flaws in the State's case, as noted in defendant's first argument.

In response to the motion to quash, the State disagreed with defendant's argument that defendant's alleged aid to Ms. Traylor was not complete and asserted it will be up to the trier of fact to determine whether defendant's alleged aid to Ms. Traylor is sufficient for him to be convicted beyond a reasonable doubt of committing accessory after the fact. Regarding defendant's venue argument, the State argued that because the principal offense allegedly committed by Ms. Traylor occurred in Jefferson Parish, under La. C.Cr.P. art. 611(D)(1), Jefferson Parish is a proper venue for the subject charge against defendant.

The parties argued the motion to quash before the trial court on July 16, 2026. At the conclusion of the hearing, the trial court orally denied the motion. This timely writ application followed.

ANALYSIS

The time for testing the sufficiency of an indictment or a bill of information is before trial by way of a motion to quash or an application for a bill of particulars. *State v. Bernard*, 25-461 (La. App. 5 Cir. 10/15/25), 426 So.3d 50, 52, *writ denied*,

² La. C.Cr.P. art. 532(1) provides: "A motion to quash may be based on one or more of the following grounds: (1) The indictment fails to charge an offense which is punishable under a valid statute."

³ La. C.Cr.P. art. 611(D)(1) provides: "If the offender is charged with the crime of accessory after the fact, the offense is deemed to have been committed either in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the accessory after the fact prosecution occurred."

25-1306 (La. 10/16/25), 419 So.3d 798. A motion to quash is a mechanism by which to raise pretrial pleas of defense that do not go to the merits of the charge. *State v. Hopkins*, 24-399 (La. 6/5/24), 385 So.3d 1145, 1146. It is treated much like an exception of no cause of action in a civil suit. *Id.* In considering a motion to quash, a court must accept as true the facts contained in the bill of information and bill of particulars and determine as a matter of law and from the face of the pleadings, whether a crime has been charged. *Id.* While evidence may be admitted, it is limited to procedural matters. *State v. Byrd*, 96-2302 (La. 3/13/98), 708 So.2d 401, 411, *cert. denied*, 525 U.S. 876, 119 S.Ct. 179, 142 L.Ed.2d 146 (1998). The question of factual guilt or innocence of the offense charged is not raised by the motion to quash. *Id.*

While a motion to quash does not serve as a vehicle for asserting a defense on the merits, 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. *State v. Clark*, 12-1296 (La. 5/7/13), 117 So.3d 1246, 1249.

Accessory after the fact is defined in La. R.S. 14:25 as “any person who, after the commission of a felony, shall harbor, conceal, or aid the offender, knowing or having reasonable ground to believe that he has committed the felony, and with the intent that he may avoid or escape from arrest, trial, conviction, or punishment.” A person can be convicted as an accessory after the fact if he rendered aid with either specific or general intent that the felon avoid or escape arrest, trial, conviction, or punishment. *State v. Hopkins*, 39,730 (La. App. 2 Cir. 8/17/05), 908 So.2d 1265, 1271, *writ denied*, 05-2253 (La. 3/17/06), 925 So.2d 541; *State v. Chism*, 436 So.2d 464, 467 (La. 1983).

Upon review, we conclude that defendant’s arguments relative to the nature, extent, and consequences of the facts alleged by the State in the bill of information and bill of particulars, accepting the same as true, relate to the factual guilt or innocence of defendant of the offense charged, rather than to issues that may be properly raised in a motion to quash. A motion to quash does not serve as a vehicle for asserting a defense on the merits and does not answer the question of factual guilt

or innocence of the offense charged. *Byrd*, 708 So.2d at 411. We therefore conclude that the trial court did not err in denying the motion to quash as to this issue.⁴

Further, as to the venue issue, under the circumstances presented, we agree with the State's argument that because the principal offense allegedly committed by Ms. Traylor occurred in Jefferson Parish, under La. C.Cr.P. art. 611(D)(1), Jefferson Parish is a proper venue for the subject charge against defendant.

CONCLUSION

For the foregoing reasons, we find no error in the trial court's denial of defendant's motion to quash. This writ application is denied.

Gretna, Louisiana, this 28th day of July, 2026.

JGG
SMC
MEJ

⁴ Defendant relies on this Court's opinions in the companion cases of *State v. Plaisance*, 01-1040 (La. App. 5 Cir. 3/26/02), 815 So.2d 272 and *State v. Clouatre*, 01-1004 (La. App. 5 Cir. 3/26/02), 815 So.2d 292, in arguing that the State's bill of information and bill of particulars must show a completed act of actual aid in an accessory after the fact charge, rather than preparations to render aid. We disagree with defendant's interpretation of this Court's rulings in those cases. The sole issue in those cases was whether venue was proper in Jefferson Parish. The bill of information in those cases indicated that the defendants allegedly obtained money in Jefferson Parish from a Jefferson Parish resident in order to purchase food in Jefferson Parish, purchased and prepared food in Jefferson Parish, obtained transportation from the same Jefferson Parish resident, and brought the food to the suspect in a homicide in Orleans Parish. The homicide in question occurred in Jefferson Parish. This Court found that the fact that preparations of the food occurred in Jefferson Parish did not constitute an essential element of the crime of accessory after the fact and thus affirmed the trial court's granting of the defendants' motion to quash simply on the basis of improper venue. The amendment to La. C.Cr.P. art. 611(D)(1) in 2018 now specifically allows venue under the facts of this case in Jefferson Parish, as the principal offense allegedly committed by Ms. Traylor occurred in Jefferson Parish.

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
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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 **07/28/2026** 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, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

26-K-329

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable E. Adrian Adams (DISTRICT JUDGE)
Stephen D. Hebert (Relator)
Thomas J. Butler (Respondent)

MAILED

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