

SUPREME COURT OF LOUISIANA

NO. 04-CA-3065

VERMILLION PARISH POLICE JURY

V.

MED-EXPRESS AMBULANCE SERVICE, INC.

PER CURIAM

The Vermillion Parish Police Jury invokes the appellate jurisdiction of this court pursuant to La. Const. art. V, § 5(D), on the ground that the district court declared a portion of Parish Ordinance No. 2001-O-15 unconstitutional.

A review of the district court’s judgment indicates that although the district court purported to declare the portion of the ordinance unconstitutional, the court’s ruling was in fact based on a determination that the penalty provisions of the ordinance “violate the express provisions of La. Rev. Stat. § 33:1243(A)(1). . . .”<sup>1</sup> Having resolved the questions presented in this case on statutory grounds, there was no need for the court to reach the question of constitutionality. *See Cat’s Meow, Inc. v. City of New Orleans*, 98-601 (La. 10/20/98), 720 So. 2d 1186 (courts should refrain from deciding the constitutionality of legislation when the case can be disposed of on non-constitutional grounds). Therefore, we view any statements in the judgment regarding constitutionality as dicta which do not form a basis for appellate jurisdiction in this court.

Accordingly, it is ordered that the appeal be transferred to the court of appeal for its consideration on the merits.

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<sup>1</sup> The ordinance provides for a \$1000 per day penalty. La. R.S. 33:1243(A)(1) provides that the maximum penalty which may be imposed for violation of a parish ordinance in the a parish the size of Vermillion Parish “shall be a fine of five hundred dollars and imprisonment of thirty days in the parish jail.”