

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KK-00477

VS.

BENSON O'BRIEN, III

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of St. Tammany, 22nd Judicial District Court Number(s) 521288, Court of
Appeal, First Circuit, Number(s) 2020 KW 0074;

October 14, 2020

Writ application granted. See per curiam.

JDH

BJJ

JLW

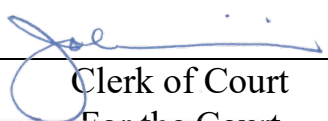
JTG

WJC

JHB

Crichton, J., concurs and assigns reasons.

Supreme Court of Louisiana
October 14, 2020



Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2020-KK-0477

STATE OF LOUISIANA

VS.

BENSON O'BRIEN, III

**ON SUPERVISORY WRIT TO THE 22ND JUDICIAL
DISTRICT COURT FOR THE PARISH OF ST. TAMMANY**

PER CURIAM.

Writ granted. Information concerning the competency and mental status of a defendant is not a confidential communication under LSA-C.E. art. 506(B) because it was not disclosed in furtherance of obtaining legal services, and the exclusion of such information would not advance the policy sought to be furthered by the attorney-client privilege because the information does not relate to the client's reason for seeking representation. See LSA-C.E. arts. 506 and 507; See also **State v. Gage**, 10-0237 (La. App. 1 Cir. 10/29/10), (*unpublished*), 2010 WL 4273080, writ denied, 10-2666 (La. 4/25/11), 62 So.3d 86. The State's writ application is granted. The ruling denying the State's motion to subpoena the defendant's previous attorney to testify regarding defendant's competency at the time the guilty plea was entered is reversed, the motion is granted, and this matter is remanded to the district court for further proceedings.