

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KP-01329

VS.

CAROL NOLAND SALTZMAN AND ROBYN B.
LITTLE DAVIS

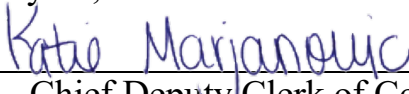
IN RE: Carol Noland Saltzman - Applicant Defendant; Robyn B. Little Davis -
Applicant Defendant; Applying For Supervisory Writ, Parish of Calcasieu, 14th
Judicial District Court Number(s) 34876-09, Court of Appeal, Third Circuit,
Number(s) KW 19-00606;

May 23, 2023

Writ application granted. See per curiam.

JLW
JDH
JTG
WJC
JBM

Crichton, J., concurs in part and dissents in part and assigns reasons.
Griffin, J., concurs in part and dissents in part for reasons assigned by Justice
Crichton.

Supreme Court of Louisiana
May 23, 2023


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 22-KP-1329

STATE OF LOUISIANA

v.

CAROL NOLAND SALTZMAN, ET AL

ON SUPERVISORY WRITS TO THE FOURTEENTH
JUDICIAL DISTRICT COURT, PARISH OF CALCASIEU

PER CURIAM:

Writ granted. Defendants have adequately demonstrated that their applications for post-conviction relief, arguing several alleged violations of *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), overcome the procedural bar of La.C.Cr.P. art. 930.8(A) by proving application of the exception found in La.C.Cr.P. art. 930.8(A)(1)—“the facts upon which the claim is predicated were not known to the petitioner[s] or [their] prior attorneys” and they “exercised diligence in attempting to discover any post conviction claims that may exist.” The matter is remanded to the district court for further consideration of the merits of their claims.

On remand, if the district court determines that the factual and legal issues can be resolved upon the application and answer, and supporting documents submitted by either party or available to the court, it may grant or deny relief without further proceedings. *See* La.C.Cr.P. art. 929(A). Otherwise, the court shall conduct an evidentiary hearing. *See* La.C.Cr.P. art. 930(A).