

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00461

VS.

JOHN HONORE, ET AL.

IN RE: Briniyah Baker - Applicant Defendant; Applying For Writ Of Certiorari,
Parish of Orleans Criminal, Criminal District Court Number(s) 554-135, Court of
Appeal, Fourth Circuit, Number(s) 2023-K-0204;

April 04, 2023

Stay lifted. Writ application granted. See per curiam.

JLW

JDH

SJC

JTG

PDG

Weimer, C.J., additionally concurs and assigns reasons.
Crain, J., dissents and assigns reasons.
McCallum, J., dissents.

Supreme Court of Louisiana
April 04, 2023



Chief Deputy Clerk of Court
For the Court

April 4, 2023

SUPREME COURT OF LOUISIANA

No. 2023-KK-00461

STATE OF LOUISIANA

VS.

JOHN HONORE, ET AL.

On Writ of Certiorari to the Court of Appeal,
Fourth Circuit, Parish of Orleans

PER CURIAM

Writ granted; stay lifted. The court of appeal correctly determined that the district court erred in excluding the State's DNA and fingerprint evidence. We reverse the ruling of the court of appeal only to the extent it found no abuse of discretion in the trial court's denial of a continuance. Under the circumstances, the trial court abused its discretion in denying the motion to continue. *See* La. C.Cr.P. arts. 707 *et seq.*; *see also* La. C.Cr.P. art. 713 cmt. a. The trial court's ruling is hereby vacated and the case is remanded for further proceedings and the setting of a new trial date that will afford the defendants additional time to respond to the State's DNA and fingerprint evidence. The stay previously issued by this court is hereby lifted.

REVERSED AND REMANDED