

The Supreme Court of the State of Louisiana

STATE EX REL. ANTOINE TATE

No. 2023-KP-01409

VS.

TIM HOOPER, WARDEN, LOUISIANA
STATE PENITENTIARY, ANGOLA,
LOUISIANA

IN RE: Antoine Tate - Applicant Defendant; Applying For Supervisory Writ, Parish
of East Baton Rouge, 19th Judicial District Court Number(s) 01-97-0502;

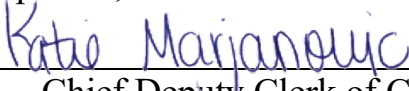
April 23, 2024

Writ application granted in part. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM
PDG

Crichton, J., additionally concurs and assigns reasons.

Supreme Court of Louisiana
April 23, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KP-01409

STATE EX REL. ANTOINE TATE

VS.

**TIM HOOPER, WARDEN, LOUISIANA STATE PENITENTIARY,
ANGOLA, LOUISIANA**

On Supervisory Writ to the 19th Judicial District Court, Parish of East Baton
Rouge

PER CURIAM:

Writ granted in part, otherwise denied. The district court’s decision to deny the motion to substitute expert counsel (filed after an unexpected change in the status of the prior expert’s state licensure) involved an abuse of discretion in that it unfairly penalized Mr. Tate for unforeseen events beyond his control and would have directly hindered his ability to litigate any claim for relief pursuant to *Atkins v. Virginia*, 536 U.S. 304, 122 S. Ct. 2242, 153 L. Ed. 2d 335 (2002). The ruling denying the motion to substitute the expert is hereby reversed. The defense is hereby ordered to submit to the district court any outstanding expert report(s) within 45 days of this decision.

The district court also erred to the extent that it made any finding of contempt and imposed any penalties for contempt outside the limits of the criminal code. *See* La.C.Cr.P. arts. 24 and 25. The monetary penalty imposed is hereby vacated and the matter is remanded for further proceedings consistent with this decision. In all other respects, the writ is denied.