

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-00226

VS.

BRANDON APPLEWHITE

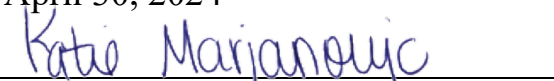
IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of St. Tammany, 22nd Judicial District Court Number(s) 0442-F-2022, Court
of Appeal, First Circuit, Number(s) 2023 KW 1169;

April 30, 2024

Writ application granted. See per curiam.

SJC
JLW
JDH
WJC
JBM

Genovese, J., dissents.
Griffin, J., dissents.

Supreme Court of Louisiana
April 30, 2024


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

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On Writ of Certiorari to the Court of Appeal, First Circuit, Parish of St. Tammany

PER CURIAM:

Writ granted. We find the appellate court erred in reversing the trial court’s denial of defendant’s motion to quash. Code of Criminal Procedure article 473 requires a charging document to include the name of the person injured when their name is “substantial and not merely descriptive.” However, in the event the name of the victim is not known, La. C.Cr.P. art. 473 provides, “it is sufficient to so state and to describe him as far as possible.” In this case, the identity of the victims is “substantial and not merely descriptive,” however their names are not known. The state has admitted as much and has provided a bill of particulars and open-file discovery to defendant. *See State v. Pichler*, 355 So. 2d 1302, 1304 (La. 1978), (finding the grant of open file discovery to the defense to be “significant in resolving whether or not defendant was prejudiced in preparation of his defense by an insufficient recitation of the essential facts constituting the offense charged.”) Accordingly, we find the appellate court erred in finding defendant is prejudiced by the state’s failure to provide the names of the victims. The decision of the court of appeal is reversed, the trial court’s ruling denying defendant’s motion to quash is reinstated. The matter is remanded to the trial court for further proceedings.

REVERSED AND REMANDED