

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-01491

VS.

RORY JOHNSON

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 562-377, Court of
Appeal, Fourth Circuit, Number(s) 2024-K-0781;

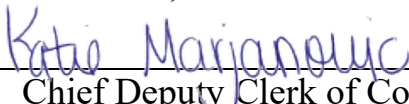
December 06, 2024

Writ application granted. See per curiam.

JTK
JLW
SJC
WJC
JBM
PDG

Hughes, J., would concur.

Supreme Court of Louisiana
December 06, 2024



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2024-KK-01491

STATE OF LOUISIANA

VS.

RORY JOHNSON

On Supervisory Writ to the Criminal District Court, Parish of Orleans Criminal

PER CURIAM:

Writ granted for the reasons assigned by Chief Judge Love, dissenting in the court of appeal:

While the trial court possesses gatekeeping powers to manage trial court matters, La. C.Cr.P. art. 807 provides that “[t]he state and the defendant shall have the right before argument to submit to the court special written charges for the jury.” Further, the exhibits reflect that on October 22, 2024, the trial court’s law clerk e-mailed both parties stating, “[a]ny additional corrections or requests pursuant to the Code of Criminal Procedure Article 807 must be provided to me in writing by the end of the state’s case.”

State v. Johnson, 24-781 (La. App. 4 Cir. 12/6/24) (unpub’d) (Love, C.J., dissenting). Accordingly, we grant the State’s application, reverse the trial court’s ruling, and remand for a contradictory hearing on the motion for a special jury instruction pursuant to La.C.Cr.P. art. 807.