

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2016 KW 1239

VERSUS

NOV 16 2016

WYATT WATTS

In Re: A.S., applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 05-13-0382.

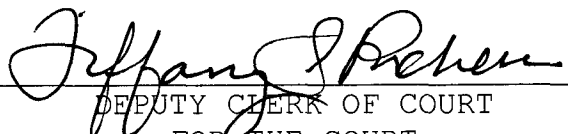
BEFORE: WELCH, CRAIN AND HOLDRIDGE, JJ.

WRIT DENIED.

GH
JEW

Crain, J., dissents and would grant the writ application. Relator is charged with simple rape, requiring that the State prove that sexual intercourse was without the victim's lawful consent because of her stuporous or intoxicated condition, and that relator was, or should have been, aware of that condition. See La. R.S. 14:43. In this context, relator must establish his good faith in requesting the victim's medical records and that the request is not intended as a general "fishing expedition." See **State v. Marcelin**, 2010-2036 (La. 10/15/10), 46 So.3d 191 (*per curiam*). I believe relator failed to meet this burden because he did not establish how the victim's medical records would assist his defense. Consequently, I find the district court abused its discretion in ordering the victim to produce for an *in-camera* inspection her prescription information and medical records from Baton Rouge General Hospital.

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DEPUTY CLERK OF COURT
FOR THE COURT