

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

BENJAMIN F. WRIGHT

CIVIL ACTION NO. 12-2813

VERSUS

JUDGE S. MAURICE HICKS, JR.

NATHAN CAIN

MAGISTRATE JUDGE HORNSBY

JUDGMENT

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, including the written objections (Record Documents, 19, 20 & 21) filed and the recent opinion of the United States Court of Appeals for the Fifth Circuit in U.S. v. Weast, No. 14-11253 (January 26, 2016), and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Petitioner's petition for writ of habeas corpus relief is **CONDITIONALLY GRANTED**. The State is ordered to release Petitioner from any sentence based on the convictions obtained at the trial in this case unless the State affords Petitioner a new trial within 180 days of the finality of this Court's judgment. Petitioner must be afforded his Sixth Amendment rights, in accordance with this Court's decision, at the new trial. The State may apply for a stay of this judgment pending any appeal.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 11th day of February, 2016.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE