

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 0647

VERSUS

LEE TURNER

APRIL 24, 2015

In Re: Lee Turner, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 07-11-0678.

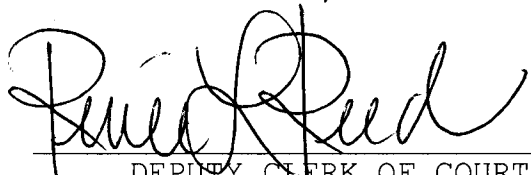
BEFORE: GUIDRY, THERIOT AND DRAKE, JJ.

WRIT GRANTED. While admittedly a close issue, considering that this is a death penalty case, we find the trial court abused its discretion in denying the defense's challenge for cause of prospective juror James Walter Green. Green's position as the United States Attorney for the Middle District of Louisiana, particularly considering his relationships with the District Attorney's Office in ongoing Multi-Task Force investigations, and his previous working relationship with two law enforcement officers who will probably testify as State witnesses, could have influenced his duties as a juror. See La. Code Crim. P. art. 797(3). This matter is remanded to the trial court for further proceedings and the trial court is ordered to award the defense an additional peremptory challenge since the defense used one of its peremptory challenges to excuse Green from the jury.

EGD
JMG

Theriot, J. dissents, and would deny the writ. See State v. Manning, 2003-1982 (La. 10/19/04), 885 So.2d 1044, 1077-80, cert. denied, 544 U.S. 967, 125 S.Ct. 1745, 161 L.Ed.2d 612 (2005).

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DEPUTY CLERK OF COURT
FOR THE COURT