

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2016 KW 1089

VERSUS

NEAL C. LOPEZ

OCT 05 2016

In Re: Neal C. Lopez, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
560,928.

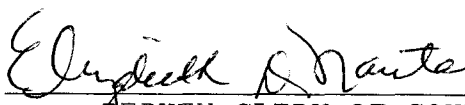
BEFORE: HIGGINBOTHAM, THERIOT AND CHUTZ, JJ.

WRIT GRANTED. The trial court erred in determining that the witnesses at issue were not material witnesses. According to relator, the testimony of the witnesses was pertinent to his defense, as the witnesses would testify that Justin Knotts possessed the stolen vehicle and left it on their property. Thus, the court abused its discretion in denying the defense motion to issue subpoenas to out-of-state witnesses. The court's ruling is reversed and the trial court is ordered to grant relator's request for issuance of out-of-state subpoenas to these witnesses.

MRT
TMH

CHUTZ, J., dissents and would deny the writ. The trial court determined that the witnesses at issue were not material witnesses. Therefore, I find the court did not abuse its discretion in denying the defense motion to issue subpoenas to out-of-state witnesses. See La. Code Crim. P. art. 741.

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DEPUTY CLERK OF COURT
FOR THE COURT