

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2017 KW 1340

VERSUS

ANDRE YOUNG

SEP 28 2017

In Re: Andre Young, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 10-14-0675.


BEFORE: HIGGINBOTHAM, HOLDRIDGE, AND PENZATO, JJ.

WRIT DENIED. STAY DENIED. Late disclosure, as well as nondisclosure, of evidence favorable to the defendant requires reversal if it has significantly impacted the defendant's opportunity to present the material effectively in its case, and compromised the fundamental fairness of the trial. The impact on the defense of late disclosure of favorable evidence must be evaluated in the context of the entire record. The state's constitutional obligation to disclose exculpatory evidence does not relieve the defense of its obligation to conduct its own investigation and prepare a defense for trial as the state is not obligated under **Brady** or its progeny to furnish the defendant with information he already has or can obtain with reasonable diligence. **State v. Ferguson**, 2015-0427 (La. App. 1st Cir. 9/18/15), 181 So.3d 120, 142, writ denied, 2015-1919 (La. 11/18/16), 210 So.3d 282. In the writ application, relator acknowledged that he has been aware of the relevant medical records since February 25, 2015 when the state made its first discovery disclosure, which included police reports that indicated the victim in question had been treated for a wound to his back at Our Lady of the Lake Hospital. We find that through reasonable diligence, relator could have obtained the victim's medical records.

AHP
TMH

Holdridge, J., dissents and would grant the writ application. If the state intends to use the relevant medical records in its case-in-chief, then I believe the trial court should allow a stay to give the defense the opportunity to review and investigate the medical records.

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DEPUTY CLERK OF COURT
FOR THE COURT