

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2018 KW 1068

VERSUS

KEITH MONTGOMERY

**OCT 01 2018**

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In Re: Keith Montgomery, applying for supervisory writs, 21st  
Judicial District Court, Parish of Livingston, No.  
116,443.

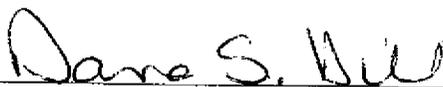
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**BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.**

**WRIT GRANTED.** The requests are facially sufficient to meet the defendant's threshold for discoverability of possible materiality and relevance. See **State v. Marcelin**, 2010-2036 (La. 10/15/10), 46 So.3d 191 (per curiam); **United States v. Nixon**, 418 U.S. 683, 699-00, 94 S.Ct. 3090, 3103, 41 L.Ed.2d 1039 (1974). Consequently, the trial court abused its discretion by not conducting a contradictory hearing to determine the actual discoverability of the items listed in the subpoenas. See **State v. Devol**, 2017-0646 (La. 6/5/17), 221 So.3d 38. This matter is remanded to the trial court for a contradictory hearing on the materiality and relevance of the items listed in the subpoenas.

JMM  
WJC  
GH

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT  
FOR THE COURT