

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 1139

VERSUS

LEONARD MASTASCUSO

AUGUST 15, 2018

In Re: Leonard Mastascuso, applying for supervisory writs,
21st Judicial District Court, Parish of Tangipahoa,
No. 140-1218.


BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT GRANTED. REQUEST FOR STAY DENIED AS MOOT. The trial court's ruling granting the state's motion in limine is reversed. We find that the exclusion of the defendant's expert witness will violate his constitutional right to present a defense under the particular facts of this case. See **State v. Magee**, 2017-1217 (La. App. 1st Cir. 2/27/18), 243 So.3d 151, 163. There are a few rights more fundamental than that of a defendant's right to present witnesses in his own defense. **Chambers v. Mississippi**, 410 U.S. 284, 302, 93 S.Ct. 1038, 1049, 35 L.Ed.2d 297 (1973). However, the defendant is hereby ordered to produce for the state a written summary containing any information required to be produced pursuant to La. Code Crim. P. art. 725 before the defendant presents his case-in-chief.

VGW
TMH

McClendon, J., concurs.

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DEPUTY CLERK OF COURT
FOR THE COURT