

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0613

VERSUS

CHRISTOPHER COUPE

SEP 30 2019

In Re: Christopher Coupe, applying for supervisory writs,
23rd Judicial District Court, Parish of Ascension, No.
3404.

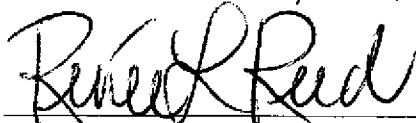
BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.

WRIT GRANTED. The trial court abused its discretion in finding that the State carried its burden of proving by clear and convincing evidence that relator is currently dangerous to himself and others under **Foucha v. Louisiana**, 504 U.S. 71, 112 S.Ct. 1780, 118 L.Ed.2d 437 (1992) and La. Code Crim. P. art. 657, particularly as defined in La. R.S. 28:2 (6) and (7). See **State v. Perez**, 94-0130 (La. 1/27/95), 648 So.2d 1319, 1321. The trial court's ruling is reversed, and this matter is remanded with instructions that the trial court order relator's conditional release under the conditions set forth in the review panel's recommendation and any other conditions the trial court may impose related to relator's continuing care and treatment that are appropriate under the law.

JMM
WRC

Theriot, J., dissents and would deny the writ application.

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DEPUTY CLERK OF COURT
FOR THE COURT