

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0644

VERSUS

MATTHEW NAQUIN

JULY 02, 2019

In Re: Matthew Naquin, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 10-17-0445.


BEFORE: WELCH, CHUTZ, AND PENZATO, JJ.

WRIT GRANTED IN PART AND DENIED IN PART. Relator's writ application is granted in part, as evidence of the victim's drinking alcohol and smoking marijuana on the date in question prior to and while he was at the fraternity house does appear to be relevant to the crime at issue. Any prejudicial effect of that evidence would be outweighed by its probative value. See La. Code Evid. arts. 401 & 403. With regard to the victim's alleged alcohol and marijuana use prior to the date in question, based on the evidence presented to this court, it does not appear that the district court erred in denying relator's motion at this time. Thus, the remainder of the writ application is denied.

WRC
AHP

Welch, J., concurs in part and dissents in part. It is essential for the jury to hear the entirety of the evidence in order to ensure that relator receives a fair trial and is not deprived of his constitutional right to present a defense. There are 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). The jury is entitled to hear the evidence regarding the victim's alcohol and drug use over the twenty-eight days he attended LSU prior to his tragic death. The evidence at issue is not admissible to show the victim's character or habit; however, it is relevant to the issue of whether the victim was forced or coerced to drink alcohol, or if he drank voluntarily on the night at issue.

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DEPUTY CLERK OF COURT
FOR THE COURT