

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0892

VERSUS

SAMUEL J. SMITH AND ALMOINE
POWELL

JULY 11, 2019

In Re: State of Louisiana, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, No. 11-17-0216.

BEFORE: McCLENDON, HIGGINBOTHAM, AND LANIER, JJ.

WRIT GRANTED. The trial court's ruling denying the state's "Motion to Reconsider the Denial to Permit Victim to Wear Civilian Clothing during Trial as well as Visible Restraints" is reversed. The motion is granted, and this matter is remanded to the trial court for further proceedings consistent with this ruling. It is well-settled that "[c]ompelling a criminal defendant to stand trial in readily identifiable prison attire over his express objection infringes upon his presumption of innocence and denies the defendant due process of law. **State v. Spellman**, 562 So.2d 455 (La. 1990). It is also enshrined in Louisiana's Constitution that victims of crimes be treated with fairness, dignity, and respect. Under the facts of this case, we find that the incarcerated victim should be afforded the same rights as the defendant and be permitted to wear civilian clothes and no visible restraints during the trial.

PMc
TMH

Lanier, J., dissents and would deny the writ application. I find that the inherent power of the court to control security is paramount.

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DEPUTY CLERK OF COURT
FOR THE COURT