

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 1320

VERSUS

DAYTON IRVING

OCT 04 2019

In Re: Dayton Irving, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 08-17-0865.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

WRIT GRANTED. The trial judge erred in determining beforehand that an hour and fifteen minutes was a sufficient amount of time for the state and the accused to conduct voir dire. An accused has a constitutional right to "full voir dire examination of prospective jurors and to challenge jurors peremptorily." La. Const. art. I, § 17(A). See also La. Code Crim. P. art. 786. Imposing an arbitrary time limit on a defendant's voir dire examination has been found to be error in that it is clearly improper and to be avoided by trial courts. See State v. Jones, 596 So.2d 1360, 1367 (La. App. 1st Cir.), writ denied, 598 So.2d 373 (La. 1992). The proper procedure would be for the trial judge to be vigilant and to terminate voir dire after the state and the accused have an opportunity for a full voir dire examination and not to establish any arbitrary time limits prior to the voir dire examination. Furthermore, the trial judge has discretion to limit voir dire by excluding repetitive, irrelevant, and improper questions.

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JEW
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DEPUTY CLERK OF COURT

FOR THE COURT