

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2020 KW 0678

VERSUS

RUSSELL BENDILY, JR.

**SEP 28 2020**

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In Re:     The Victim B. B., applying for supervisory writs, 20th  
          Judicial District Court, Parish of East Feliciana, No.  
          19-CR-291.

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**BEFORE:     McDONALD, HOLDRIDGE, AND PENZATO, JJ.**

**WRIT GRANTED. REQUEST FOR ORAL ARGUMENT DENIED.** If the defendant is charged with a sex offense, a subpoena or court order compelling production of medical records shall not be issued upon request of the defendant unless the subpoena or court order identifies the records sought with particularity and is reasonably limited as to subject matter, and the court finds, after a contradictory hearing with the state, that the requested records are likely to be relevant and admissible at trial and are not sought for the purpose of harassing the victim. See La. R.S. 15:206(A). A contradictory hearing was not held in this case; and based on the record before this court, it is not clear whether the defendant in this case has made a sufficient showing of possible materiality and relevance of the numerous items listed in the subpoena duces tecum. Accordingly, this case is remanded for a contradictory hearing with all counsel of record. Thereafter, if the court finds that the requested records are likely to be relevant and admissible at trial and are not sought for the purpose of harassing the victim, then the court should conduct an in camera review of only those records that meet such criteria for production. See also **State v. Devol**, 2017-0646 (La. 6/5/17), 221 So.3d 38.

**JMM  
GH  
AHP**

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DEPUTY CLERK OF COURT  
FOR THE COURT