

STATE OF LOUISIANA

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NO. 2011-KA-0984

VERSUS

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COURT OF APPEAL

NOLAN GRIMES

*

FOURTH CIRCUIT

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STATE OF LOUISIANA

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BONIN, J., CONCURS SPECIALLY ON ASSIGNMENT OF ERROR NO. 1 WITH REASONS.

I specially concur in the treatment of assignment of error number 1 because as a judge of an inferior court I am subject to the latest expression of constitutional interpretation provided by the United States Supreme Court.

For a little while the highest court in our land had restored the protection of the Sixth Amendment’s right to confront one’s accuser to its intended purpose and practice. *See Crawford v. Washington*, 541 U.S. 36 (2004). But along comes *Williams v. Illinois*, and what was “an open-and-shut case” under Supreme Court precedents beginning with *Crawford* now puts forensic evidence beyond the reach of the Confrontation Clause. *Williams v. Illinois*, 547 U.S. ---, 132 S.Ct. 2221, 2265 (2012) (Kagan, J., dissenting, joined by Scalia, Ginsburg, and Sotomayor, JJ.). Regrettably, as noted by the dissenters in *Williams*, there are five votes to approve the admission of the kind of evidence which we approve in this case, “but not a single good explanation.” *Id.* So, I say *au revoir* but not good-bye to *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009) and *Bullcoming v. New Mexico*, 564 U.S. ---, 131 S.Ct. 2705 (2011).