

**STATE OF LOUISIANA**

\*

**NO. 2018-KA-0532**

**VERSUS**

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**COURT OF APPEAL**

**ANTHONY CINQUEMANO**

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**FOURTH CIRCUIT**

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**STATE OF LOUISIANA**

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**MCKAY, C.J., DISSENTS IN PART**

I respectfully dissent in part from the majority's opinion in this matter. I would affirm the district court's judgments denying the State's continuance. The district court based its decision on the State's failure secure its witness for trial. Based on the record before this Court the State failed to provide sufficient proof to satisfy the requirements for a continuance based on absence of a witness pursuant to La. C.Cr. P. art. 709.