

11/28/01 "See News Release93 for any concurrences and/or dissents."

**SUPREME COURT OF LOUISIANA**

**No. 01-KK-1080**

**IN RE: LIONEL "LON" BURNS  
(STATE OF LOUISIANA V. GEORGE LEE, III)**

**CALOGERO, Chief Justice, concurs in part and dissents in part.**

I agree that there is insufficient evidence to find defendant guilty of tampering with or planting evidence, and, like the majority, I would affirm the conviction of constructive contempt for failing to disclose promptly the discovery of evidence, to the judge and/or opposing counsel. However, I dissent in part from the penalty imposed. In addition to a maximum fine of \$500.00, I would sentence defendant to serve forty-eight hours in jail, as permitted by La. Code Crim. Proc. art. 25(B).