

05/14/02 “See News Release 038 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

No. 00-K-1580

STATE OF LOUISIANA

VERSUS

MARVA L. WATSON A/K/A LAWRENCE LACKINGS

CALOGERO, Chief Justice, concurs and assigns the following reasons:

I agree with the majority’s disposition reversing the court of appeal and affirming the conviction because the present record does not adequately provide a basis for assessing the adequacy of the representation provided by defendant’s counsel. A review of the defendant’s claim of ineffective assistance of counsel is better reserved for post-conviction relief. I concur, however, to point out that the police report is at variance with the testimony of the officer who said that the defendant simply dropped the aluminum foil containing heroin. The police report indicates that the defendant’s hand was seized, facilitating his dropping of the aluminum foil. This discrepancy in the evidence is relevant to the motion to suppress that was not filed by defendant’s attorney, an asserted deficiency on the part of the attorney that prompted the court of appeal to reverse defendant’s conviction for ineffective assistance of counsel.