

04/23/04 See News Release 037 for any concurrences and/or dissents.

**SUPREME COURT OF LOUISIANA**

**No. 02-K-1407**

**STATE OF LOUISIANA**

**Versus**

**TONY BURBANK**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,  
FOURTH CIRCUIT, PARISH OF ORLEANS**

**JOHNSON, J. dissenting**

The court of appeal erred in finding that the trial court did not improperly curtail the cross-examination testimony of the State's star witness, Cassandra Scott. At the time of the defendant's trial, Scott was incarcerated on a drug-related charge and was facing a multiple bill as a fourth felony offender and a possible sentence of 20-years to life imprisonment. The defendant should have been afforded the opportunity to inform the jury of these charges against Scott, as well as the suspicious timing of various actions taken by the prosecution. *State v. Brady*, 381 So.2d 819 (La. 1980). In my mind, this is not harmless error. Therefore, I would reverse the defendant's conviction and sentence and remand this case to the district court for a new trial.