

03/19/2017 "See News Release 018 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

NO. 2017-KD-0462

STATE OF LOUISIANA

VERSUS

ALIZERA SADEGHI

**ON SUPERVISORY WRITS TO THE CRIMINAL DISTRICT COURT
FOR THE PARISH OF ORLEANS**

PER CURIAM

Writ Granted. The trial court erred by not granting the State's request for a subpoena duces tecum. With the consent of the victim, the State's subpoena duces tecum seeks the victim's medical records from the victim's health care provider. A patient, including a patient's representative, *see* La. R.S. 44:17(A)(4), has an absolute right to obtain a copy of his or her medical records from his or her health care provider. *See* La. R.S. 40:1165.1(A)(1). Further, upon reasonable grounds, the State can request the trial court to order a subpoena duces tecum. *See* La. C.Cr.P. art. 66(A). Because the trial court stated it would issue a subpoena duces tecum only for the date listed in the indictment, the trial court abused its discretion upon finding reasonable grounds for some, but not all, of the requested medical documents. We therefore order the trial court to issue the State's subpoena duces tecum for any and all certified medical records, including all photographs, pertaining to the treatment of Patient K.H, the victim in Count 5 of the indictment, in the custody of The Center for Aesthetics and Plastic Surgery.