

01/14/2019 "See News Release 002 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 17-KP-0416

STATE OF LOUISIANA

v.

DONALD LEE LEGER, JR.

**ON SUPERVISORY WRITS TO THE SIXTEENTH
JUDICIAL DISTRICT COURT, PARISH OF ST. MARY**

Crichton, J., would grant and docket and assigns reasons:

I would grant and docket the State's application to answer two significant questions of law before allowing the post-conviction evidentiary hearing, which will require a substantial expenditure of time and resources, to proceed in this matter. First, this court has never squarely addressed the standard by which a claim of ineffective assistance of counsel based on counsel's failure to assert a *Batson* challenge during jury selection would be evaluated, or whether such a claim is even cognizable on state collateral review. Second, this court has yet to articulate a standard to determine whether the state's ability to respond to an application for post-conviction relief has been materially prejudiced by events not under the control of the State which have transpired since the date of the original conviction. *See* La.C.Cr.P. art. 930.8(B). Both of these issues are presented here, and I believe that in the interest of economy this court should address them before allowing post-conviction proceedings to continue.