

SUPREME COURT OF LOUISIANA

No. 2018-K-1943

STATE OF LOUISIANA

versus

MARC Q. SCROGGINS

ON WRIT OF CERTIORARI TO THE SECOND CIRCUIT,

PARISH OF CADDO

Genovese, J., would deny for the following reasons:

The legal issue presented in this case is whether a mentally-and-psychologically-impaired defendant's *Alford* plea may stand absent an articulation of a factual basis upon which the plea was predicated. Undisputedly, neither party offered a recitation of supporting facts prior the entry of the plea, directly contravening *North Carolina v. Alford*, 400 U.S. 25, 91 S.Ct. 160, 27 L.Ed.2d 162 (1970), which requires such a recitation *prior to the plea's entry*. Defendant's diminished mental capacity renders this violation of *Alford's* strictures particularly egregious. Accordingly, I find that the court of appeal correctly reversed the trial court; and, therefore, I would deny this writ application.