

09/06/2019 "See News Release 037 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2019-KK-01343

STATE OF LOUISIANA

VS.

ERIC ROBERTSON

**ON SUPERVISORY WRIT TO THE 19TH JUDICIAL DISTRICT COURT,
PARISH OF EAST BATON ROUGE**

PER CURIAM

Writ granted. The order granting defense counsel's motion to withdraw is hereby reversed and the East Baton Rouge Public Defender's Office is reinstated as counsel for defendant. The witness behind the alleged conflict of interest is a defense witness, and as such, is not subject to cross-examination by the defense counsel. Thus, there is no potential or actual conflict of interest. See *State v. Carmouche*, 508 So.2d 792, 805 (La.1987) and *State v. Tart*, 94-0025, p. 19 (La. 2/9/96), 672 so.2d 116, 125. (This court has consistently held that a defense attorney required to cross-examine a current or former client on behalf of a current defendant suffers from an actual conflict.) Moreover, the witness was only represented by the East Baton Rouge Public Defender's Office on prior, unrelated matters.