

SUPREME COURT OF LOUISIANA

No. 95-KA-1489

STATE OF LOUISIANA

Versus

RICKY JOSEPH LANGLEY

ON APPLICATION FOR REHEARING

PER CURIAM*

The recent decision in Campbell v. Louisiana, ____ U.S. ____, 118 S.Ct. 1419 (1998), held that a white defendant has third party standing to assert the rights of African-Americans excluded from grand jury service on account of race. The Court also held that under Louisiana's grand jury selection process, whereby eleven grand jurors are selected by lot but the foreperson (who is the twelfth grand juror) is selected by the judge, a claim of discrimination in the selection of the grand jury foreperson must be treated as a claim of discrimination in the selection of the grand jury itself. Id. at 1422.

We therefore grant rehearing in part and remand the case to the district court for an evidentiary rehearing on the defendant's allegation, properly raised before trial, that the foreperson of the Calcasieu Parish grand jury that indicted the defendant was selected in an intentionally discriminatory manner. The defendant may appeal to this court from any adverse ruling on this motion. In all other respects, the application for rehearing is denied.

*Knoll, J., not on panel; recused.