

SUPREME COURT OF LOUISIANA

NO. 96-KA-1392

STATE OF LOUISIANA

versus

ANTHONY WILSON

APPEAL FROM CRIMINAL DISTRICT COURT
PARISH OF ORLEANS

consolidated with

NO. 96-KA-2076

STATE OF LOUISIANA

versus

PATRICK DEWAYNE BETHLEY

APPEAL FROM FOURTH JUDICIAL DISTRICT
PARISH OF OUACHITA

VICTORY, J., concurs with reasons.

I fully agree with the majority's conclusion that LSA-R.S. 14:42(C), which allows for the imposition of the death penalty against an offender who commits aggravated rape of a child under 12 years of age, is not unconstitutional.

I write separately to express my view that the Legislature should immediately amend Articles 905 et. seq. of the Code of Criminal Procedure (especially article 905.2) to clarify the sentencing procedure for an aggravated rape case in which the death sentence may be imposed.