

SUPREME COURT OF LOUISIANA

NO. 2012-KH-2525

STATE EX REL. TROY BATISTE

VERSUS

STATE OF LOUISIANA

Hughes, J., dissenting.

I respectfully dissent and would grant the writ. The trial court incorrectly determined that relator's habitual offender claims were fully litigated on appeal and that the district court was without authority to issue a subpoena for an out of state resident or a federal inmate. I would grant the writ in order to remand for an evidentiary hearing.