

SUPREME COURT OF LOUISIANA

NO. 2016-K-1349

STATE OF LOUISIANA

VERSUS

AARON KITZLER

CRICHTON, J., would grant and assigns reasons:

I would grant and docket this case so the Court could compare the record with the victim's recantations—in light of this Court's decision in *State v. Maise*, 2014-1912 (La. 6/30/15), 172 So.3d 639 (reh'g denied (9/11/15)). Of course, "except in rare circumstances, a motion for new trial should not be granted on the basis of a recantation since that disclaimer is tantamount to admission of perjury so as to discredit the witness at a later trial." *State v. Prudholm*, 446 So.2d 729, 736 (La. 1984). But, as we noted in *Maise*, a recantation can be problematic if the caliber of evidence corroborating the previous allegation leaves "much to be desired." 172 So.3d at 642. This matters because criminal convictions must be "supported by reliable, competent, and altogether trustworthy evidence." *Id.* at 647. (Crichton, J., concurring). Therefore, with access to the full record, this Court could evaluate whether the grounds for new trial under La. C.Cr.P. art. 851 have been met.