

11/18/2016 "See News Release 069 for any Concurrences and/or Dissents."

**SUPREME COURT OF LOUISIANA**

**2016-KK-1638**

**STATE OF LOUISIANA**

**VS.**

**KEVIN SCEAU**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL, FOURTH  
CIRCUIT, PARISH OF ORLEANS**

**Hughes, J., additionally concurs with reasons.**

I concur with the court's action. The statute at issue includes criminal proceedings. However, the defendant has a constitutional right to a defense. If the whereabouts of the victim are unknown to the defendant and not provided to him timely by the state, I would deem notice to the state sufficient. It is, after all, the party which opposed the original non-compliant subpoena. If the victim's injuries are pre-existing, the defendant has a right to find out before trial.