

06/16/2017 "See News Release 033 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 2017-KP-0101

WILBERT JONES

VERSUS

DARREL VANNOY, WARDEN

**ON APPLICATION FOR WRIT OF CERTIORARI TO THE 19TH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

PER CURIAM

Writ granted. The *Brady* claim presented by relator merits remand to the district court for a full evidentiary hearing. We find no basis to disturb the district court's factual determination that the *Brady* claim predicated on newly-discovered information surrounding the October 29, 1971 rape and the alleged perpetrator of that rape was not procedurally barred. *See* La. C.Cr.P. art. 930.8. However, we find relator has made a sufficient showing to warrant an evidentiary hearing on whether the State withheld material exculpatory evidence such that relator was denied a fair trial. Accordingly, the matter is remanded to the district court to conduct a hearing as soon as practical in view of relator's failing health and to determine whether the State was obligated under *Brady v. Maryland*, 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963), to disclose the information to relator's trial counsel.