

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Per Curiam handed down on the 12th day of May, 2010, is as follows:

**PER CURIAM:**

2009-KD-2472

STATE OF LOUISIANA v. ROGERS LACAZE (Parish of Orleans)

Retired Judge Philip C. Ciaccio, assigned as Justice ad hoc, sitting for Chief Justice Catherine D. Kimball.

After considering the briefs and hearing argument of counsel, we find that Judge White did not abuse her discretion in ordering the testimony of Judge Marullo at the recusal hearing.  
AFFIRMED AND REMANDED FOR FURTHER PROCEEDINGS.

KNOLL, J., dissents and assigns reasons.

**5/12/10**

**SUPREME COURT OF LOUISIANA**

**No. 09-KD-2472**

**STATE OF LOUISIANA**

**v.**

**ROGERS LACAZE**

**ON WRIT OF CERTIORARI TO THE  
CRIMINAL DISTRICT COURT  
FOR THE PARISH OF ORLEANS  
HONORABLE LAURIE A. WHITE, JUDGE**

**PER CURIAM<sup>1</sup>**

This Court granted the State's writ application to review the ruling of Judge Laurie A. White, ordering Judge Frank A. Marullo, Jr. to testify at an evidentiary hearing on defendant's motion to recuse Judge Marullo from presiding over post conviction relief proceedings in this matter.

After considering the briefs and hearing argument of counsel, we find that Judge White did not abuse her discretion in ordering the testimony of Judge Marullo at the recusal hearing.

**AFFIRMED AND REMANDED FOR FURTHER PROCEEDINGS.**

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<sup>1</sup>Retired Judge Philip C. Ciaccio, assigned as Justice ad hoc, sitting for Chief Justice Catherine D. Kimball.

**5/12/10**

**SUPREME COURT OF LOUISIANA**

**NO. 2009-KD-2472**

**STATE OF LOUISIANA**

**VERSUS**

**ROGERS LACAZE**

**KNOLL, J., dissents.**

I dissent from the remand of this capital post-conviction matter for a hearing on the motion to recuse because I find the trial court abused its discretion in ordering Judge Marullo to testify at the recusal hearing.