

12/18/2009 "See News Release 080 for any Concurrences and/or Dissents."  
SUPREME COURT OF LOUISIANA

No. 09-KP-493

STATE OF LOUISIANA

v.

EMILE MATTHEWS

GRANTED. The order of the court of appeal directing the district court to conduct a hearing solely on Relator's Brady claim is vacated. Relator alleges that the State did not turn over to the defense a statement in which a witness purportedly identified another person as the shooter. In light of the fact that Relator's own statement revealed that he participated in the robbery in which the victim was shot and killed, the State's statement could not satisfy the materiality standard of *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 131 L.Ed.2d 490 (1995), because it would not absolve Relator of the crime of which he was convicted.

This 16<sup>th</sup> day of December, 2009, New Orleans, Louisiana.

For the Court:

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Justices, Louisiana Supreme Court