

SUPREME COURT OF LOUISIANA

State of Louisiana v. William Serigne & Lionel Serigne

No. 2016-K-1034 (La. Dec. 6, 2017) · No. 2016-K-1034 · Decided December 6, 2017

SUMMARY

The Supreme Court of Louisiana held that Lionel Serigne validly waived his right to a jury trial because he never faced the prospect of the death penalty, reinstating his conviction and sentence. The court also reversed the determination that William Serigne was entitled to a new trial based on a Brady violation that had not been presented to the trial court. The case was remanded for district court proceedings to determine whether undisclosed grand jury testimony constituted Brady material warranting new trials, while preserving related appellate claims.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	December 6, 2017
DOCKET	2016-K-1034
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought review of a Louisiana Fourth Circuit decision vacating Lionel Serigne's conviction and sentence on error-patent grounds and granting William Serigne a new trial based on a Brady violation.
STANDARD OF REVIEW	The trial court's ruling on severance is reviewed for abuse of discretion. Appellate review is limited by the constitutional prohibition against appellate factfinding in criminal matters when the record is inadequate to resolve the issue.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion
PARTIES	State of Louisiana v. William Serigne, Lionel Serigne

TOPICS

- criminal procedure
- appellate procedure
- right to counsel
- discovery criminal
- grand jury

PRACTICE AREAS

criminal law

criminal procedure

constitutional law

appellate procedure

evidence

QUESTIONS PRESENTED

1. Whether Lionel's offense retained a capital classification requiring the procedural protections of a capital trial, including a unanimous twelve-person jury, despite his inability to receive the death penalty and his waiver of a jury trial.
2. Whether the court of appeal could grant William a new trial based on a Brady violation that had not first been presented to or decided by the trial court.
3. Whether the record supported appellate resolution of the defendants' claims concerning undisclosed Brady material in the grand-jury testimony and William's claim of prejudicial misjoinder.
4. Whether the trial court abused its discretion by denying the defendants' motions to sever before trial.

HOLDINGS

1. Lionel validly waived his right to a jury trial. Because he never faced the prospect of the death penalty, the prior capital-classification jurisprudence did not require the procedural protections of a capital trial.
2. The court of appeal erred by granting William a new trial on a Brady claim that had not been presented to or decided by the trial court.
3. The district court must determine whether the grand-jury testimony contains undisclosed Brady material warranting new trials for Lionel and William.
4. On the record before it, the Supreme Court could not resolve the prejudicial-misjoinder claim, but the trial court did not abuse its discretion in denying severance before trial based on the allegations in the indictment.

KEY QUOTATIONS

“We now hold, despite its long lineage, the jurisprudential presumption of prejudice for “capital cases” does not apply to a “capital case” where the defendant never faced the prospect of the death penalty and where counsel failed to press the point in the trial court, or object to the lack of sequestration.” (at 5)

“Under the unusual circumstances presented here, faced with a record inadequate to evaluate this issue, and mindful of the constitutional prohibition against appellate factfinding in a criminal matter, La. Const. Art. 5, § 5(C), we remand to the district court to determine whether the grand jury testimony contains undisclosed Brady material warranting new trials for Lionel and William” (at 8)

FACTUAL BACKGROUND

In 2009, D.A. and other family members accused William and Lionel Serigne of sexually abusing them when they were children. A second indictment alleged that the defendants jointly participated in an aggravated rape and also charged William with additional sex offenses; their motions to sever were denied, and they were tried together in a bench trial. Lionel was convicted of aggravated rape and sentenced to life imprisonment, while William was convicted of forcible rape, sexual battery, and aggravated incest and sentenced to a total of forty

years. The trial court declined to review the defendants' grand-jury testimony, and the appellate record before the Louisiana Supreme Court did not contain that transcript.

PROCEDURAL HISTORY

The defendants were tried jointly in a bench trial and convicted of various sex offenses. The court of appeal vacated both defendants' convictions and sentences, ruling that Lionel was entitled to a unanimous twelve-person jury because his charged offense had historically been classified as capital, and ruling that William was entitled to a new trial based on undisclosed grand-jury testimony allegedly constituting Brady material. The Louisiana Supreme Court reversed those determinations, reinstated the convictions and sentences, and remanded to the district court to determine whether the grand-jury testimony contained undisclosed Brady material warranting new trials.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must determine whether the grand-jury testimony contains undisclosed Brady material warranting new trials for Lionel and William. After that determination, the defendants may appeal any unfavorable ruling; William may also seek review of his prejudicial-misjoinder claim and any previously pretermitted assignments of error.

CASES CITED

- State v. Serigne, 14-0379 (La. App. 4 Cir. 5/2/16), 193 So. 3d 297
- State v. Holmes, 263 La. 685, 269 So. 2d 207 (1972)
- Roberts v. Louisiana, 428 U.S. 325, 96 S. Ct. 3001, 49 L. Ed. 2d 974 (1976)
- Selman v. Louisiana, 428 U.S. 906, 96 S. Ct. 3214, 49 L. Ed. 2d 1212 (1976)
- Furman v. Georgia, 408 U.S. 238, 92 S. Ct. 2726, 33 L. Ed. 2d 346 (1972)
- State v. Flood, 263 La. 700, 269 So. 2d 212 (1972)
- State v. Schrader, 518 So. 2d 1024 (La. 1988)
- State v. Louviere, 00-2085 (La. 9/4/02), 833 So. 2d 885
- Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963)
- Giglio v. United States, 405 U.S. 150, 153-54, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972)
- United States v. Bagley, 473 U.S. 667, 682, 105 S. Ct. 3375, 87 L. Ed. 2d 481 (1985)
- State v. Brooks, 88-1420 (La. 1/30/89), 541 So. 2d 801, 804-05