

SUPREME COURT OF LOUISIANA

State v. Williams

927 So. 2d 266 (La. 2006) · Decided April 24, 2006

SUMMARY

The Louisiana Supreme Court addresses whether Louisiana's rape shield law bars evidence concerning the victim's sexual relationship with the defendant's teenage son in an aggravated rape prosecution. The court holds that such evidence is generally barred if the state does not rely on DNA evidence concerning the aborted fetus, but that the defendant may challenge the DNA evidence and raise reasonable doubts about its validity if the state presents it at trial.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	April 24, 2006
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Louisiana reviewed an interlocutory dispute in a capital aggravated-rape prosecution concerning the application of Louisiana's rape-shield statute to proposed evidence involving the victim's pregnancy, an aborted fetus, and DNA testing.
STANDARD OF REVIEW	Review of the application of Louisiana's rape-shield statute to proposed evidence in a criminal prosecution; the opinion does not state a distinct formal standard-of-review formulation.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	State of Louisiana v. Williams

TOPICS

- evidence
- relevance
- sixth amendment
- criminal procedure

PRACTICE AREAS

- criminal law
- evidence
- constitutional criminal procedure

QUESTIONS PRESENTED

1. Whether Louisiana's rape-shield statute bars evidence that the defendant's teenage son had a sexual relationship with the victim and may have fathered the aborted fetus when the State does not introduce evidence concerning the fetus's paternity.
2. Whether the statute may bar the defense from challenging DNA evidence introduced by the State to establish that the defendant fathered the aborted fetus, even if the challenge tends to show that another person engaged in sexual conduct with the victim.

HOLDINGS

1. If the State elects not to present DNA evidence concerning the aborted fetus, La. C.E. art. 412 bars evidence offered to show that the defendant's teenage son had a sexual relationship with the victim during the charged time period and was the likely father of the fetus.
2. If the State introduces DNA evidence indicating a high probability that Williams fathered the aborted fetus, La. C.E. art. 412 cannot preclude the defense from raising reasonable doubts about the validity of the DNA results, even if the challenge tends to show that the fetus resulted from the victim's sexual behavior with another person.
3. The court expressed no opinion on whether the defendant could present other evidence of specific instances of the victim's prior sexual behavior under the exception for evidence showing another person was the source of semen or injury, because the defendant's notice did not include an accompanying statement identifying that evidence.

KEY QUOTATIONS

"If the state elects not to present this DNA evidence at trial to corroborate the victim's testimony that she had sexual intercourse with defendant, then we agree with the court of appeal that Louisiana's rape shield law, La.C.E. art. 412, bars any evidence purporting to show that defendant's teenage son had a sexual relationship with the victim in the time frame alleged in the grand jury indictment and that he was the likely father of the aborted fetus." (927 So. 2d at 266)

"However, if the state elects to present at trial evidence of DNA tests results indicating a high probability that defendant fathered the aborted fetus, whether it elects to present that evidence alone or in connection with other DNA evidence excluding possible paternity by defendant's son, then we agree with the trial court that art. 412 does not and cannot, given a defendant's Sixth Amendment right to confront adverse witnesses and present a defense, preclude the defense from "raising] any and all reasonable doubts as to the validity of the DNA results" even if that challenge tends to show that the aborted fetus was the product of the victim's sexual behavior with another person." (927 So. 2d at 266-67)

FACTUAL BACKGROUND

The State charged Williams in a single count with aggravated rape of a female under twelve years of age during a period between October 1999 and April 2000. The State alleged that the victim was raped twice, became pregnant during the second intercourse, and underwent an abortion. DNA testing of samples from the aborted fetus indicated a high probability that Williams or another male relative in his genealogical line was the father, while the defense sought to present evidence concerning Williams's teenage son as a possible source of paternity.

PROCEDURAL HISTORY

The defendant sought to give notice under La. C.E. art. 412 concerning evidence that the victim had a sexual relationship with the defendant's teenage son and that the son might have fathered the aborted fetus. The court of appeal agreed that the rape-shield statute barred that evidence if the State did not rely on DNA evidence concerning the fetus's paternity. The trial court concluded that, if the State introduced DNA evidence suggesting that the defendant fathered the fetus, the defense could challenge the DNA results and present evidence relevant to another possible source of paternity. The Supreme Court granted relief in part and denied it in part, adopting those conditional conclusions and expressing no opinion on additional evidence not identified in the defendant's notice.

DISPOSITION

other

REMAND INSTRUCTIONS

The State may introduce the fetal-paternity DNA evidence and, if it does so, the defense may challenge the validity of those results. The opinion leaves unresolved any other proposed evidence of the victim's prior sexual behavior not identified in the defendant's notice.

CASES CITED

- Michigan v. Lucas, 500 U.S. 145, 146 (1991)
- Teemer v. State, 615 So. 2d 234, 236 (Fla. Dist. Ct. App. 1993)

OPINION

PER CURIAM.

PER CURIAM. | granted in part; denied in part. In this capital prosecution, the state has charged the defendant in a single count with the aggravated rape of a female under the age of 12 years committed between October 1999, and April 2000.

The state has alleged on record in the trial court that “the victim in this matter was raped twice over a period of time,” that she became pregnant by “the second intercourse” and that the fetus was then aborted. The state has possession of DNA test results of samples taken from the aborted fetus indicating a high probability that defendant or another male relative in his genealogical line was the father.

If the state elects not to present this DNA evidence at trial to corroborate the victim’s testimony that she had sexual intercourse with defendant, then we agree with the court of appeal that Louisiana’s rape shield law, La.C.E. art. 412, bars any *267evidence purporting to show that defendant’s teenage son had a sexual relationship with the victim in the time frame alleged in the grand jury indictment and that he was the likely father of the aborted fetus.

Louisiana's statute generally precludes 1^evidence of specific instances of the victim's past sexual behavior, defined as "sexual behavior other than the sexual behavior with respect to which the offense of sexually assaultive behavior is alleged." La.C.E. art. 412(F). If the state does not make an issue of the aborted fetus and its likely paternity, the question of whether defendant's son engaged in sexual behavior with the victim that resulted in the terminated pregnancy has no relevance to the allegation that defendant raped the victim and any evidence in that regard would undercut the purposes of rape shield laws to "protect victims of rape from being exposed at trial to harassing or irrelevant questions concerning their past sexual behavior." *Michigan v. Lucas*, 500 U.S. 145, 146, 111 S.Ct.

1743, 1745, 114 L.Ed.2d 205 (1991). However, if the state elects to present at trial evidence of DNA tests results indicating a high probability that defendant fathered the aborted fetus, whether it elects to present that evidence alone or in connection with other DNA evidence excluding possible paternity by defendant's son, then we agree with the trial court that art. 412 does not and cannot, given a defendant's Sixth Amendment right to confront adverse witnesses and present a defense, preclude the defense from "raising] any and all reasonable doubts as to the validity of the DNA results" even if that challenge tends to show that the aborted fetus was the product of the victim's sexual behavior with another person.

See Fed. R.Evid. 412, Advisory Committee Notes ("Where the prosecution has directly or indirectly asserted that the physical evidence originated with the accused, the defendant must be afforded an opportunity to prove that another person was responsible.").

In the context of record assertions by the state that its prosecution of defendant rests on two acts of sexual intercourse, the second of which led to impregnation of the victim resulting in an early term abortion of the fetus, scientific evidence regarding the identity of | ;the father is not evidence relating to the victim's past sexual behavior as specifically defined in art. 412(F) but evidence relating to the charged criminal act(s) placed at issue and made directly relevant to the question of defendant's guilt or innocence by the state.

See *Teemer v. State*, 615 So.2d 234, 236 (Fla.App. 3rd Dist.1993)(rape shield statute did not preclude DNA evidence that semen found in victim's vagina was not defendant's because such evidence was offered not to establish victim's prior sexual conduct but to bolster defendant's claim of misidentification).

To the extent that defendant's motion purporting to provide notice under La.C.E. art. 412 did not include an accompanying statement of the evidence that he intends to present at trial, the trial court did not have before it, and we express no opinion with regard to, the question of whether substantively or procedurally the defendant may present other evidence of specific instances of prior sexual behavior by the victim to show that another person was the "source of semen or

injury” for purposes of the exception provided by La.C.E. art. 412(B)(1) to the general rule of preclusion.

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/louisiana-supreme-court-of-louisiana/2006/state-v-williams-nhoab2al>