

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 56,471-KH

STATE OF LOUISIANA

VERSUS

ROBERT MACK WHITAKER

FILED: 04/04/25

RECEIVED: EMAIL 04/04/25

On application of Robert Mack Whitaker for SUPERISORY WRIT AND STAY in No. 392,006 on the docket of the First Judicial District, Parish of CADD0, Judge Ramona L. Emanuel

PLAISANCE LAW LLC
Mark David Plaisance

Counsel for:
Robert Mack Whitaker

James Edward Stewart, Sr.
Ron Christopher Stamps

Counsel for:
State of Louisiana

BEFORE STEPHENS, THOMPSON, and MARCOTTE, JJ.

WRIT GRANTED AND MADE PEREMPTORY.

Applicant Robert Mack Whitaker seeks review of the trial court’s April 2, 2025, oral ruling denying his “First Amended Supplemental Motion for Discovery,” which sought a written report of a state’s expert witness under La. C. Cr. P. art. 719. On April 1, 2025, less than one week prior to trial, the State filed a “Notice of Compliance with Code of Criminal Procedure Article 719,” asserting that it intended to call Investigator Amber Futch, of the Shreveport Police Department Crime Scene Investigations, as an expert in fundamentals of crime scene analysis and reconstruction and digital police photography. The State attached a copy of the expert’s curriculum vitae as compliance with Article 719.

At a hearing on the applicant's request for a written summary of the expert's report, the State argued that it had provided a multiple page police report prepared by Investigator Futch as well as her resume which satisfied Article 719. On the record, the State maintained that it was calling Investigator Futch "as an expert in crime scene investigation alone pursuant to her investigation." On this record, we find that the State has failed to comply with La. C. Cr. P. art. 719(A) and that trial court erred in denying applicant's request for a written report under that article. The writ is granted, and the ruling of the trial court is reversed. The State is ordered to produce the written summary to the defense, within 24 hours of this Order. Applicant's request for a stay is denied.

Shreveport, Louisiana, this 7 day of April, 2025.

Com MS JRT

FILED: April 7, 2025


DEPUTY CLERK