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SUPREME COURT OF LOUISIANA

No. 2005-KD-2106

STATE OF LOUISIANA

Versus

ADELL ATKINS

ON WRIT OF CERTIORARI TO

THE NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

JOHNSON, J.,

I would grant in part, and deny in part: The State may not compel the testimony of convicted co-defendant, Terry Thompson. LSA-C.Cr.P. art 439.1, contemplates an offer of immunity, which cannot be meaningfully offered post-conviction.

In reference to the issue of the admissibility of Terry Thompson's taped statement, the statement is not properly before this Court and the matter is premature as it has not been presented or ruled on by the trial court.