

SUPREME COURT OF LOUISIANA

No. 00-KP-0522

State of Louisiana

versus

Joseph Hampton

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FOURTH CIRCUIT, PARISH OF ORLEANS**

VICTORY, J., concurring*

I concur in the result. Our court recently held that the denial of the defendant's right to testify is not subject to harmless error analysis. *State v. Dauzart*, 99-3471 (La. 10/30/00), 769 So.2d 1206. Trial judges may be able to avoid problems in this area by having the defendant (out of the jury's presence in jury cases) make his choice of whether or not to testify at trial on the record, after explaining this right to the defendant.

*Retired Judge Robert L. Lobrano, assigned as Associate Justice *Pro Tempore*, participating in the decision.