

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2026 KW 1292

VERSUS

MORGAN L. FRECHE

OCTOBER 16, 2026

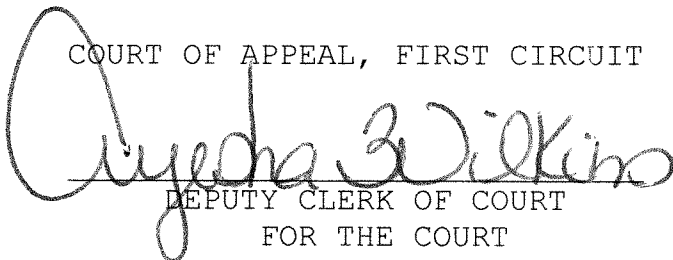
In Re: Morgan L. Freche, applying for supervisory writs, 21st Judicial District Court, Parish of Tangipahoa, No. CR-2400025.

BEFORE: McCLENDON, C.J., HESTER AND MILLER, JJ.

STAY DENIED. WRIT GRANTED. The district court's pretrial ruling denying relator's special instruction to include misdemeanor carnal knowledge as a responsive verdict is vacated. Due process requires that a lesser included offense instruction be given only when the evidence warrants such an instruction. See Hopper v. Evans, 456 U.S. 605, 611, 102 S.Ct. 2049, 2053, 72 L.Ed.2d 367 (1982). See also State v. White, 2024-00761 (La. 3/6/26), 429 So.3d 188, 193. The Comments to Louisiana Criminal Jury Instructions and Procedures § 10:134 suggest that Misdemeanor Carnal Knowledge is a responsive verdict to Felony Carnal Knowledge of a Juvenile. See also La. R.S. 14:80, La. R.S. 14:80.1, and La. Code Crim. P. art. 815. Accordingly, the district court is instructed to reconsider the appropriateness of the requested responsive verdict after all the evidence has been submitted. The court may exclude the instruction only if the evidence, viewed in a light most favorable to the State, is not sufficient to permit a finding of guilty of the responsive offense. See La. Code Crim. P. art. 814(C); **White**, 429 So.3d at 192-193.

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FOR THE COURT