

**SUPREME COURT OF LOUISIANA**

**NO. 96-K-0766**

**STATE OF LOUISIANA**

**v.**

**JONATHAN HAWKINS**

**APPEAL FROM THE SIXTIETH CRIMINAL DISTRICT COURT,  
PARISH OF ORLEANS**

CALOGERO, Chief Justice, dissents.

A strong argument presented by the defendant in this case is that there was insufficient evidence under Jackson v. Virginia, 443 U.S. 307 (1979) to support this conviction, principally because the uncorroborated trial testimonies of the Carter sisters were inconsistent with prior statements given by the sisters to a defense investigator, and because those testimonies were inconsistent with each other in many respects. While that argument is not entirely without some potential merit, I am inclined to believe that there was sufficient evidence, viewed in the light most favorable to the prosecution, to support this conviction under Jackson.

However, the scarcity of the evidence highlights the closeness of this jury's decision. Because the only evidence of defendant's guilt in this case was the testimony of the Carter sisters, testimony corroborated solely by that portion of Detective McCord's testimony which the majority opinion concedes to be hearsay,<sup>1</sup> it cannot be said beyond a reasonable doubt that the jury was not influenced, in reaching its verdict, by that inadmissible hearsay statement. In my view it is therefore wrong to conclude, as has the majority, that the introduction of this hearsay evidence was harmless beyond a

---

<sup>1</sup>Detective McCord was asked by the prosecutor, "Now what was the first big break that you got in this case?" Detective McCord responded, "From another anonymous call that stated that there were several individuals in the car with the perpetrator, Mr. Hawkins." That portion of the testimony identifying Mr. Hawkins as the perpetrator constituted inadmissible hearsay.

reasonable doubt. Accordingly, I dissent.