

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

ROBERT D. MAYEUX AND LISA M.
MAYEUX

NO. 2016 CW 0505

VERSUS

GEORGE J. CHARLET, JR.,
DECEASED, CHARLET FUNERL
HOME, INC., REVEREND M.
JEFFREY BAYHI AND THE ROMAN
CATHOLIC CHURCH FOR THE
DIOCESE OF BATON ROUGE

JUL 29 2016

In Re: Reverend M. Jeffery Bayhi and The Roman Catholic Church for the Diocese of Baton Rouge, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. 580066.

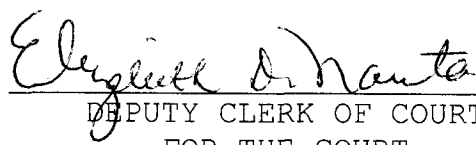
BEFORE: DRAKE, HOLDRIDGE AND CHUTZ, JJ.

WRIT DENIED.

EGD
WRC

Holdridge, J., dissents and would grant the writ. The statements sought to be excluded were made during the Sacrament of Confession, which is one of the central institutional practices of the Roman Catholic Church. Pursuant to the "seal of confession", a priest is prohibited from revealing anything learned during confession under any circumstance. *Catechism of the Catholic Church* §1467. The violation of the seal of confession subjects the priest to automatic excommunication. 1983 Code of Canon Law c.1388 §1. Accordingly, allowing Plaintiffs to mention, reference, or introduce evidence at trial of the confessions at issue will place an undue burden on Father Bayhi's right to the free exercise of his religion and violates the constitutional command of separation of church and state. La. Const. art. I, § 8. The statements of both parties may also be inadmissible. La. Code Evid. arts. 401, 403, and 801. Therefore, I would reverse the judgment of the trial court signed on March 17, 2016, and would grant the Motion in *Limine* filed by the Roman Catholic Church for the Diocese of Baton Rouge and Rev. M. Jeffrey Bayhi.

COURT OF APPEAL, FIRST CIRCUIT


DEPUTY CLERK OF COURT
FOR THE COURT