

NUMBER 04-1027

COURT OF APPEAL, THIRD CIRCUIT

STATE OF LOUISIANA

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VERSUS

WILBERT TOUCHET, JR.

Pickett, Judge, dissenting in part.

I join the opinion of the court with respect to the defendant's convictions for second degree battery and false imprisonment. I respectfully dissent from the finding that the conviction for aggravated rape must be vacated. I would find that the evidence, when viewed in a light most favorable to the prosecution, is sufficient to uphold the trial court's finding that the defendant was guilty of aggravated rape as defined at La.R.S. 14:42(A)(3).