

01/30/02 “See News Release 008 for any concurrences and/or dissents.”  
**SUPREME COURT OF LOUISIANA**

**No. 02-KK-0277**

**STATE OF LOUISIANA**

**VERSUS**

**EUGENE FORTINO**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL  
FIFTH CIRCUIT, PARISH OF JEFFERSON**

**CALOGERO, Chief Justice**, dissents from the writ denial.

I would grant this writ. Apparently, from the application, the trial judge made a pretrial ruling without hearing testimony, medical evidence, or examining police reports.

At the least, the trial judge should not let into evidence the eleven year old incident regarding defendant and a prior wife without some showing that it is relevant to demonstrate intent, knowledge, or system and otherwise complies with State v. Prieur, 227 So. 2d 126 (La. 1973).