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SUPREME COURT OF LOUISIANA

NO. 15-KK-1674

STATE OF LOUISIANA

VERSUS

KENNETH MORGAN

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FOURTH CIRCUIT, PARISH OF ORLEANS**

CRICHTON, J., additionally concurs and assigns reasons:

I concur in the majority's denial of this writ application. I write to emphasize that in order for the State to gain the strategic advantage of utilizing other crimes evidence under La. C. E. art. 404(B), it must convene an evidentiary hearing and prove that the defendant committed these alleged other similar crimes. Here, the inadequate record demonstrates that the State fell woefully short of meeting its burden of proof such that, in my view, the appellate writ and the writ to this court should never have been filed.