

SUPREME COURT OF LOUISIANA

No. 18-KK-0555

STATE OF LOUISIANA

VERSUS

BRICESON CARTER

**ON SUPERVISORY WRIT FROM THE CRIMINAL DISTRICT
COURT FOR THE PARISH OF ORLEANS**

Genovese, J., would grant and assigns reasons:

I disagree with this Court's denial of defendant's application for a supervisory writ in this case. Defendant seeks a reversal of the trial court's ruling which granted the state's motion to introduce evidence of an other crime, wrong, or act, in accordance with La.Code Evid. art. 404(B) and *State v. Prieur*, 277 So.2d 126 (La.1973), at defendant's trial on the charge of second degree murder.

The facts presented indicate that the alleged other crime, wrong, or act occurred four years after the alleged murder for which the defendant is charged. I find no connexity, pattern, motive, intent, or relationship to the original crime with which the defendant is charged. Thus, the alleged other crime, wrong, or act does not fall within the parameters of 404(B) and is inadmissible.

Further, the 404(B) evidence which the state seeks to introduce is highly prejudicial. Even assuming, arguendo, that the state's evidence meets the strict standards of La.Code Evid. art. 404(B), the evidence is unquestionably more prejudicial than probative, in contravention of La.Code Evid. art. 403, and should not be allowed. Therefore, I would grant this writ, reverse the trial court's ruling, and deny the state's *Prieur* motion.