

**SUPREME COURT OF LOUISIANA**

**No. 17-K-0183**

**STATE OF LOUISIANA**

**VERSUS**

**KEVIN JAGO**

**ON WRIT OF CERTIORARI TO THE FIFTH CIRCUIT  
COURT OF APPEAL, PARISH OF ST. CHARLES**

**PER CURIAM:**

Writ denied. The court of appeal erred in finding that defendant must have injected a lethal quantity of heroin before he can be shielded from prosecution by operation of La.R.S. 14:403.10(B). Requiring a drug user to have experienced a life-threatening overdose—and requiring a lay person before seeking help to determine whether a drug user has experienced a life-threatening overdose—would frustrate the purpose of the statute, which is to encourage persons to seek help for those they reasonably believe have overdosed. However, under the circumstances here, in which the unconscious defendant was quickly roused and required no medical attention of any kind, La.R.S. 14:403.10(B) does not shield defendant from prosecution because it is only triggered when (emphasis added), “A person . . . experiences a drug-related overdose *and is in need of medical assistance* . . . .” Therefore, notwithstanding the court of appeal’s erroneous statement of law, the court of appeal reached the correct result and defendant is not entitled to have the charge against him quashed.