

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No.2020-KK-01219

VS.

GEORGE CEPRIANO

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IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,  
Parish of Jefferson, 24th Judicial District Court Number(s) 18-1111, 18-1112, Court  
of Appeal, Fifth Circuit, Number(s) 20-K-285;

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**November 13, 2020**

Writ application granted. See per curiam.

SJC

BJJ

JLW

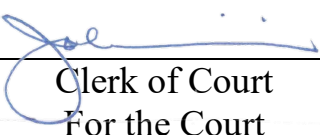
JDH

WJC

JHB

Genovese, J., dissents and would deny.

Supreme Court of Louisiana  
November 13, 2020

  
\_\_\_\_\_  
Clerk of Court  
For the Court

11/13/20

**SUPREME COURT OF LOUISIANA**

**No. 2020-KK-01219**

**STATE OF LOUISIANA**

**versus**

**GEORGE CEPRIANO**

**ON SUPERVISORY WRIT TO THE TWENTY-FOURTH  
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

**PER CURIAM:**

Defendant is charged with simple burglary of an inhabited dwelling, La.R.S. 14:62.2, violation of a protective order, La.R.S. 14:79, and domestic abuse battery, La.R.S. 14:35.3. The district court determined that evidence defendant committed another domestic abuse battery, and violated another protective order, about one year after the incidents giving rise to the present charges and involving a different dating partner, would not be admissible in the State's case-in-chief because incidents that occurred after are not relevant to defendant's intent earlier. The district court erred. The mere fact this criminal conduct occurred after the underlying offenses does not preclude its admission or detract from its relevance in regards to the numerated exceptions of La.Code Evid. art. 404(B). *See State v. Altenberger*, 2013-2518, p. 12 (La. 4/11/14), 139 So.3d 512, 517; *see also State v. Taylor*, 2016-1124, pp. 16–18 (La. 12/1/16), 217 So.3d 283, 294–295.

While recognizing that the order of the events is not wholly dispositive, the court of appeal nonetheless found the district court did not err because the other crimes evidence offered by the State had no substantial relevance independent from showing defendant's general criminal character. *State v. Cepriano*, 20-285, p. 3 (La.

App. 5 Cir. 10/19/20) (unpub'd). The court of appeal erred. “This court has recognized the principle that where the element of intent is regarded as an essential ingredient of the crime charged, it is proper to admit proof of similar but disconnected crimes to show the intent with which the act charged was committed.” *State v. Jackson*, 625 So.2d 146, 150 (La. 1993), quoting *State v. Cupit*, 189 La. 509, 179 So. 837, 839 (1938). Here, to convict defendant of the violation of a protective order, the State must prove defendant’s requisite intent, i.e. his “willful disobedience” of the protective order. *See* La.R.S. 14:79(A)(1)(a). Defendant’s subsequent violation of an unrelated protective order may illuminate his intent related to the prior action.<sup>1</sup>

Accordingly, we reverse the ruling of the court of appeal. We also vacate that portion of the district court’s ruling, which found that evidence defendant subsequently committed a domestic abuse battery and violated a protective order pertaining to another victim would be excluded from the State’s case-in-chief. We grant the State’s motion to admit this evidence. We remand to the district court for further proceedings consistent with the views expressed above.

## **REVERSED AND REMANDED**

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<sup>1</sup> In addition, we note that commission of a domestic abuse battery upon one dating partner may be admissible in the trial of the charge of a domestic abuse battery committed upon another dating partner, pursuant to La.C.E. art. 412.2, as amended 2017 La. Acts 84 (eff. August 1, 2017) (“When an accused is charged with a crime involving abusive behavior against a . . . dating partner . . . , evidence of the accused’s commission of another crime, wrong, or act involving assaultive behavior against a . . . dating partner . . . , may be admissible and may be considered for its bearing on any matter to which it is relevant, subject to the balancing test provided in Article 403.”).