

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KD-00046

VS.

DERRICK GROVES AND KENDALL BARNES

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ, Parish of Orleans Criminal, Criminal District Court Number(s) 544-352, Court of Appeal, Fourth Circuit, Number(s) 2023-K-0024;

January 13, 2023

Writ application granted. See per curiam.

WJC
JLW
JDH
SJC
JTG
JBM

Griffin, J., would deny.

Supreme Court of Louisiana
January 13, 2023

Katio Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KD-00046

STATE OF LOUISIANA

VS.

DERRICK GROVES AND KENDALL BARNES

On Supervisory Writ to the Criminal District Court, Parish of Orleans

PER CURIAM

A mistrial is a drastic remedy warranted only when an error at trial results in substantial prejudice to the defendant which effectively deprives him of a fair trial. *State v. Edwards*, 420 So.2d 663 (La. 1982). In the present case, the FBI agent’s non-specific references to surveillance and an investigation were not so prejudicial as to effectively deny defendants a fair trial. *See generally State v. Hayes*, 414 So.2d 717 (La. 1982) (“Neither of the challenged comments is an unambiguous reference to crimes alleged to have been so committed.”); *see also State v. Walker*, 593 So.2d 818, 819–820 (La. App. 4 Cir. 1992). The trial court’s ruling, which declared a mistrial is reversed, and the case remanded for further proceedings.

REVERSED AND REMANDED