

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00111

VS.

VIUSQUI PEREZ-ESPINOSA

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Writ Of Certiorari,
Parish of Jefferson, 24th Judicial District Court Number(s) 17-415, Court of Appeal,
Fifth Circuit, Number(s) 23-K-40;

January 28, 2023

Writ application granted. See per curiam.

JLW

JDH

SJC

JTG

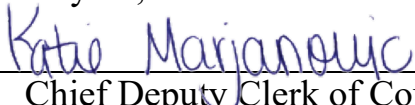
WJC

JBM

PDG

Supreme Court of Louisiana

January 28, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00111

STATE OF LOUISIANA

VS.

VIUSQUI PEREZ-ESPINOSA

On Writ of Certiorari to the Court of Appeal, Fifth Circuit, Parish of Jefferson

PER CURIAM

Generally, a lay witness can only testify to the facts within his knowledge and not to impressions or opinions; however, a witness is permitted to draw reasonable inferences from his personal observations. *State v. Alexander*, 430 So.2d 621 (La. 1983). Here, whether the discoloration shown in a photograph of a severed arm found in the water after a substantial period of time is pre-mortem bruising would not be a reasonable inference from the personal observations of this lay witness. Furthermore, whether the discoloration merely “looks like” a bruise is unlikely to be helpful to the determination of a fact in issue, *see* La.C.E. art. 701(2), as the trial judge and the dissenting judge in the court below found. The trial court is vested with broad discretion in administering Article 701, and we discern no abuse of discretion here. Accordingly, the court of appeal’s ruling is reversed and the trial court’s rulings, which sustained the State’s objection to the lay opinion testimony and then declined to revisit that evidentiary determination later, are reinstated. The request for a stay is denied as moot.

REVERSED AND REMANDED