

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00626

VS.

ELLIS C. BROWN

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 552-576, Court of
Appeal, Fourth Circuit, Number(s) 2023-K-0284;

April 28, 2023

Writ application granted in part. See per curiam.

JLW

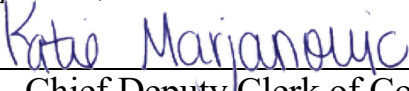
SJC

WJC

JBM

Hughes, J., would deny.
Genovese, J., would deny.
Griffin, J., would deny.

Supreme Court of Louisiana
April 28, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00626

STATE OF LOUISIANA

VS.

ELLIS C. BROWN

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

PER CURIAM

Writ granted in part; otherwise denied. The trial court prematurely excluded the evidence as inadmissible hearsay. Whether the evidence, in whatever form the State ultimately intends to elicit it (which is not yet clear in these proceedings), will constitute hearsay can better be determined when the evidence is offered at trial. See generally **State v. Green**, 273 So.2d 288, 290 (La. 1971) (“Counsel was evidently anticipating hearsay evidence, but, in fact, no hearsay had been uttered.”). Furthermore, the trial court is ordered to rule before trial on Monday, May 1, 2023, as to whether the evidence is admissible or should be excluded in accordance with La. C.E. art. 404(B) and **State v. Prieur**, 217 So.2d 126 (La. 1973). See generally **State v. Taylor**, 16-1124, pp. 11-13 (La. 12/1/16), 217 So.3d 283, 291-92.