

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-01332

VS.

DONALD FRANKLIN

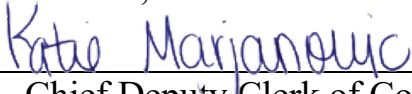
IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of St. Bernard, 34th Judicial District Court Number(s) 22-01545, Court of
Appeal, Fourth Circuit, Number(s) 2023-K-0636;

October 04, 2023

Writ application granted. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
October 04, 2023



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-01332

STATE OF LOUISIANA

VS.

DONALD FRANKLIN

On Supervisory Writ to the 34th Judicial District Court, Parish of St. Bernard

PER CURIAM:

Writ granted. For the reasons provided by Judge Jenkins dissenting in the court of appeal, *State v. Franklin*, 23-636 (La. App. 4 Cir. 10/4/23) (unpub'd), we find that the trial court abused its discretion in granting defendant's motion in limine to exclude the statement he is alleged to have made to the victim to try to induce her cooperation. This evidence is integral to the criminal act charged. *See generally State v. Taylor*, 2001-1638 (La. 1/14/03), 838 So.2d 729. Defendant also failed to show that the probative value of this evidence is substantially outweighed by the danger of unfair prejudice. *See* La.C.E. art. 403. We reverse the trial court's ruling excluding this evidence and we deny defendant's motion in limine. The matter is remanded for further proceedings.

REVERSED AND REMANDED