

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KK-01327

VS.

COREY MORGAN

IN RE: Corey Morgan - Applicant Defendant; Applying For Supervisory Writ,
Parish of St. Bernard, 34th Judicial District Court Number(s) 20-03840, Court of
Appeal, Fourth Circuit, Number(s) 2024-K-0574;

February 25, 2025

Writ application granted. See per curiam.

JLW
JDH
JTK
WJC
JBM
PDG
JMG

Supreme Court of Louisiana
February 25, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

February 25, 2025

No. 24-KK-1327

STATE OF LOUISIANA

v.

COREY MORGAN

**ON SUPERVISORY WRITS TO THE THIRTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF ST. BERNARD**

PER CURIAM:

Writ application granted. The trial court erred in granting the State’s motion in limine to present surrogate analyst testimony regarding the report and/or underlying data generated by an absent analyst of evidence gathered by police after defendant’s arrest when that analyst is allegedly unavailable and where defendant has not had an opportunity to cross examine that particular analyst. *See Crawford v. Washington*, 541 U.S. 36, 124 S.Ct. 1354, 158 L.Ed.2d 177 (2004); *Melendez-Diaz v. Massachusetts*, 557 U.S. 305, 129 S.Ct. 2527, 174 L.Ed.2d 314 (2009); *Bullcoming v. New Mexico*, 564 U.S. 647, 131 S.Ct. 2705, 180 L.Ed.2d 610 (2011). In reaching that decision, the trial court failed to consider the actual evidence about which the surrogate analyst plans to testify and thus failed to address whether it constitutes “testimonial hearsay,” triggering the Sixth Amendment’s Confrontation Clause. *See Smith v. Arizona*, 602 U.S. 779, 144 S.Ct. 1785, 219 L.Ed.2d 420 (2024); *see also State v. Mullins*, 14-2260, 14-2310 (La. 1/27/16), 188 So.3d 164; La.C.E. 803(8)(b)(iii). The matter is remanded for further proceedings consistent with this ruling.