

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00944

VS.

EASTON DEONDRE SHELVIN, JR.

IN RE: Easton Deondre Shelvin, Jr. - Applicant Defendant; Applying For Writ Of
Certiorari, Parish of St. Landry, 27th Judicial District Court Number(s) 22-2019-C,
Court of Appeal, Third Circuit, Number(s) KW 25-00243;

December 09, 2025

Writ application granted. See per curiam.

JLW
JDH
PDG
JMG
CRC

Crain, J., dissents and assigns reasons.
McCallum, J., dissents and would deny.

Supreme Court of Louisiana
December 09, 2025

Katie Marjanovic
Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-00944

STATE OF LOUISIANA

VS.

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On Writ of Certiorari to the Court of Appeal, Third Circuit, Parish of St. Landry

PER CURIAM

The trial court granted defendant’s motion to suppress a photo-identification lineup finding it unduly suggestive. Subsequent to this ruling, defendant filed a motion to prohibit the witness from identifying the defendant in open court at trial. The trial court set the motion for a pre-trial hearing subject to certain restrictions, to wit, defendant would attend the hearing by Zoom with his camera turned off. The trial court reasoned that, given its prior suppression ruling, the State would be required to show an independent source for the identification thus allowing the witness to see the defendant at the hearing would be improper. The State objected and sought supervisory review. The court of appeal reversed and, despite recognizing the trial court’s discretion to impose measures to safeguard the fairness of in-court identifications, held the witness must be allowed to testify and confront the defendant at the pre-trial hearing to enable the State to meet its burden of establishing an independent source.

Under the unique facts and circumstances of this case, we find the trial court did not abuse its discretion. The presence of a defendant is not necessary to the “making, hearing of, or ruling on a preliminary motion or application addressed to the court.” La. C.Cr.P. art. 834(1). “Reliability is the linchpin in determining the admissibility of identification testimony.” *State v. James*, 464 So.2d 299, 300 (La. 1985) (citing *Manson v. Brathwaite*, 432 U.S. 98, 114, 97 S.Ct. 2243, 2253, 53

L.Ed.2d 140 (1977)). The trial court's restrictions will not prevent the State from proving the witness has a sufficient independent source of knowledge to permit the in-court identification at trial. *See Manson, supra* (enumerating factors for consideration include "the opportunity of the witness to view the criminal at the time of the crime, the witness' degree of attention, the accuracy of his prior description of the criminal, the level of certainty demonstrated at his confrontation, and the time between the crime and the confrontation"); *State v. Morgan*, 16-0550, pp. 1-2 (La. 5/13/16), 194 So.3d 591, 592 (enumerating three relevant factors: "(1) the prior acquaintance of the witness with the accused; (2) the length of time the witness observed the perpetrator before, during, and after the commission of the offense; (3) the circumstances under which the observation was made, i.e., the illumination of the scene, the witness' physical capacities, and the witness' emotional state at the time of the observation"). Accordingly, defendant's writ is granted, the ruling of the court of appeal is reversed, and the trial court's order is reinstated.

WRIT GRANTED; COURT OF APPEAL REVERSED; TRIAL COURT RULING REINSTATED