

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2021 KW 1251

VERSUS

MICHAEL LANE YATES

DECEMBER 30, 2021

In Re: Michael Lane Yates, applying for supervisory writs,
21st Judicial District Court, Parish of Livingston,
No. 41091.

BEFORE: WHIPPLE, C.J., PENZATO AND HESTER, JJ.

WRIT DENIED.

VGW
AHP

Hester, J., dissents and would grant the writ application. Louisiana Revised Statutes 14:403.10(A) provides immunity from prosecution to a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose for possession of a controlled dangerous substance under the Uniform Controlled Dangerous Substances Law if the evidence for possession of a controlled dangerous substance was obtained as a result of the persons seeking medical assistance and the person seeking medical assistance did not illegally provide or administer the controlled dangerous substance to the individual experiencing the drug-related overdose. The drugs seized from the defendant were obtained as a result of the defendant seeking medical assistance for an individual experiencing a drug-related overdose, and there was no evidence presented at the motion to quash hearing that the defendant provided the controlled dangerous substance to the individual experiencing the drug-related overdose. Therefore, I find the trial court erred by denying the motion to quash.

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DEPUTY CLERK OF COURT
FOR THE COURT