

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 1026

VERSUS

MICHAEL ROBERTSON

OCT 15 2015

In Re: State of Louisiana, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, No. 07-12-0625.

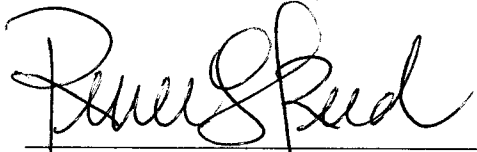
BEFORE: PETTIGREW, HIGGINBOTHAM, AND CRAIN, JJ.

WRIT DENIED.

TMH
JTP

Crain, J., dissents and would grant the writ application. I would admit the excluded evidence of prior abuse of the victim by the defendant. The evidence offered reflects an escalating pattern of abuse. The evidence is relevant to show motive, opportunity, intent, identity, absence of mistake or accident, as well as potentially for other purposes. See La. Code Evid. art. 404(B)(1). Under Louisiana Code of Evidence art. 403, the probative value of the evidence is not substantially outweighed by its prejudicial effect. I believe it was error to exclude this evidence.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT