

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 1726

VERSUS

KEITH TROSCLAIR

DECEMBER 7, 2018

In Re: Keith Trosclair, applying for supervisory writs, 17th
Judicial District Court, Parish of Lafourche, No.
573126.

BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.

WRIT GRANTED. The granting of the motion in limine is reversed. Based on the trial judge's factual determination that the 911 call was made "immediately" after the killing, we cannot say the interval between the event and the 911 call was long enough to permit a subsidence of emotional upset and a restoration of a reflective thought process. See La. Code Evid. art. 803(2); **State v. Fendt**, 2010-1285 (La. App. 1st Cir. 2/11/11), 2011 WL 2119920 (unpublished).

TMH
PMc

Whipple, J., dissents. I find no abuse of discretion under the particular circumstances of this case.

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DEPUTY CLERK OF COURT
FOR THE COURT