

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2020 KW 1052

VERSUS

WILLIAM GARNER

**OCTOBER 29, 2020**

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In Re: State of Louisiana, applying for supervisory writs,  
19th Judicial District Court, Parish of East Baton  
Rouge, No. 08-18-0264.

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**BEFORE: GUIDRY, McCLENDON, AND LANIER, JJ.**

**WRIT GRANTED.** The Emergency Medical Service (EMS) reports at issue in this case are considered statements for the purpose of medical treatment and medical diagnosis in connection with treatment and records of regularly conducted business activity, and thus, they are not excluded by the hearsay rule. See La. Code Evid. art. 803(4) & (6); see also **State v. Mullen**, 2018-0643 (La. App. 1st Cir. 12/21/18), 269 So.3d 772, 783, writ denied, 2020-00408 (La. 10/6/20), \_\_\_ So.3d \_\_\_, 2020 WL 5904883. Therefore, the district court's ruling that the EMS reports were excluded from being introduced into evidence by the state because they are hearsay is reversed, and the matter is remanded for further proceedings.

JMG  
PMc  
WIL

COURT OF APPEAL, FIRST CIRCUIT



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DEPUTY CLERK OF COURT  
FOR THE COURT