

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2026 KW 0702

VERSUS

MARLON B. RICHARD

AUGUST 10, 2026

In Re: State of Louisiana, applying for supervisory writs, 19th Judicial District Court, Parish of East Baton Rouge, No. DC-21-02608.

BEFORE: WOLFE, STROMBERG, AND BALFOUR, JJ.

WRIT GRANTED. The trial court abused its discretion in denying the State's motion in limine. The purpose of the statutory scheme of La. Code Crim. P. arts. 766-768 is to prevent surprise and allow adequate time for the preparation of a defense. See **State v. Russell**, 416 So.2d 1283, 1288 (La.), cert. denied, 459 U.S. 974, 103 S.Ct. 309, 74 L.Ed.2d 288 (1982). Furthermore, voluntary and spontaneous statements made following arrest but not in response to police questioning and made with no expectation of privacy do not have to be suppressed. See **United States v. Carpenter**, 611 F.2d 113, 117 (5th Cir.), cert. denied, 447 U.S. 922, 100 S.Ct. 3013, 65 L.Ed.2d 1114 (1980). Moreover, evidence may be admitted by certain statutory and jurisprudential exceptions to the exclusionary rule when it tends to prove a material issue and has independent relevance other than showing that the defendant is of bad character. **State v. Hicks**, 2022-0350 (La. App. 1st Cir. 11/4/22), 354 So.3d 715, 718, writ denied, 2022-01749 (La. 4/12/23), 359 So.3d 29. The respondent's spontaneous statement: "He was going to shoot me," tends to show his knowledge of the crimes at issue, state of mind, and intent. Thus, the probative value of the respondent's spontaneous statements, which is not outweighed by its prejudicial effect, is admissible at trial. Accordingly, the trial court's ruling denying the State's motion in limine is reversed, the motion is granted, and this matter is remanded for further proceedings.

**EW
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