

SUPREME COURT OF LOUISIANA

State v. Harrison

147 So. 3d 161 (La. 2014) · Decided September 10, 2014

SUMMARY

The Louisiana Supreme Court held that a photograph obtained from the defendant’s cell phone was admissible as demonstrative evidence because its probative value in identifying the perpetrator outweighed any potential unfair prejudice. The court found that the district court abused its discretion by failing to properly balance relevance against prejudice, reversed the exclusion of photograph “G-1,” affirmed in all other respects, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam; Johnson, C.J.; Knoll, J.
JURISDICTION	Louisiana
DECIDED	September 10, 2014
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought review of a district court ruling excluding photographs obtained from the defendant's cell phone pursuant to a search warrant. The Supreme Court of Louisiana granted the writ in part, reversed the exclusion of photograph G-1, affirmed the ruling in all other respects, and remanded.
STANDARD OF REVIEW	Abuse of discretion for the trial court's evidentiary ruling.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	State v. Harrison

TOPICS

- evidence
- relevance
- standard of review
- appellate procedure
- criminal procedure

PRACTICE AREAS

- Evidence
- Criminal procedure
- Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court abused its discretion by excluding photograph G-1 under Louisiana Evidence Code article 403.
2. Whether photograph G-1 was relevant demonstrative evidence because it could assist the jury in identifying the defendant as the perpetrator.

HOLDINGS

1. The district court abused its discretion by excluding photograph G-1 because its probative value in assisting with identification of the perpetrator outweighed any potential unfair prejudice.

KEY QUOTATIONS

“The test of admissibility is whether the probative value of the photographs outweighs the prejudice which may result from their display to the jury.” (at 162)

“Therefore, in the metaphorical terms of a balancing scale, the district court placed nothing on the side of the balance dedicated to relevance and, instead, placed only conjecture on the side of the balance dedicated to unfair prejudice.” (at 162)

“Having found an abuse of discretion, we reverse the district court’s ruling that the photographic evidence designated as “G-1” must be excluded due to unfair prejudice.” (at 163)

FACTUAL BACKGROUND

The State sought to introduce four photographs obtained from Harrison's cell phone pursuant to a search warrant. Photograph G-1 depicted a male wearing khaki pants, a dark hooded sweatshirt, and a rosary, items that eyewitnesses allegedly described as worn by the perpetrator of the murder and robbery. The district court excluded the photographs, reasoning that G-1 might depict a gang sign or vulgar gesture and could therefore create unfair prejudice.

PROCEDURAL HISTORY

The district court ruled that all photographs obtained from Harrison's cell phone under a search warrant were inadmissible. The State challenged the exclusion of four photographs, arguing that photograph G-1 was admissible because it had circumstantial value in identifying Harrison as the perpetrator. The Supreme Court concluded that the district court abused its discretion as to G-1, affirmed the remaining ruling, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The matter was remanded to the district court for further proceedings consistent with the opinion. The stay was lifted.

CASES CITED

- State v. Duncan, 99-2615 (La. 10/16/01), 802 So. 2d 533, 555
- State v. Gallow, 338 So. 2d 920, 923 (La. 1976)
- State v. Smith, 327 So. 2d 355 (1976)
- State v. Beach, 320 So. 2d 142 (1975)
- State v. Weatherspoon, 06-539, p. 5 (La. App. 5 Cir. 12/12/06), 948 So. 2d 215, 220

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