

SUPREME COURT OF LOUISIANA

State v. Robertson

183 So. 3d 1287 (La. 2016) · Decided February 5, 2016

SUMMARY

The Louisiana Supreme Court reviews the admissibility of prior-act evidence in a first-degree murder prosecution involving the alleged abuse and death of an eight-year-old child. The court holds that the trial court abused its discretion by excluding or limiting evidence of four prior incidents of abuse under Louisiana Code of Evidence article 404(B) and State v. Prieur. The court reverses and remands, while noting that limiting jury instructions may reduce potential prejudice.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	February 5, 2016
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought review of a district court ruling limiting or excluding prior-acts evidence under Louisiana Code of Evidence article 404(B) and State v. Prieur. The Louisiana Supreme Court reviewed the intermediate appellate court's denial of writ applications and reversed and remanded.
STANDARD OF REVIEW	Abuse of discretion
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	State of Louisiana v. Michael Robertson

TOPICS

- evidence
- character evidence
- criminal procedure

PRACTICE AREAS

- criminal law
- evidence
- criminal procedure

QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by excluding or limiting evidence of four prior acts of abuse committed by Robertson against the child victim under Louisiana Code of Evidence article 404(B).
2. Whether the prior acts had independent relevance to a material issue, including the State's ability to rebut anticipated defenses, and whether their probative value was outweighed by unfair prejudice.
3. Whether the trial court improperly found particular incidents too remote, more prejudicial than probative, relevant only to identity, or lacking independent relevance.

HOLDINGS

1. Prior acts of abuse committed by the defendant against the child victim are admissible under Louisiana Code of Evidence article 404(B) when they tend to prove a genuinely disputed material issue, have independent relevance beyond showing bad character, and are not unduly or unfairly prejudicial after balancing probative value against prejudicial effect.
2. The trial court abused its discretion by finding the November 2008 abuse incident inadmissible as too remote from the charged murder.
3. The trial court abused its discretion by admitting the August 2010 incident only in part and by finding the injuries to the victim's neck more prejudicial than probative.
4. The trial court abused its discretion by permitting evidence concerning the victim's fractured femur and lacerations or bruises solely for the purpose of proving identity.
5. The trial court abused its discretion by excluding the victim's sister's testimony that she observed Robertson hit and punch the victim and force him to run.
6. A trial court may reduce potential prejudice and guard against jury misuse of other-crimes evidence by giving contemporaneous limiting instructions, an instruction during closing argument when appropriate, and a limiting charge at the close of trial.

KEY QUOTATIONS

“Generally, evidence of other acts of misconduct is not admissible.” (1290)

“However, statutory and jurisprudential exceptions exist when the evidence of other acts “tends to prove a material issue and has independent relevance other than showing that the defendant is a man of bad character.”” (1290)

“As we held in Germain, “[t]here is hardly any evidence more ‘prejudicial’ than evidence of child abuse.”” (1290)

“Finally, we note that the trial court may lessen any potential prejudice and guard against jury misuse of the evidence by giving cautionary instructions contemporaneously with the evidence and the closing argument, as well as in the jury charges.” (1291)

FACTUAL BACKGROUND

Robertson was charged with murdering his eight-year-old son, Xzayvion Riley. The State sought to introduce evidence of four categories of prior abuse by Robertson against Xzayvion, including beatings, serious injuries,

neglect of medical treatment, and repeated hitting and forced running witnessed by Xzayvion's sister. The trial court excluded some incidents or limited their admissibility after a seven-day Prieur hearing.

PROCEDURAL HISTORY

Robertson was charged with first degree murder in the Nineteenth Judicial District Court for East Baton Rouge Parish. Following a seven-day Prieur hearing, the trial court excluded some prior acts and admitted others only for limited purposes. Both Robertson and the State sought writ review in the Louisiana First Circuit Court of Appeal, which denied both applications. The Louisiana Supreme Court granted review, reversed the trial court's evidentiary ruling, and remanded for further proceedings.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case was remanded for further proceedings consistent with the opinion. The trial court may use contemporaneous and final limiting instructions to reduce potential prejudice and prevent misuse of the other-crimes evidence.

CASES CITED

- State v. Prieur, 277 So. 2d 126 (La. 1973)
- State v. Rose, 949 So. 2d 1236, 1243-44 (La. 2007)
- State v. Germain, 433 So. 2d 110, 117-18 (La. 1983)
- State v. Humphrey, 412 So. 2d 507 (La. 1981)
- State v. Galliano, 839 So. 2d 932 (La. 2003)
- State v. Altenberger, 139 So. 3d 510 (La. 2014)
- State v. Miller, 718 So. 2d 960, 962 (La. 1998)
- State v. Blank, 955 So. 2d 90, 123 & n. 22 (La. 2007)
- State v. Jacobs, 803 So. 2d 933, 952 (La. 2001)