

STATE OF LOUISIANA

VERSUS

JOSEPH TYLER

*

*

*

*

NO. 2026-K-0698

COURT OF APPEAL

FOURTH CIRCUIT

STATE OF LOUISIANA

APPLICATION FOR WRITS DIRECTED TO
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 701-489, SECTION “DIVISION G”
Hon. Nandi Campbell, Judge

Judge Paula A. Brown

(Court composed of Chief Judge Roland L. Belsome, Judge Paula A. Brown, Judge Dale N. Atkins)

LIZ MURRILL

Louisiana Attorney General

Irena Zajickova
J. Taylor Gray
Daniel Smart
Kadence Huber
Louisiana Department of Justice
Post Office Box 94005
Baton Rouge, Louisiana 70804

COUNSEL FOR RELATOR

Alexis Chernow
Orleans Public Defenders
2601 Tulane Avenue, Seventh Floor
New Orleans, LA 70119

COUNSEL FOR RESPONDENT

WRIT GRANTED;
JUDGMENT REVERSED

OCTOBER 20, 2026

Relator, State of Louisiana (the “State”), seeks supervisory review of the district court’s September 8, 2026 judgment, which denied the State’s notice of intent to introduce evidence of Respondent/Defendant’s, Joseph Tyler (“Defendant”), arrest for illegal possession of a firearm by a convicted felon and illegal possession of body armor, pursuant to La. C.E. art. 404(B). For the following reasons, we grant the State’s writ application, reverse the district court’s judgment and remand the matter for further proceedings.

FACTUAL AND PROCEDURAL BACKGROUND

On June 2, 2026, the State filed a bill of information charging Defendant with one count each of possession of a firearm by a felon and possession of stolen firearms, in violation of La. R.S. 14:95.1 and 14:69.1, respectively. Defendant appeared for arraignment on June 9, 2026, and entered pleas of not guilty to each count. On August 12, 2026, the State filed notice of its intent to introduce evidence (“404(B) notice”)¹ that Jefferson Parish police officers executed a search warrant at Defendant’s residence and located firearms and body armor at that location shortly after Orleans Parish officers executed a search warrant and located

¹ Discussed more fully, *infra*.

a firearm in defendant's vehicle. Defendant filed an opposition on August 21, 2026.

In its 404(B) notice, the State recounted the following sequence of events:

On or about April 4, 2026, Louisiana State Police (LSP) were investigating Defendant due to a report of inappropriate sexual conduct with his daughter. During the investigation it was learned that Defendant was a felon prohibiting him from possessing a firearm due to a past conviction for Aggravated Assault with a Firearm. Investigators reviewed an iCloud search warrant return of the Defendant's phone from as recent as March 29, 2026[,] where the Defendant appeared to be in possession of a firearm in violation of La. R.S. 14:95.1. Accordingly, search warrants were obtained for both the Defendant's vehicle and residence. They were executed within a day of one another. The first search warrant to be executed was on the vehicle the Defendant was returning to from the Chuck-E-Cheese in Orleans Parish. Upon execution of the search warrant there was a firearm from the location investigators believed was previously and soon to be occupied again by the Defendant. The Defendant was arrested for La. R.S. 14:95.1 and 14:69.1. Additionally, the same day LSP executed a search warrant on the defendant's house in Jefferson Parish and recovered another firearm and body armor. The Defendant was charged with La. R.S. 14:95.1 and 95.3. All evidence is at the State Police Crime Lab and the reports are forthcoming shortly. Char[g]es for these felonies are currently pending in Jefferson Parish.

The State explained in its notice that it intended to introduce the other crimes evidence as *res gestae*,² or in the alternative, to show that defendant knowingly possessed the firearm in the absence of mistake or accident and to rebut his defense—as he argued in a previous hearing—that the firearm belonged to another passenger in the vehicle.

Defendant avowed in his opposition that the State could present its Orleans Parish case coherently without referencing the search warrant or the evidence recovered from Defendant's residence in Jefferson Parish, thus the evidence did not constitute *res gestae*. Defendant also asserted that the evidence should not be admitted to prove the absence of mistake or accident because the charged offenses

² Discussed more fully, *infra*.

do not include specific intent as an element the state must prove. Defendant argued that because the State failed to prove that the other crimes evidence was admissible for any of the stated purposes set forth in La. C.E. 404(B), the evidence would only demonstrate defendant's bad character and propensity to possess firearms, and should therefore be excluded as more prejudicial than probative.

The matter came for a pre-trial hearing on September 8, 2026. After hearing argument of counsel, the presiding judge, ruling from the bench, reasoned as follows:

At this time, State, I'm going to deny your 404(B) motion and I'm going to give you specific reasons. I find at this time it's more prejudicial than probative because you have enough information via the DNA, via the photos. I think that at this point to allow the information of Jefferson Parish that came after Orleans and he's currently being charged in Jefferson Parish is more prejudicial than probative. You can prove every element of the offense in case number 701-489 without it. I believe, because it came after the discovery in the car, it's *res gestae* maybe. I'm not really convinced of that. But I find allowing it in is more prejudicial than probative, especially given that you have photographs allegedly and also the DNA hit. So, I'm going to deny your 404(B) motion.

The State orally objected on the record and noticed its intent to seek a writ. The State filed written notice the following day and the district court set a return date of September 25, 2026. The State timely filed its writ application on September 24, 2026. Defendant filed an opposition to the State's application on October 5, 2026.

DISCUSSION

The State argues in its writ application that the district court erred in failing to find that the other crimes evidence was admissible as *res gestae* or to prove absence of mistake or accident pursuant to La. C.E. 404(B) and also erred in

finding that the evidence was more prejudicial than probative. This Court has previously explained that:

The [*res gestae*] doctrine holds that otherwise inadmissible evidence (hearsay, for example) may be admissible “when it is related and intertwined with the charged offense to such an extent that the state could not have accurately presented its case without reference to it.” *State v. Colomb*, 98-2813, p. 3 (La.10/1/99), 747 So.2d 1074, 1075, [(quoting *State v. Brewington*, 601 So.2d 656, 657 (La.1992)[)]. The doctrine encompasses “not only spontaneous utterances and declarations made before and after commission of the crime but also testimony of witnesses and police officers pertaining to what they heard or observed before, during, or after the commission of the crime if the continuous chain of events is evident under the circumstances.” *Colomb*, 98–2813, p. 3, 747 So.2d at 1075–76, quoting *State v. Molinario*, 383 So.2d 345, 350 (La.1980).

Louisiana Code of Evidence article 404(B)(1)(a) provides:

(1)(a) Except as provided in Article 412 or as otherwise provided by law, evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that he acted in conformity therewith. It may, however, be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, provided that upon request by the accused, the prosecution in a criminal case shall provide reasonable notice in advance of trial, of the nature of any such evidence it intends to introduce at trial for such purposes, or when it relates to conduct that constitutes an integral part of the act or transaction that is the subject of the present proceeding.

Evidence of other crimes is generally “not admissible unless it tends to prove a material fact at issue or to rebut a defendant’s defense.” *State v. Taylor*, 16-1124, p. 12 (La. 12/1/16), 217 So.3d 283, 292 (citation omitted). Additionally, while irrelevant evidence is generally inadmissible, pursuant to La. C.E. art. 402, relevant evidence “may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice.” La. C.E. art. 403.

“Relevant evidence” means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence. La. C.E. art. 401.

“The term ‘unfair prejudice,’ as to a criminal defendant, speaks to the capacity of some concededly relevant evidence to lure the fact-finder into declaring guilt on a ground different from proof specific to the offense charged.” *State v. Robinson*, 21-0254, p. 9 (La. App. 4 Cir. 4/13/23), 382 So.3d 198, 205 (quoting *State v. Simmons*, 21-0547, p. 5 (La. App. 4 Cir. 11/24/21), 332 So.3d 158, 161). Importantly though, “the mere fact that evidence may be cumulative of other evidence does not render it inadmissible.” *State v. Green*, 24-0415, p. 11 (La. App. 4 Cir. 10/8/25), 424 So.3d 225, 234, *writ denied*, 25-01423 (La. 4/9/26), 429 So.3d 727, (citing *State v. Davis*, 92-1623 (La. 5/23/94), 637 So. 2d 1012, 1026).

The district court has broad discretion in weighing the probative versus prejudicial value of evidence under La. C.E. art. 403, and its ruling on the admissibility of evidence pursuant to La. C.E. art. 404(B)(1) will not be disturbed absent an abuse of discretion. *State v. West*, 22-0721, p. 23 (La. App. 4 Cir. 7/5/23), 371 So.3d 1, 16 (citation omitted).

In the instant case, it does not appear from the transcript that the district court’s ruling actually found the State’s other crimes evidence inadmissible pursuant to La. C.E. 404(B) on the grounds that it did not constitute *res gestae* evidence,³ or that it would not demonstrate an absence of mistake or accident, or that it would not rebut defendant’s theory of defense that he was unaware a firearm was located in his vehicle. Rather, the district court excluded the evidence on the basis that it was more prejudicial than probative because the State possessed enough other evidence to prove its case.

³ As noted above, the district court reasoned that the evidence recovered from Defendant’s residence in Jefferson Parish might constitute *res gestae* evidence, although it was not “convinced.” The district court did not address whether the evidence would demonstrate an absence of mistake or accident or to rebut Defendant’s defense that the firearm belonged to someone else pursuant to La. C.E. 404(B).

In *State v. Pena*, 26-00318 (La. 3/11/26), 429 So.3d 308, the Supreme Court recently reversed the district court's ruling excluding a "CARE Center audio" recording. The Court found that "the [district] court abused its discretion because it provided no legal support for its ruling and relied on its determination that the other evidence 'should cover it,'" noting that "a finding that evidence is duplicative or cumulative is not a basis for inadmissibility." *Id.*

Similarly, in the instant case, the district court found that the evidence the State sought to introduce was more prejudicial than probative solely because the State already possessed "enough information *via* the DNA, *via* the photos" to prove defendant's guilt. As in *Pena*, the district court erred in excluding evidence of the Jefferson Parish case on the sole basis that the State's other evidence was "enough." Clearly, evidence that police recovered similar contraband when it searched Defendant's home as it did when searching his vehicle would be extremely relevant to rebut any suggestion that he was unaware of the illegal weapon in the car and/or otherwise the firearm was not constructively possessed by him.

DECREE

For the foregoing reasons, we grant the State's writ application and reverse the district court's September 8, 2026 judgment.

**WRIT GRANTED;
JUDGMENT REVERSED**