

STATE OF LOUISIANA

VERSUS

DESMOND CARTER

NUMBER: DC-23-00925 DIV: G

19TH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

PARISH OF EAST BATON ROUGE

ORDER

This matter came before the Court on the 4th day of August, 2026 on rehearing pursuant to Defendant's Motion in Limine to Prohibit Prejudicial or Intimidating Spectator Displays. In the present case, the Defense asserts that MB's family wearing pink as well as clothing and paraphernalia from a nonprofit organization honoring MB will prejudice the Defendant and intimidate the Jury. Upon hearing the arguments by counsel along with review of the record, pleadings, and evidence presented, and in accordance with the applicable law:

IT IS ORDERED that Defendant's Motion in Limine to Prohibit Prejudicial or Intimidating Spectator Displays is **GRANTED, in part, and DENIED, in part**. Under Louisiana law, a trial judge has broad discretion in determining whether conduct is so prejudicial as to deprive an accused of a fair trial. *State v. Thompson*, 2023-0332 (La. App. 1 Cir. 11/3/23), 378 So. 3d 784, 788. Louisiana Courts have held that a "visual message, solely for the purpose to promote pity for the victim and arouse the passion and prejudice against the defendant for the crime" can be prejudicial to a defendant. *State v. Allen*, 2000-0346 (La. App. 4th Cir. 10/17/01), 800 So. 2d 378, 390, *writ denied*, 2001-3086 (La. 9/30/02), 825 So. 2d 1188. However, simply wearing an item absent evidence of any demonstration or outburst of emotion doesn't qualify conduct as unfairly prejudicial. *See e.g. State v. Nelson*, 96-0883 (La. App. 4th Cir. 12/17/97), 705 So. 2d 758, 763, *writ denied*, 98-0197 (La. 6/5/98), 720 So. 2d 677.

Here, the Court does not believe that spectators wearing a specific color rises to the level of prejudice and/or intimidation that would prohibit defendant from receiving a fair trial. Thus, Defense's request to prohibit spectators from wearing pink is denied.

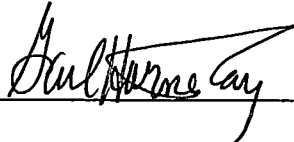
In contrast, "the wearing of a T-shirt with the picture of the victim is a visual message, solely for the purpose to promote pity for the victim and arouse the passion and prejudice against the defendant for the crime. Badges, signs, and other forms of visual information or signals that the trigger anger, revenge or excessive emotions for or against a party violate a defendant's right to a fair trial guaranteed by the 6th amendment to the United States Constitution and Art. I § 13 of the Louisiana Constitution." *Allen*, 800 So. 2d at 390. Accordingly, this Court will prohibit the

wearing of T-shirts with the picture of the alleged victim along with badges, signs, and other forms of visual information in the courtroom throughout the trial.

In addition, this Court gives great credence to all counsel of record, as officers of the court, in their discretion as it relates to personal style and professional fashion. However, the Court would be remiss if it did not caution all parties that any displays which could be viewed in support and/or furtherance of spectator displays deny a defendant a fair trial. *See. Allen*, 800 So. 2d at 390 (holding that a prosecutors' display combined with other visual displays of support for an alleged victim unduly influences a jury and prejudices a defendant).

The Court reserves the right to revisit this matter if there are any displays which could be perceived as an attempt to sway jurors are present throughout this trial.

THUS DONE AND SIGNED in chambers this 6th day of August, 2026, at Baton Rouge, Louisiana.

A handwritten signature in black ink, appearing to read "Gail Horne Ray", is written over a horizontal line.

**HONORABLE JUDGE GAIL HORNE RAY
19TH JUDICIAL DISTRICT COURT**