

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-445

STATE OF LOUISIANA

versus

ERIC D. CALVIN

IN RE ERIC D. CALVIN
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE
STEPHEN C. GREFER, DIVISION "J", No. 24-3100

TRUE COPY

September 22, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Scott U. Schlegel

WRIT DENIED

Relator, Eric D. Calvin, seeks expedited review of the trial court's September 21, 2026 ruling. According to the writ, the trial court granted the State's Notice of Intent to Introduce Evidence Under La. C.E. Article 404(B) with respect to State Exhibits 5 and 6. A jury trial is scheduled to begin on September 22, 2026. According to the writ, Relator is charged with one count of simple robbery, in violation of La. R.S. 14:65. Relator, however, did not attach a copy of the judgment or minute entry that sets forth the ruling of the trial court. On this basis alone, the writ should be denied. *See* Uniform Rules - Courts of Appeal, Rule 4-5. Notwithstanding, on the showing made, we cannot say the trial court abused its discretion.

The State alleges that Relator walked to the cooler area of the Walgreen's drugstore, then approached the cashier with a beer in hand and waited in line to check out. The cashier scanned the item and Relator produced cash and coins from his pocket. When the cashier opened the register, Relator reached across the counter and grabbed a handful of cash from the till. The cashier grabbed the money back and the two struggled over the cash until Relator relinquished his hold on the money and fled the store.

The State's 404(B) motion seeks to admit admissible evidence related to Exhibit 5, consisting of a 14-page police report, in which Relator was alleged to have stolen \$64.45 from a McKenzie's on Airline Drive on September 30, 1997, and Exhibit 6, a 3-page incident report which alleged that Relator committed an armed robbery at an EZ Serve on October 4, 1997. In this incident he threatened the cashier, told the cashier he had a gun, and unsuccessfully attempted to open the cash register, and thereafter fled on a bicycle.

A trial court's ruling as to the admissibility of other crimes evidence is reviewed for an abuse of discretion. *State v. Kiger*, 13-69 (La. App. 5 Cir. 10/30/13), 128 So.3d 552, 557. Absent an abuse of discretion, a trial court's ruling on the admissibility of evidence pursuant to La. C.E. art. 404(B)(1) will not be disturbed. *State v. Jenkins*, 18-645 (La. App. 5 Cir. 4/3/19), 267 So.3d 203, 207, *writ denied*, 19-1223 (La. 10/21/19), 280 So.3d 1169.

Generally, evidence of other crimes or bad acts committed by a criminal defendant is not admissible at trial. *State v. Neveaux*, 23-477 (La. App. 5 Cir. 11/10/23), 377 So.3d 749, 757, *writ denied*, 23-1633 (La. 3/12/24), 381 So.3d 56. Courts may not admit evidence of other crimes, wrongs, or acts of a criminal defendant in order to show that the defendant is a person of bad character who has acted in conformity therewith. La. C.E. art. 404(B); *State v. Hardy*, 14-1569 (La. 11/21/14), 154 So.3d 537, 538. However, when evidence of other crimes tends to

prove a material issue and has independent relevance other than to show that the defendant is of bad character, it may be admitted by certain statutory and jurisprudential exceptions to this rule. *Jenkins*, 267 So.3d at 207. The State may introduce evidence of other crimes, wrongs, or acts if it establishes an independent and relevant reason for its admissibility, such as to show motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident. La. C.E. art. 404(B); *Hardy*, 154 So.3d at 538. “Other crimes” evidence must tend to prove a material fact at issue or to rebut a defendant’s defense. *State v. Taylor*, 16-1124 (La. 12/1/16), 217 So.3d 283, 292.

Relator admits that he is the one on the video who took the money from the register but denies that he used force or intimidation. The State, however, argues that Relator and the cashier then struggled over the cash. Thus, while identity might not be an issue, intent may be depending upon Relator’s defense at trial.

Accordingly, we cannot say that the trial court abused its discretion in granting the State’s Notice of Intent. The State must, nevertheless, introduce admissible evidence related to the other incidents noted in State’s Exhibits 5 and 6.

Finally, we note that Relator has an adequate remedy upon appeal.

The writ is denied.

Gretna, Louisiana, this 22nd day of September, 2026.

SUS
SMC
FHW

JUDGES



(504) 376-1400
(504) 376-1498 FAX

Rachel E. Warren (Respondent)
Assistant District Attorney
Twenty-Fourth Judicial District
200 Derbigny Street
Gretna, LA 70053