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During the past term only two cases arose in which important points on the law of evidence were involved. These are being noted elsewhere in this issue[1] and are not discussed here. Other cases concerning matters of evidence, on the whole, merely reiterated well-established principles recognized by the Louisiana jurisprudence.

The need for interposing proper defensive pleas in criminal actions to support the introduction of exonerative evidence was emphasized in two decisions. In *State v. Knight*[2] the court ruled that testimony regarding previous threats against the accused by the victim of the homicide is inadmissible in the absence of a plea of self defense. This is in accord with generally accepted principles: Communicated threats which are declarations of the victims may be proved to show that the accused was in a reasonable state of apprehension and consequently testimony concerning them is relevant for the purpose of showing that the accused acted in self defense. It follows, therefore, that unless a plea of self defense has been filed, such testimony should be excluded.[3]

In a like vein, since evidence as to the mental condition of the accused in a criminal prosecution is not admissible in the absence of a plea of insanity, it was held in *State v. Boone*[4] that no error had been committed by the trial court in refusing to permit defense counsel to read from a hospital record containing reports concerning the mental condition of the accused for the benefit of the jury.

In *State v. Biegert*[5] the admission in evidence of defendant's confession as to the illegal practice of medicine and of statements made by him regarding the manner in which he obtained narcotic drugs for dispensation to his "patients" was held relevant and proper in a prosecution for the illegal possession of narcotics.

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1. *In re* Kohn, 227 La. 245, 79 So.2d 81 (1955), 16 LOUISIANA LAW REVIEW 440 (1956), State v. Dominguez, 82 So.2d 12 (1955), 16 LOUISIANA LAW REVIEW 434 (1956).
2. 227 La. 739, 80 So.2d 391 (1955).
3. In this connection see WIGMORE, EVIDENCE § 105 *et seq.* (3d ed. 1940).
4. 227 La. 850, 80 So.2d 710 (1955).
5. 227 La. 1100, 81 So.2d 410 (1955).

These facts, the court said, tended to establish that the drugs had been secured through fraud and deceit, disclosing not only that he had obtained them unlawfully, but also with guilty knowledge.

In *State v. Jackson*[6] defendant's counsel sought to show by cross examination of an accomplice who had testified for the state that the witness had made prior contradictory statements and that he was prejudiced against the accused. The objection by the state to this line of questioning was sustained by the trial court. In reversing the conviction, the Supreme Court held it was well settled that, when the prosecution in a criminal case relies on the testimony of an accomplice to prove its case, great latitude must be allowed the defendant in cross examination of the witness. Furthermore, under articles 492 and 493 of the Code of Criminal Procedure, the defense was clearly entitled to show bias and to lay the foundation for the introduction and proof of prior inconsistent statements.

Although recognizing the right of the accused to take the stand for the limited purpose of traversing testimony regarding the voluntariness of his confession, the Supreme Court in *State v. Johnson*[7] held that no prejudicial error is committed by the refusal of the judge to permit the accused to exercise this right when no part of the confession has been offered in evidence nor read to the jury in the opening statement.

In *State v. Carter*[8] the court restates the established jurisprudence that an accused relying on self defense does not have the burden of proving that the killing was justifiable, but that it is upon the state to prove beyond a reasonable doubt that the homicide was committed with felonious intent and therefore, not in self defense. The refusal of the trial judge to so charge the jury was held to be reversible error.

6. 227 La. 949, 81 So.2d 5 (1955).
7. 226 La. 30, 74 So.2d 402 (1954).
8. 227 La. 820, 80 So.2d 420 (1955).