

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NUMBER 2013 KW 0961

VERSUS

AKEEM GAILES

JUN 06 2013

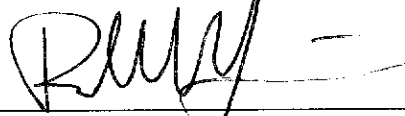
In Re: State of Louisiana, applying for supervisory writs, 18th Judicial District Court, Parish of Iberville, No. 231-12.

BEFORE: PARRO, KUHN AND McCLENDON, JJ.

WRIT GRANTED. We find based on the facts and circumstances of this case that the trial court abused its discretion in granting the motion for mistrial. "It is obvious that to afford a defendant such relief, based on his own conduct, is to give him a tool by which he can effectively prevent forever a final determination of his guilt. Such a result cannot be tolerated if our system of justice is to survive." **State v. Smith**, 44,011 (La. App. 2d Cir. 4/8/09), 7 So.3d 855, 863, writ denied, 2009-1118 (La. 1/29/10), 25 So.3d 828 (quoting **State v. Shank**, 448 So.2d 654, 655 (La. 1984)). Accordingly, the trial court's ruling granting defendant's motion for mistrial is reversed, and this matter is remanded to the district court for further proceedings.

RHP
JEK
PMc

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FOR THE COURT