

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2021 KW 1364

VERSUS

ANTHONY MILLER

**DECEMBER 20, 2021**

---

In Re: State of Louisiana, applying for supervisory writs,  
20th Judicial District Court, Parish of East  
Feliciana, Nos. 21-CR-61, 21-CR-62, and 21-CR-63.

---

**BEFORE: WELCH, THERIOT, AND PENZATO, JJ.**

**WRIT GRANTED.** The trial court erred by dismissing the case against the defendant. The dismissal of a prosecution rests entirely within the discretion of the prosecuting attorney. La. Code Crim. P. art. 691; **State v. Papizan**, 2017-0028 (La. App. 1st Cir. 11/2/17), 256 So.3d 1091, 1095, writ denied, 2017-2028 (La. 10/29/18), 255 So.3d 572. See also La. Code Crim. P. art. 729.5(A). Therefore, the trial court's ruling dismissing the case against the defendant is reversed, the charges are reinstated, and this matter is remanded to the trial court for further proceedings consistent with this ruling.

**JEW**  
**MRT**  
**AHP**

COURT OF APPEAL, FIRST CIRCUIT



---

DEPUTY CLERK OF COURT  
FOR THE COURT