

STATE OF LOUISIANA

*

NO. 2014-KA-0280

VERSUS

*

COURT OF APPEAL

ISAAC JONES

*

FOURTH CIRCUIT

*

STATE OF LOUISIANA

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LOBRANO, J., DISSENTS WITH REASONS

I respectfully dissent. I would vacate the trial court’s ruling that granted the defendant’s motion to quash the August 22, 2013 indictment. I would remand this matter for further proceedings to allow the trial court to determine whether the August 22, 2013 indictment¹ was implicitly dismissed by the superseding indictment filed on August 29, 2013 against the defendant, which was the subject matter in *State v. Jones*, 2014-0014 (La. App. 4 Cir. 6/11/44), --So. 3d --, 2014 WL 2619915.² See *State v. Williams*, 2012-687, p. 3 (La. App. 5 Cir. 5/16/13), 119 So. 3d 228, 230 (where the court held that a “superseding indictment implicitly dismisses a first indictment.”).

¹ On August 22, 2013, the grand jury returned a bill of indictment that charged defendant with the following charges: (1) the February 24, 2013 attempted second degree murder of Orlando Richmon; and (2) the April 23, 2013 second degree murder of Orlando Richmon.

² On August 29, 2013, the grand jury returned a bill of indictment that charged defendant with the following charges: (1) the February 24, 2013 attempted second degree murder of Orlando Richmon; (2) the April 23, 2013 second degree murder of Orlando Richmon; (3) the April 23, 2013 second degree murder of Desmond Bell; and (4) the April 23, 2013 attempted second degree murder of Daymond Harris.