

RAYMOND H. KIMBLE, III

NO. 18-K-456

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA

COURT OF APPEAL

STATE OF LOUISIANA

August 27, 2018

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Susan Buchholz  
First Deputy Clerk

IN RE RAYMOND H. KIMBLE, III

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**APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE RAYMOND S. STEIB, JR., DIVISION "A", NUMBER 16-3781**

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Panel composed of Judges Jude G. Gravois,  
Marc E. Johnson, and Robert A. Chaisson

### **WRIT OF MANDAMUS GRANTED**

In this *pro se* writ application, Relator seeks mandamus relief and requests that this Court order the trial court to rule on his outstanding motions in three separate district court cases, 16-3781, 16-3960, and 16-5822. He asserts that in each of these three cases he has outstanding motions to suppress and motions for discovery, as well as numerous other motions, that were filed in 2016 and have yet to be heard.

Upon review of the official court records in each of the listed district court cases, we find that there are several outstanding motions. Specifically, in #16-3781 and #16-3960, there are outstanding motions to suppress evidence, identification and statements that were filed in July and August 2016. Additionally, in all three cases, there are outstanding motions for a preliminary exam, filed in July, August and September 2016, and motions for a speedy trial, filed in December 2016. The record shows many continuances on the motions, by everyone involved – defense counsel, the State, and the Court. We acknowledge two significant events – new IDB counsel had to be appointed for Relator due to a conflict of interest in November 2017, and Relator’s filing of a motion to recuse the District Attorney’s Office and the entire 24<sup>th</sup> Judicial District Court bench in April 2018, after one judge voluntarily recused himself, which was recently denied on July 23, 2018 – that created delays in this case. Nonetheless, Relator’s motions have been pending for approximately two years.

Under La. C.Cr.P. art. 701(F), a motion for a speedy trial not verified by the affidavit of counsel, “shall be set for contradictory hearing within thirty days.” Relator filed his motion for speedy trial, which was not verified by affidavit of

counsel, in all three cases on December 20, 2016. In our review of the record, we could find no rulings on the motion. Therefore, Relator is entitled to mandamus relief. The trial court is ordered to consider Relator's motion for a speedy trial at the upcoming September 5, 2018 status conference. Additionally, the trial court is ordered to hold a hearing on Relator's motions to suppress and motions for a preliminary exam within 30 days from the date of this disposition.

We note that despite Relator's assertion, we do not find any outstanding discovery requests. To the contrary, we find several discovery receipts signed by defense counsel and note numerous orders signed by the trial court regarding Relator's requests for the issuance of various subpoenas duces tecum.

Accordingly, Relator is granted mandamus relief as stated above.

Gretna, Louisiana, this 27th day of August, 2018.

**MEJ**  
**JGG**  
**RAC**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
ROBERT A. CHAISSON  
STEPHEN J. WINDHORST  
HANS J. LILJEBERG  
JOHN J. MOLAISSON, JR.

JUDGES



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CHERYL Q. LANDRIEU  
CLERK OF COURT

MARY E. LEGNON  
CHIEF DEPUTY CLERK

SUSAN BUCHHOLZ  
FIRST DEPUTY CLERK

MELISSA C. LEDET  
DIRECTOR OF CENTRAL STAFF

(504) 376-1400  
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**NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **08/27/2018** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY

CHERYL Q. LANDRIEU  
CLERK OF COURT

**18-K-456**

**E-NOTIFIED**

Terry M. Boudreaux (Respondent)

**MAILED**

Raymond H. Kimble, III #503830 (Relator)  
East Baton Rouge Transition Work  
Program  
2867 General Isaac Smith Avenue  
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