

JUDA DEROUEN

NO. 18-K-636

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA

COURT OF APPEAL

STATE OF LOUISIANA

November 27, 2018

Susan Buchholz

First Deputy Clerk

IN RE JUDA DEROUEN

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE GLENN B. ANSARDI, DIVISION "H", NUMBER 17-6364

Panel composed of Judges Robert A. Chaisson,
Stephen J. Windhorst, and John J. Molaison, Jr.

WRIT GRANTED

Relator, Juda DeRouen, filed the instant application for a writ of mandamus which seeks to compel the district court to rule upon a motion to quash he has filed in the Twenty-Fourth Judicial District Court.

The official record in this case shows that relator filed a pro se motion to quash on August 10, 2018. On October 3, 2018, the trial court set a November 13, 2018 hearing date for relator's motion. The official record indicates that, on November 13, 2018, the motion was continued at the request of defendant's counsel. The new hearing date is set for December 12, 2018.

Relator's writ is granted, insofar as we order the district court to keep the motion docketed for December 12, 2018. The motion shall be resolved on this date. If the motion is not resolved, a continuance shall not be granted unless the defendant consents on the record.

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

**JJM
RAC**

WINDHORST, J., DISSENTS WITH REASONS

I respectfully disagree with majority's disposition and would deny relator's writ application. Relator filed this application for a writ of mandamus seeking to compel the trial court to rule upon his motion to quash. Relator's motion was previously set for hearing on November 13, 2018, but was continued to December 12, 2018, on defense counsel's request. While the motion was filed *pro se*, I would defer to defense counsel's discretion and to the trial court's oversight thereof.

Considering that the trial court has twice set this motion for hearing, I see no reason to grant this writ or to exercise our supervisory jurisdiction.

Accordingly, I would deny the writ.

SJW

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

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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 **11/27/2018** 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-636

E-NOTIFIED

Terry M. Boudreaux (Respondent)

MAILED

Juda Derouen #1000341487 (Relator)
Jefferson Parish Correctional Center
P. O. Box 388
Gretna, LA 70054