

STATE OF LOUISIANA

NO. 19-K-349

VERSUS

FIFTH CIRCUIT

JOHN W. PATTON

COURT OF APPEAL

STATE OF LOUISIANA

August 07, 2019

Susan Buchholz
First Deputy Clerk

****CONFIDENTIAL****
LSA-RS 46:1844(W)
ATTORNEYS OF RECORD
ONLY

IN RE JOHN W. PATTON

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEPHEN C. GREFER, DIVISION "J", NUMBER 18-7474

Panel composed of Judges Marc E. Johnson,
Stephen J. Windhorst, and Timothy S. Marcel, Pro Tempore

WRIT GRANTED IN PART; DENIED IN PART AS MOOT

Relator, John Patton, seeks a writ of mandamus from this Court contending that the trial court has not ruled on his numerous *pro se* motions filed March 2019 through July 2019. Relator also filed a motion to recuse several judges from this Court.

A review of the official record shows that relator filed several *pro se* omnibus motions on March 26, 2019. The trial court signed a show cause order setting all motions for hearing on April 29, 2019. The April 29, 2019 minute entry shows that the trial court granted relator's *pro se* motion for a speedy trial; however, the minute entry does not show that the other motions were set for hearing or that the trial court ruled on any other motion filed March 26, 2019. On April 29, 2019, relator filed a *pro se* letter/motion and subsequently withdrew it the same day. On May 24, 2019, relator filed another *pro se* letter/motion. On July 9, 2019, relator filed several additional *pro se* motions. The record shows that the trial court has not yet ruled on or set for hearing relator's *pro se* motions filed on March 26, 2019, May 24, 2019, and July 9, 2019. Accordingly, if it has not already done so, the trial court is hereby ordered to rule on or set for hearing relator's *pro se* motions within 30 days of the date of this disposition and to furnish relator with a copy of the ruling.

Additionally, relator filed a motion to recuse the following judges of this Court pursuant to La. C.Cr.P. art. 679: Chief Judge Chehardy, Judge Wicker, Judge Liljeberg, and Judge Molaison. Since none of the aforementioned judges are presiding over this writ application, relator's motion to recuse is denied as moot.

Accordingly, this writ application is denied as to the motion for speedy trial, and denied as moot as to the motion to recuse. This writ application is granted as to the remaining *pro se* motions to the extent provided above.

Gretna, Louisiana, this 7th day of August, 2019.

SJW
MEJ
TSM

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



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

MARY E. LEGNON
INTERIM CLERK OF COURT

CHIEF DEPUTY CLERK

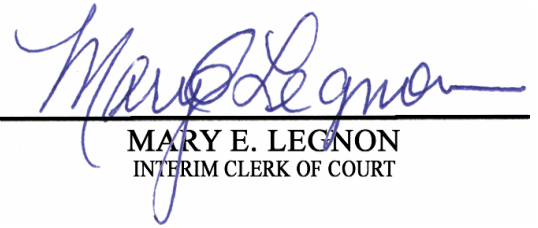
SUSAN BUCHHOLZ
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

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 **08/07/2019** 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



MARY E. LEGNON
INTERIM CLERK OF COURT

19-K-349

E-NOTIFIED

Terry M. Boudreaux (Respondent)

MAILED

John W. Patton #79121800 (Relator)
Jefferson Parish Correctional Center
P. O. Box 388
Gretna, LA 70054