

JOHN WESLEY PATTON

NO. 20-K-29

VERSUS

FIFTH CIRCUIT

STEPHEN C. GREFER, JUDGE, 24TH JDC

COURT OF APPEAL

STATE OF LOUISIANA

January 31, 2020

Susan Buchholz
First Deputy Clerk

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

IN RE JOHN WESLEY 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 Jude G. Gravois,
Marc E. Johnson, and Stephen J. Windhorst

WRIT GRANTED FOR LIMITED PURPOSE

In this *pro se* writ application, relator, John Wesley Patton, seeks mandamus relief concerning his Petition for Writ of Habeas Corpus filed on August 1, 2019.

Upon review of relator's petition, based on its substance, relator requested an evidentiary hearing regarding alleged due process violations and mail theft concerning the Jefferson Parish Correctional Center.¹ Relator did not file a rule to show cause with the petition and there is no indication in the record that the trial court considered relator's request for an evidentiary hearing. Based on the foregoing, we grant relator's writ application for the limited purpose of remanding the matter to the trial court to, within ten (10) days of this disposition, render a ruling, or alternatively, to set the matter for hearing, if it has not done so already. Accordingly, this writ application is granted for that purpose only.

Gretna, Louisiana, this 31st day of January, 2020.

SJW
JGG
MEJ

¹ A writ of habeas corpus is not the proper remedy for the substantive relief requested in relator's petition. A habeas corpus is a writ commanding a person who has another in his custody to produce him before the court and to state the authority for the custody. La. C.Cr.P. art. 351. We note that since the filing of the petition, relator, who is incarcerated in the Jefferson Parish Correctional Center, has appeared before the trial court numerous times for hearings on various motions and relator was provided with oral or written notice concerning the next court proceedings. Therefore, any request for mandamus relief as to the granting of a writ of habeas corpus would be moot.

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

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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 **01/31/2020** 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 COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

20-K-29

E-NOTIFIED

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MAILED

Price Quenin (Respondent)
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