

STATE OF LOUISIANA

NO. 22-KH-396

VERSUS

FIFTH CIRCUIT

RAYMOND H. KIMBLE, III

COURT OF APPEAL

STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL  
A TRUE COPY OF DOCUMENTS AS  
SAME APPEARS IN OUR RECORDS



Linda Wiseman  
First Deputy, Clerk of Court

September 12, 2022

Linda Wiseman  
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,  
Hans J. Liljeberg, and John J. Molaison, Jr.

### **WRIT GRANTED FOR LIMITED PURPOSE**

Relator, Raymond Kimble, III, seeks review of the trial court's May 26, 2022 Order, in case number 16-3781, denying his "Motion by Owner for Release of Seized Property Inaccord [sic] with LSA-R.S. 15:41." For the following reasons, we grant the writ application for the limited purpose of remanding this matter to the trial court for consideration of relator's motion.

On March 4, 2022, relator filed a "Motion to Release and Preserve" in the trial court, seeking the return of an Apple iPhone 6s Plus seized on April 20, 2016, in connection with these criminal proceedings. On March 9, 2022, the trial court denied relator's motion on the grounds that relator's request for the return of his property did not comply with the provisions of La. R.S. 15:41. Relator filed a writ application with this Court seeking review of the trial court's ruling. On June 23, 2022, this Court denied relator's writ application, finding that relator did not comply with the procedural requirements for the return of his property, pursuant to La. R.S. 15:41(C). *Kimble v. State*, 22-KH-258 (La. App. 5 Cir. 6/23/22) (unpublished writ disposition).

Prior to this Court's ruling in 22-KH-258, relator filed a "Motion by Owner for Release of Seized Property Inaccord [sic] with LSA-R.S. 15:41" in the trial court on May 11, 2022, in which he requested a contradictory hearing with the Clerk of Court regarding his request for the return of his phone. On May 26, 2022, the trial court issued an Order stating that it would not rule on relator's motion until this Court ruled on relator's writ application from the denial of his Motion to Release and Preserve or the time to seek review of that ruling expired. In its May

26, 2022 Order, the trial court then indicated that the Motion by Owner for Release of Seized Property was denied.

In this writ application, relator argues that the trial court should not have denied his Motion by Owner for Release of Seized Property. He argues that the trial court should have ordered a contradictory hearing on the motion with the Clerk of Court or “labeled the motion as moot” until this Court completed its review of the denial of his Motion to Release and Preserve.

Considering that this Court denied relator’s writ application in 22-KH-258 on June 23, 2022, and that the trial court did not consider relator’s Motion by Owner for Release of Seized Property requesting a contradictory hearing but nevertheless denied the Motion, we vacate the trial court’s denial of the Motion, remand this matter, and order the trial court to consider and rule on relator’s Motion.

Gretna, Louisiana, this 12th day of September, 2022.

**HJL**  
**JGG**  
**JJM**

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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CURTIS B. PURSELL  
CLERK OF COURT

SUSAN S. BUCHHOLZ  
INTERIM CHIEF DEPUTY CLERK

LINDA M. WISEMAN  
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 **09/12/2022** 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

**22-KH-396**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Hon. Raymond S. Steib, Jr. (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Raymond H. Kimble, III #503830 (Relator)  
Dixon Correctional Institute  
P. O Box 788  
Jackson, LA 70748