

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2015 KW 1641

VERSUS

CHARLES W. LANDRUM

DEC 18 2015

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In Re: Charles W. Landrum, applying for supervisory writs,  
19th Judicial District Court, Parish of East Baton  
Rouge, No. 08-12-0873.

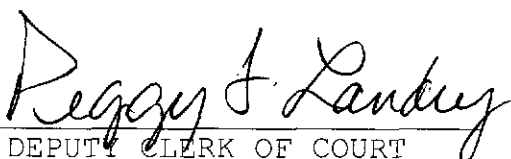
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**BEFORE: WHIPPLE, C.J., WELCH AND CHUTZ, JJ.**

**WRIT DENIED.** Although relator captioned his pleading as a motion to dismiss, the relief he seeks is in the nature of a motion to quash. A pleading's nature is determined by its substance and not its caption. See **State ex rel. Daley v. State**, 97-2612 (La. 11/7/97), 703 So.2d 32. Relator was originally billed on August 27, 2012. Barring any interruption or suspension of the time limitation, the State had until August 27, 2014 to bring relator to trial. See La. Code Crim. P. art. 580(A); See **State v. Brooks**, 2002-0792 (La. 2/14/03), 838 So.2d 778, 782 (per curiam). Relator's pro se motion to quash, filed March 3, 2014, and his pro se motion to dismiss, filed August 21, 2015, suspended the running of the time limit to commence trial until the district court ruled on the motions on December 18, 2014 and October 15, 2015, respectively. The State had one year after each of these rulings to commence trial. Relator was convicted on October 21, 2015. Relative to relator's pro se motion for a fast and speedy trial, there is no indication that the court held a contradictory hearing with the district attorney on the motion. Furthermore, relator failed to include a certification that he and his counsel were prepared to proceed to trial within the delays, and there is no indication that relator filed a motion for release. See La. Code Crim. P. art. 701(B) & (D). Accordingly, the district court did not err in denying the motion to dismiss.

WRC  
VGW  
JEW

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DEPUTY CLERK OF COURT  
FOR THE COURT