

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0967

VERSUS

DEVON RICHARD

SEP 30 2019

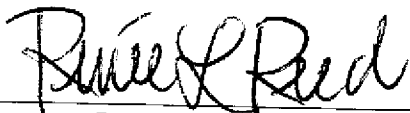
In Re: Devon Richard, applying for supervisory writs, 17th
Judicial District Court, Parish of Lafourche, No.
509005.

BEFORE: McDONALD, THERIOT, AND CHUTZ, JJ.

WRIT DENIED. The failure to file a pretrial motion to quash waives any challenge to the grand jury. See La. Code Crim. P. arts. 535(C), 521(A), & 535(D). Furthermore, the criminal court minutes were amended in accordance with the grand jury transcript to show that twelve grand jurors were present and that at least nine jurors concurred in the indictment in this case. When there is a discrepancy between the minutes and the transcript, the transcript prevails. **State v. Lynch**, 441 So.2d 732 (La. 1983). Therefore, the district court did not err by denying the motion and no contradictory hearing is required.

JMM
MRT
WRC

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DEPUTY CLERK OF COURT
FOR THE COURT