

STATE OF LOUISIANA \* NO. 2014-KA-1305  
VERSUS \* COURT OF APPEAL  
CHARLES FERGUSON \* FOURTH CIRCUIT  
\* STATE OF LOUISIANA

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\* \* \* \* \*

**CONSOLIDATED WITH:**

STATE OF LOUISIANA

VERSUS

ALONZO HORTON

**CONSOLIDATED WITH:**

STATE OF LOUISIANA

VERSUS

ALONZO HORTON, ET AL.

**CONSOLIDATED WITH:**

NO. 2014-K-1321

**CONSOLIDATED WITH:**

NO. 2014-K-1334

**MCKAY, C.J. DISSENTS IN PART**

I respectfully dissent from the majority’s opinion relative to writ no. 2014-K-1334. “The decision of whether a severance shall be granted is within the sound discretion of the trial court, which will not be disturbed unless that discretion was abused.” *State v. Pollard*, 2014-0445, pp. 19-20, (La. App. 4 Cir. 4/15/15), 165 So.3d 289, 303. Based on the circumstances presented in the record, I find that the trial court acted within her discretion in granting defendant Horton’s motion to sever. Accordingly, I would deny the writ.

In all other respects, I concur with the majority’s opinion and would deny writ no. 2014-K-1321 relative to the trial court’s denial of defendant Horton’s motion to quash the bill of particulars and grant writ no. 2014-K-1305, and reverse, relative to the trial court’s denial of defendant Ferguson’s motion to quash the bill of indictment.