

STATE OF LOUISIANA

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NO. 2015-K-0164

VERSUS

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COURT OF APPEAL

ERIK NUNEZ

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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CONSOLIDATED WITH:

CONSOLIDATED WITH:

STATE OF LOUISIANA

NO. 2015-K-0449

VERSUS

BRANDON LICCIARDI

TOBIAS, J., CONCURS.

I respectfully concur. I write separately only to state that I do not find that the proper procedural vehicle to challenge the allotment of a criminal case is a motion to quash. Rather, in my view, the proper procedural vehicle is a mere motion to reallocate. The motions filed in this case, although phrased as quashal in nature, must be read to be merely as motions to reallocate because the case was not randomly allotted pursuant to *State v. Simpson*, 551 So.2d 1303 (La.1989) and its progeny. *See also State v. Brown*, 15-0122 (La. App. 4 Cir. 7/6/15), ___ So.3d ___.