

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 19th day of October, 2010, are as follows:

PER CURIAM:

2009-OK-2660 STATE OF LOUISIANA v. TERRENCE C. HALL (Parish of Jefferson)

Retired Judge Philip Ciaccio, assigned as Justice ad hoc, sitting
for Chief Justice Catherine D. Kimball.

Accordingly, we recall the writ as improvidently granted.
WRIT GRANT RECALLED; WRIT DENIED.

WEIMER, J., concurs in part and dissents in part.

10/19/10

SUPREME COURT OF LOUISIANA

No. 09-OK-2660

STATE OF LOUISIANA

VERSUS

TERRENCE C. HALL

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL
FIFTH CIRCUIT, PARISH OF JEFFERSON**

PER CURIAM*

We granted the writ application for the sole issue of deciding whether a notice to seek a writ of review made orally by the State in open court should be treated as a motion for appeal for timeliness purposes pursuant to Louisiana Code of Criminal Procedure article 914. However, after considering the record and the oral argument before the Court, it was discovered the trial judge set a return date for the writ, by which the State did not comply. Louisiana Code of Criminal Procedure article 915 instructs “the return date shall be seventy-five days from the date the motion for appeal is granted, unless the trial judge fixes a lesser period.” Therefore, even if we were to treat the notice to seek a writ as a timely-filed motion for appeal, the State did not adhere to the lesser period fixed by the trial judge. Accordingly, we recall the writ as improvidently granted.

WRIT GRANT RECALLED; WRIT DENIED.

* Retired Judge Philip C. Ciaccio, assigned as Justice ad hoc, sitting for Chief Justice Catherine D. Kimball.

10/19/10

SUPREME COURT OF LOUISIANA

No. 2009-OK-2660

STATE OF LOUISIANA

VERSUS

TERRENCE C. HALL

*On Writ of Certiorari to the Court of Appeal, Fifth Circuit
Parish of Jefferson, State of Louisiana*

WEIMER, J., concurring in part and dissenting in part.

I concur in the ultimate disposition of this matter, but would not recall the writ. As the majority notes, the record reflects that the trial judge set a return date with which the State did not comply. I would resolve the case on that basis.