

SUPREME COURT OF LOUISIANA

2017-CP-1133

STATE EX REL. DONALD M. BOSWELL

VS.

STATE OF LOUISIANA

**ON RECONSIDERATION OF THIS COURT'S ACTION
DATED OCTOBER 2, 2017**

Hughes, J., additionally concurring.

Relator's situation is unfortunately governed by the case of *State v. Crandell*, 05-1060 (La. 3/10/06), 924 So. 2d 122, wherein it was held that:

In the instant case, the court of appeal denied defendant's writ application and mailed the notice of judgment on February 23, 2005. Uniform Rule of the Courts of Appeal ("URCA"), Rule 4-9, provides that Rules 2-18.1 through 2-18.7 apply to applications for rehearings related to writ applications. Rule 2-18.7 provides that "[a]n application for rehearing will be considered where the court has: (A) Granted a writ application on the merits; (B) Dismissed an appeal; or (C) Ruled on the merits of an appeal." The Rules do not provide for a rehearing from a denial of an application for supervisory writs. *See Y.F.B. v. R.D.R.*, 01-0345 (La. 4/12/01), 787 So.2d 276; *Morris v. Stueben*, 01-0137 (La. 1/26/01), 781 So.2d 1220. Consequently, the thirty-day period for taking writs to this court provided by Supreme Court Rule X, § 5(a) was not extended by defendant's application for rehearing in the court of appeal because it was not an instance where a rehearing was allowed. [footnote omitted]