

**SUPREME COURT OF LOUISIANA**

**No. 2019-KK-01206**

**STATE OF LOUISIANA**

**VERSUS**

**SHANE RAY ARCHANGEL**

**ON SUPERVISORY WRITS TO THE SIXTEENTH JUDICIAL DISTRICT  
COURT, PARISH OF IBERIA**

**CRICHTON, J., additionally concurs and assigns reasons:**

I agree with the Per Curiam and write separately to spotlight my concern regarding the necessity of a transcript in any criminal proceeding.

While pre-trial conferences need not be recorded (perhaps with the exception of capital cases), all proceedings and hearings that are substantive in nature must be recorded by the court reporter such that a transcript is available for appellate review. *See* La. C.Cr.P. art. 843 (“In felony cases...the clerk of court stenographer shall record all of the proceedings, including the examination of prospective jurors, the testimony of witnesses, statements, rulings, orders, and charges by the court, and objections, questions, statements and arguments of counsel.”) Here, by her own per curiam, the trial judge deemed this defendant’s pro se motion as “rooted in a 701 violation,” thus treating it as a motion for speedy trial pursuant to La. C.Cr.Pr. art. 701 and thereby granting immediate relief.<sup>1</sup> However, I find the trial court’s disregard for both La. C.Cr.Pr. art. 701 and art. 843 troublesome in this case, and emphasize the importance of creating a proper record for appellate review.

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<sup>1</sup> Specifically, the trial court stated in the per curiam: “[t]his court believes judicial economy, fair play and justice warranted Mr. Archangel’s 701 release on May 24, 2019. This court read the pro se motion for its full content and not only the title and determined the issue to be one rooted in a 701 violation.”