

10/30/2015 "See News Release 053 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

NO. 2015-KK-1193

STATE OF LOUISIANA

VERSUS

BOBBY JAMES

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FOURTH CIRCUIT, PARISH OF ORLEANS**

Crichton, J., would grant and assigns reasons:

I would grant this application to consider the merits of the defendant's case. While I respect the discretionary authority of the district attorney to dismiss and reinstitute indictments (La. C.Cr.P. arts. 61, 576, 691), I do not condone its abuse or its persistent and unabated use in Orleans Parish. Under certain circumstances, the dismissal and reinstatement of an indictment has the effect of circumventing a trial court's ruling denying the district attorney a continuance. This, in turn, interferes with the trial court's inherent authority to control its docket (La. C.Cr.P. art. 17), and renders meaningless a trial court's decision to deny a continuance. The district attorney's authority to dismiss and reinstitute indictments is therefore in tension with the district court's inherent authority over the docket, and I would grant and docket this case to address this tension. *See State v. Love*, 00-3347 (La. 5/23/03), 847 So. 2d 1198.