

02/10/2017 "See News Release 011 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 16-K-0102

STATE OF LOUISIANA

V.

JOHN C. BROYARD

**ON WRIT OF CERTIORARI TO THE
FOURTH CIRCUIT COURT OF APPEAL**

PER CURIAM:

Writ granted. The district court's order granting defendant's motion to quash is reversed. A criminal proceeding or case encompasses the time during which the district attorney is determining whom, when, and how to prosecute. *See* La.C.Cr.P. art. 61. This includes the 90-day or 150-day timeframe the state possesses to charge an individual who has not been kept in continued custody with either a misdemeanor or a felony offense. *See* La.C.Cr.P. art. 701(B)(2). This matter is remanded to the district court for further proceedings consistent with this order.