

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KK-01126

VS.

JORDAN A. MITCHELL

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 598-537, 598-552,
Court of Appeal, Fourth Circuit, Number(s) 2022-K-0449;

November 08, 2022

Writ application granted. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM
PDG

Supreme Court of Louisiana
November 08, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-KK-01126

STATE OF LOUISIANA

VS.

JORDAN A. MITCHELL

On Supervisory Writ to the Criminal District Court, Parish of Orleans Criminal

PER CURIAM

The Criminal District Court for the Parish of Orleans denied a motion for hearing pursuant to LSA-C.Cr.P. art. 313 on the basis that Article 313 was applicable only to domestic violence cases. Pursuant to the clear and unambiguous language of Article 313, specifically, Article 313(B):

Upon motion of the prosecuting attorney, the judge or magistrate may order the temporary detention of **a person in custody who is charged with the commission of an offense**, for a period of not more than five days, exclusive of weekends and legal holidays, pending the conducting of a contradictory bail hearing. Following the contradictory hearing, upon proof by clear and convincing evidence either that there is a substantial risk that the defendant might flee or that the defendant poses an imminent danger to any other person or the community, the judge or magistrate may order the defendant held without bail pending trial. (Emphasis added.)

A review of the entirety of LSA-C.Cr.P. article 313 reveals that the statute is applicable to several categories of cases, and that each Section of the statute is applicable to a separate category of offenses or class of offenders. Specifically, while Article 313(A) contains the procedure applicable to defendants charged with domestic abuse crimes, Article 313(B), as noted above, applies to “a person in custody . . . charged with the commission of an offense,” Article 313(C) applies to “a person in custody who is charged with the commission of a sex offense and who has been previously convicted of a sex offense,” and Article 313(D) states that persons charged with a capital offense “shall not be admitted to bail if the proof is

evident and the presumption great that he is guilty of the capital offense.” As the statute as a whole is not applicable solely in proceedings instituted against those charged with domestic violence offenses, the ruling of the district court denying the State’s motion for hearing is vacated, and this matter is remanded to the district court for consideration of the State’s motion for hearing pursuant to LSA-C.Cr.P. article 313.

VACATED and REMANDED.