

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2022-KK-01358

VS.

ROCHARD JONES

IN RE: Rochard Jones - Applicant Defendant; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 598-856, Court of
Appeal, Fourth Circuit, Number(s) 2022-K-0605;

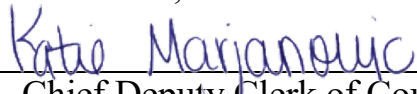
November 08, 2022

Writ application granted. See per curiam.

PDG
JDH
JTG
WJC
JBM

Weimer, C.J., dissents.
Crichton, J., dissents.

Supreme Court of Louisiana
November 08, 2022



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2022-KK-01358

STATE OF LOUISIANA

VS.

ROCHARD JONES

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

PER CURIAM

Writ granted. Defendant was arrested on June 28, 2022, and appeared in magistrate court the following day on eleven charges. The State filed a bill of information on August 29, 2022, accepting three of the charges: attempted second degree murder, possession of a firearm by a convicted felon, and discharging a firearm during a violent crime.¹ On September 6, 2022, defendant filed a written motion for release as to the remaining charges. A hearing was held the same day wherein the magistrate court denied defendant’s motion.

The State has not timely instituted prosecution by bill of information or indictment with respect to the other charges, and pursuant to La.C.Cr.P. art. 701, defendant must be released from his bail obligations on those offenses.² The order of the magistrate court denying defendant’s motion for release as to those eight charges is hereby reversed, and the district court is ordered to enter an order relieving

¹ Defendant made an oral motion for release as to all charges, however, the State filed its bill of information prior to the commencement of the August 29, 2022 hearing and the magistrate court denied the motion. Defendant does not challenge this decision in his writ application.

² On September 29, 2022, during the pendency of supervisory review, the State filed a second bill of information wherein it charged defendant with an additional six charges: obstruction of justice, distribution of amphetamine less than 28 grams, possession of marijuana less than 14 grams, possession of a dangerous weapon while committing a crime of violence or while in possession of a controlled dangerous substance, possession of a firearm by a felon, and possession with the intent to distribute heroin. This second bill of information is untimely as it was not filed prior to the hearing on defendant’s motion to release. See *State v. Varmall*, 539 So.2d 45, 46 (La. 1989).

defendant of his bond obligations as to those eight offenses that were not charged in the August 29, 2022 bill of information.