

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KK-00464

VS.

VINCENT GOFFNERM, ET AL.

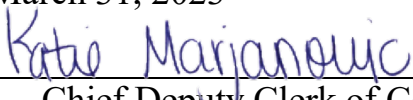
IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Jefferson, 24th Judicial District Court Number(s) 22-209, Court of Appeal,
Fifth Circuit, Number(s) 23-K-166;

March 31, 2023

Writ application granted. See per curiam.

JDH
JLW
SJC
JTG
WJC
JBM

Griffin, J., would deny.

Supreme Court of Louisiana
March 31, 2023


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2023-KK-00464

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VS.

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On Supervisory Writ to the Twenty-Fourth Judicial
District Court, Parish of Jefferson

PER CURIAM

Writ granted. While defendant did not join in the motion for a mistrial made by his codefendants, which was made during voir dire, the eventual grant of a mistrial in this proceeding has been construed by the courts below as the de facto grant of a severance. However, jointly indicted defendants are to be tried jointly unless the court is satisfied that justice requires a severance. La.C.Cr.P. art. 704; *State v. Webb*, 424 So.2d 233 (La. 1982); *State v. Hodge*, 457 So.2d 152 (La. App. 2 Cir. 1984), *writ denied*, 459 So.2d 545 (La. 1984). There has been no such showing that a severance is appropriate and necessary here. Therefore, the court of appeal’s ruling is reversed to the extent it declared that the trial of the remaining codefendant could proceed. We declare that the mistrial, which was ordered by the court of appeal, applies to all three codefendants.

REVERSED AND REMANDED