

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2023-KP-01567

VS.

ALONZO DEFILLO

IN RE: State of Louisiana - Applicant Plaintiff; Applying For Supervisory Writ,
Parish of Orleans Criminal, Criminal District Court Number(s) 530-012, Court of
Appeal, Fourth Circuit, Number(s) 2023-K-0685;

April 03, 2024

Writ application granted in part. See per curiam.

JLW
SJC
WJC
PDG

Hughes, J., would deny.
Genovese, J., would deny.
McCallum, J., would deny.

Supreme Court of Louisiana
April 03, 2024


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 23-KP-1567

STATE OF LOUISIANA

v.

ALONZO DEFILLO

**ON SUPERVISORY WRITS TO THE CRIMINAL
DISTRICT COURT, PARISH OF ORLEANS**

PER CURIAM:

Writ granted in part. The matter is remanded. In light of the conflicting date stamps on the motion to reconsider sentence, which were discovered after the district court ruled, the district court is ordered to conduct further evidentiary proceedings to determine the date the motion was filed. If the district court finds the motion to reconsider was filed timely, the court is ordered to consider the merits and issue a ruling. If the motion to reconsider sentence is determined to be untimely, the court shall dismiss it. *See, e.g., State v. Williams*, 96-1587 (La. App. 4 Cir. 4/16/97), 693 So.2d 249 (finding the trial court erred by considering the motion and vacating original sentence when motion to reconsider was filed more than 30 days after sentencing).