

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KH-00559

VS.

JESSE LEE SILAS, II

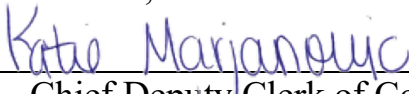
IN RE: Jesse Lee Silas, II - Applicant Defendant; Applying For Supervisory Writ,
Parish of Desoto, 42nd Judicial District Court Number(s) 20-CR-31241, Court of
Appeal, Second Circuit, Number(s) 55,821-KH;

October 01, 2024

Writ application granted. See per curiam.

PDG
JLW
JDH
SJC
JTK

Crain, J., dissents.
McCallum, J., dissents.

Supreme Court of Louisiana
October 01, 2024


Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA**No. 2024-KH-00559****STATE OF LOUISIANA****VS.****JESSE LEE SILAS, II**

On Supervisory Writ to the 42nd Judicial District Court, Parish of Desoto

PER CURIAM:*

In 2021, a DeSoto Parish jury found applicant guilty as charged of first degree rape of a victim under the age of 13. The court sentenced him to life imprisonment without parole eligibility. The court of appeal affirmed. *State v. Silas*, 54,582 (La. App. 2 Cir. 9/21/22), 348 So.3d 866, *writ denied*, 2022-01486 (La. 12/6/22), 351 So.3d 368. In 2023, applicant filed a post-conviction relief application in the district court, asserting numerous claims including ineffective assistance of counsel. The district court initially set the matter for an evidentiary hearing but, after reviewing the State's response to the application, denied relief summarily. After reviewing the application and exhibits, we find the district court erred in not conducting evidentiary hearing. *See generally* La.C.Cr.P. art. 929(A) ("If the court determines that the factual and legal issues can be resolved based upon the application and answer, and supporting documents, including relevant transcripts, depositions, and other reliable documents submitted by either party or available to the court, the court may grant or deny relief without further proceedings."); *see also State ex rel. Tassin v. Whitley*, 602 So.2d 721, 722 (La. 1992). Here, the factual and legal issues cannot be resolved based solely on the available documents. Accordingly, we reverse the district court ruling that

* Retired Justice Jeannette T. Knoll, appointed Justice pro tempore, sitting for the vacancy in the Third District.

summarily denied relief and we remand with instructions to conduct an evidentiary hearing on the claims.

REMANDED