

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2025-KK-00206

VS.

TRAVIS DEMOND JOSEPH

IN RE: Travis Joseph - Applicant Defendant; Applying For Supervisory Writ, Parish of Assumption, 23rd Judicial District Court Number(s) 18-161, Court of Appeal, First Circuit, Number(s) 2024 KW 1222;

June 25, 2025

Writ application granted. See per curiam.

JDH

WJC

JBM

CRC

Weimer, C.J., dissents and assigns reasons.
Griffin, J., dissents for the reasons assigned by Chief Justice Weimer.
Guidry, J., dissents for the reasons assigned by Chief Justice Weimer.

Supreme Court of Louisiana
June 25, 2025



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 2025-KK-00206

STATE OF LOUISIANA

VS.

TRAVIS DEMOND JOSEPH

On Supervisory Writ to the 23rd Judicial District Court, Parish of Assumption

PER CURIAM

In a non-capital felony case, the State must commence trial within two years of the date of institution of the prosecution. La. Code Crim. P. art. 578(A)(2). The limitation period may be extended by the effect of suspension or interruption. *See, e.g.,* La. Code Crim. P. arts. 578, 580; *State v. Mouton*, 2023-00723 (La. 5/10/24), 384 So. 3d 845, 848. A preliminary plea or motion filed by the defendant suspends the limitation period until the trial court rules thereon; however, in no case shall the State have less than one year after the ruling to commence trial. La. Code Crim. P. art. 580. A preliminary plea is any plea filed after the prosecution is instituted and before the trial that causes the trial to be delayed, including motions to quash, motions to suppress, or motions for continuance, as well as applications for discovery and bills of particulars. *Mouton*, 384 So. 3d at 848. The limitation period is interrupted if the defendant cannot be tried because of insanity or because his presence for trial cannot be obtained by legal process, or for any other cause beyond the State's control. La. Code Crim. P. art. 579(A)(2). Once the cause of interruption no longer exists, the time period commences to run anew. La. Code Crim. P. art. 579(B). When the defendant shows the State has failed to bring him to trial within the time specified by Article 578, the State bears a heavy burden of demonstrating either an interruption or a suspension of the time limit extended the time to

commence trial. *State v. Morris*, 99-3235 (La. 2/18/00), 755 So. 2d 205, 205 (per curiam).

In this case, prosecution was instituted by grand jury indictment on September 5, 2018. As of September 18, 2024, when defendant filed the motion to quash, trial had not commenced. On its face, the motion to quash had merit; therefore, the State bore the burden of showing the limitation had not expired when the motion was filed. *See Morris*, 755 So. 2d at 205.

The trial court denied the motion to quash. The court of appeal denied writs, with one judge stating he would deny on the showing made because the record did not contain sufficient information to determine the disposition of the various motions.

We remand this matter to the trial court, which is ordered to file a per curiam with this Court on or before August 29, 2025, explaining its ruling. In the per curiam, the trial court is ordered to detail the relevant events that prompted the delay in prosecution, specifically identifying each filing by caption and date, with an explanation of the interruptions and/or suspensions resulting from each. If necessary, the trial court shall conduct an evidentiary hearing to complete the record, a transcript of which shall be attached to the per curiam filed with this Court.