

SUPREME COURT OF LOUISIANA

State v. Catalon

214 So. 3d 834 (La. 2017) · Decided March 31, 2017

SUMMARY

This document contains reasons by Chief Justice Johnson in State v. Catalon concerning a motion to quash based on statutory and constitutional speedy-trial violations. The opinion addresses whether an oral continuance, purportedly agreed to by appointed defense counsel who was not present and had not established an attorney-client relationship with the defendant, suspended the applicable limitations period. Chief Justice Johnson would grant the defendant’s writ application, concluding that the State failed to establish a valid suspension or exercise due diligence in bringing the incarcerated defendant to trial.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Johnson, Chief Justice; Grant; Hughes; Johnson; Reasons; Weimer
JURISDICTION	Louisiana
DECIDED	March 31, 2017
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Defendant sought review of the denial of his motion to quash based on expiration of the statutory and constitutional speedy-trial periods. The dissent would grant the defendant's writ application.
STANDARD OF REVIEW	The dissent states that the trial court was not clearly wrong in initially granting the motion to quash.
PRECEDENTIAL VALUE	Published dissenting opinion; the reasoning is not the court's binding holding.
PARTIES	State of Louisiana v. Catalon

TOPICS

- speedy trial
- criminal procedure
- right to counsel
- appellate procedure

PRACTICE AREAS

- criminal procedure
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the statutory speedy-trial period under Louisiana Code of Criminal Procedure article 578 was suspended by an oral continuance request when no written motion for continuance was filed.
2. Whether appointed defense counsel had authority to agree to a continuance when counsel had not established an attorney-client relationship with defendant and neither counsel nor defendant was present at the hearing.
3. Whether the State failed to exercise due diligence in bringing an incarcerated defendant to court, requiring that the motion to quash be granted.

HOLDINGS

1. The dissent concluded that Louisiana Code of Criminal Procedure article 580 did not suspend the article 578 period because the continuance was not requested in a written motion as required by article 707.
2. The dissent would hold that the State failed to establish the due diligence necessary to excuse the delay, particularly because it knew defendant was incarcerated in Texas yet did not bring him to court for approximately three years.
3. The dissent would conclude that counsel's purported agreement could not justify the continuance because counsel had not established a meaningful attorney-client relationship with defendant, was unaware for months that he represented defendant, and was absent from the hearing.

KEY QUOTATIONS

“This Court has consistently held that the state “bears the heavy burden of showing that it is excused from trying the accused on a charge later than the period mandated by Article 578.”” (at 834)

“The Sixth Amendment right to counsel includes a criminal defendant’s right to secure counsel of his or her choice.” (at 835)

“Considering the state’s three-year delay, between 2010 and 2013 in bringing an incarcerated defendant to court, and the egregious facts surrounding the February 22, 2013, motion hearing, wherein neither defendant nor his counsel were present, I would grant defendant’s writ application.” (at 836)

FACTUAL BACKGROUND

Defendant was indicted on October 29, 2009, and was absent from court proceedings after June 1, 2010. The State received formal notice in February 2011 that defendant was incarcerated in Texas, but defendant was not brought to court until October 2013. A continuance was orally requested on February 22, 2013, while neither defendant nor his appointed counsel was present, and appointed counsel later acknowledged that he was unaware for months that he represented defendant and had never met or recognized him.

PROCEDURAL HISTORY

Defendant was indicted on two counts of aggravated kidnapping and one count of aggravated burglary in 2009. The trial court initially granted his motion to quash, but the court of appeal conditionally affirmed and remanded for a determination whether appointed defense counsel had agreed to a continuance. After the trial court found

that counsel had agreed to the continuance, the court of appeal affirmed. The Louisiana Supreme Court opinion reported here is a dissent arguing that the writ should have been granted.

DISPOSITION

writ_denied

CASES CITED

- State v. Groth, 483 So. 2d 596, 599 (La. 1986)
- State v. Devito, 391 So. 2d 813 (La. 1980)
- State v. Amarena, 426 So. 2d 613 (La. 1983)
- State v. Driever, 347 So. 2d 1132 (La. 1977)
- State v. Taylor, 439 So. 2d 410 (La. 1983)
- State v. Nations, 420 So. 2d 967 (La. 1982)
- State v. Williams, 414 So. 2d 767 (La. 1982)
- Powell v. Alabama, 287 U.S. 45, 53 S. Ct. 55, 77 L. Ed. 158 (1932)
- Wheat v. United States, 486 U.S. 153, 159, 108 S. Ct. 1692, 1697, 100 L. Ed. 2d 140 (1988)
- State v. Catalon, 14-0768 (La. App. 3 Cir. 12/23/14), 158 So. 3d 114
- State v. Catalon, 16-0866 (La. App. 3 Cir. 12/16/16) (unpub'd)