

SUPREME COURT OF LOUISIANA

State v. Washington

830 So. 2d 288 (La. 2002) · Decided September 13, 2002

SUMMARY

The Louisiana Supreme Court considered whether an amended version of Louisiana Code of Criminal Procedure article 676(B) applied retroactively to the reassignment of a criminal case after a judge was recused. The court held that the amendment was procedural and could be applied retroactively, requiring the case to remain with the randomly allotted judge rather than return to the judge who heard the recusal motion. The court reversed the lower courts’ rulings, denied the defendant’s motion, and remanded the case.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	September 13, 2002
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The State sought supervisory review of the denial of its writ application by the Louisiana Court of Appeal, First Circuit, concerning the retroactive application of an amended criminal-procedure statute governing reassignment after judicial recusal.
STANDARD OF REVIEW	De novo determination of whether the amended statute applies retroactively.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential
PARTIES	State v. Timothy Washington

TOPICS

- criminal procedure
- statutory interpretation
- legislative intent
- appellate procedure

PRACTICE AREAS

- criminal procedure
- appellate procedure
- statutory interpretation

QUESTIONS PRESENTED

1. Whether the amended version of Louisiana Code of Criminal Procedure article 676(B), which requires random reassignment after a judge is recused, applies retroactively to Washington's motion to correct the allotment of his case.
2. Whether the amended article 676(B) is substantive, procedural, or interpretive for purposes of Louisiana Civil Code article 6.

HOLDINGS

1. Because amended article 676(B) is procedural and the Legislature expressed no contrary intent, it applies retroactively to Washington's motion to correct the allotment of his case.
2. The trial court erred in granting Washington's motion to correct allotment because the amended article 676(B) required the case to remain in the randomly reallotted section; the motion should have been denied.

KEY QUOTATIONS

“Because article 676 is procedural, it may be applied retroactively, as the legislature expressed no intent with regard to prospective or retroactive application.” (290)

FACTUAL BACKGROUND

Washington was charged with second-degree murder and possession of a firearm by a convicted felon. After Judge Jackson granted Washington's motion to recuse Judge Daniel, the case was randomly reallotted to Judge Erwin under a local rule that conflicted with the then-existing version of Louisiana Code of Criminal Procedure article 676(B). While the case remained with Judge Erwin, article 676(B) was amended to require random reassignment, and Washington later sought to have the case returned to Judge Jackson.

PROCEDURAL HISTORY

Judge Jackson granted Washington's motion to recuse Judge Daniel and ordered random reallotment under a local rule, although the then-current version of Louisiana Code of Criminal Procedure article 676(B) required the judge who heard the recusal motion to continue as judge ad hoc. After article 676(B) was amended to require reassignment under article 675, Washington moved to return the case to Judge Jackson. Judge Erwin granted the motion, and the Court of Appeal denied the State's supervisory writ. The Louisiana Supreme Court reversed and vacated the lower courts' rulings, denied Washington's motion, and remanded the case to the randomly reallotted section.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded to the section of the district court to which it was randomly reallotted, and Washington's motion to correct allotment is denied.

CASES CITED

- Aucoin v. State Through Department of Transportation and Development, 97-1938, 97-1967, p. 9 (La. 4/24/98), 712 So. 2d 62, 67
- Sudwischer v. Estate of Hoffpauir, 97-0785, p. 8 (La. 12/12/97), 705 So. 2d 724, 728
- Jacobs v. City of Bunkie, 98-2510, p. 8 (La. 5/18/99), 737 So. 2d 14, 20

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