

LOUISIANA COURT OF APPEAL, SECOND CIRCUIT

State of Louisiana v. Calvin Jermaine Lee

No. 56,646-KW · No. 56,646-KW · Decided February 25, 2026

SUMMARY

The Louisiana Court of Appeal, Second Circuit, reviewed the denial of Calvin Jermaine Lee’s motion to quash a bill of information charging possession with intent to distribute cocaine. The court held that the State failed to prove an interruption of the four-year prosecution period under Louisiana law, because Lee’s failure to answer telephone calls and the existence of an arrest warrant did not establish that he fled, was outside the state, or was absent from his usual abode to avoid prosecution. The court reversed the trial court and dismissed the bill of information as prescribed.

CASE DETAILS

COURT	Louisiana Court of Appeal, Second Circuit
WRITING FOR THE COURT	Thompson, J.; Pitman, J.; Marcotte, J.
JURISDICTION	Louisiana Court of Appeal, Second Circuit
DECIDED	February 25, 2026
DOCKET	56,646-KW
DISPOSITION	reversed
PROCEDURAL POSTURE	Lee sought supervisory review of the trial court's denial of his motion to quash a bill of information charging possession with intent to distribute cocaine. The Louisiana Court of Appeal granted the writ for review and reversed.
STANDARD OF REVIEW	A ruling on a motion to quash is reviewed for abuse of discretion.
PRECEDENTIAL VALUE	Published Louisiana Court of Appeal opinion
PARTIES	Calvin Jermaine Lee v. State of Louisiana

TOPICS

- criminal procedure
- appellate procedure
- standard of review

PRACTICE AREAS

- criminal procedure
- criminal appellate practice

QUESTIONS PRESENTED

1. Whether the prosecution was timely instituted under Louisiana Code of Criminal Procedure article 572.
2. Whether the State proved an interruption of the four-year prescriptive period under Louisiana Code of Criminal Procedure article 575 based on Lee's failure to answer telephone calls, the issuance of an arrest warrant, or alleged absence from his usual place of abode.
3. Whether Lee's potential status as a confidential informant suspended or interrupted the prescriptive period.

HOLDINGS

1. The prosecution was not timely instituted because the bill of information was filed more than four years after the alleged offense, and the State failed to prove a legally recognized interruption or suspension of prescription.
2. Failure to answer police telephone calls, standing alone, does not establish that a defendant fled the state, was outside the state, or was absent from the usual place of abode with the purpose of avoiding detection, apprehension, or prosecution. The issuance of the arrest warrant did not interrupt the prescriptive period on the evidence presented.
3. Lee's potential status as a confidential informant, and his failure to answer the telephone, did not suspend or interrupt the four-year prescriptive period.

KEY QUOTATIONS

“Therefore, the evidence reasonably shows that the State: (1) had knowledge of Lee’s whereabouts, and (2) failed to exercise due diligence in timely executing the arrest warrant.” (8)

“Lee’s status as a potential confidential informant who failed to answer his telephone did not suspend the four-year prescriptive period.” (9)

FACTUAL BACKGROUND

On January 23, 2019, police executed a search warrant at a Shreveport residence where Lee was the only person present and found approximately three grams of cocaine under a couch cushion after Lee directed officers to it. Police discussed the possibility of Lee working as a confidential informant, and he provided a telephone number, but the record did not establish that he affirmatively agreed to become an informant. Police unsuccessfully called him approximately ten times over the following months, obtained an arrest warrant in August 2019, and made no showing that they pursued other efforts to locate him. Lee was arrested at the same residence in November 2023, and the bill of information was filed in December 2023, more than four years after the alleged offense.

PROCEDURAL HISTORY

The alleged offense occurred on January 23, 2019. An arrest warrant issued on August 27, 2019, Lee was arrested on November 2, 2023, and the bill of information was filed on December 5, 2023. Lee moved to quash on the ground that prosecution was instituted outside the four-year prescriptive period. The First Judicial District Court for Caddo Parish denied the motion, finding that Lee's failure to answer police telephone calls constituted

concealment or an attempt to avoid prosecution. The court of appeal reversed, granted the motion to quash, and dismissed the bill of information as prescribed.

DISPOSITION

reversed

CASES CITED

- State v. Bratton, 56,080 (La. App. 2 Cir. 2/26/25), 408 So. 3d 446; rev'd on other grounds, 25-00404 (La. 9/16/25), 418 So. 3d 878
- State v. Love, 00-3347 (La. 5/23/03), 847 So. 2d 1198
- State v. Rome, 93-1221 (La. 1/14/94), 630 So. 2d 1284
- State v. Burrell, 50,461 (La. App. 2 Cir. 3/2/16), 189 So. 3d 481

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