

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT

NO: KW 07-01106

Judgment rendered and mailed to all
parties or counsel of record on
September 14, 2007.

STATE OF LOUISIANA
VERSUS
MYCHAL D. BELL

FILED: 09/05/07

On application of Mychal D. Bell for Writ of Review in No. 82112 on the docket of
the Twenty-Eighth Judicial District Court, Parish of LaSalle, Hon. John Philip
Mauffray, Jr.

Louis Granderson Scott
Robert S. Noel II
Peggy J. Sullivan

Counsel for:
Mychal D. Bell

Hon. J. Reed Walters

Counsel for:
State of Louisiana

Lake Charles, Louisiana, on September 14, 2007.

WRIT GRANTED AND MADE PEREMPTORY; STAY DENIED: The trial court erred in denying Defendant's motion in arrest of judgment regarding his conviction for aggravated second degree battery. The Defendant was not tried on an offense which could have subjected him to the jurisdiction of the criminal court pursuant to either La.Ch.Code arts. 305 or 857; therefore the provision of La.Ch.Code art. 863, permitting the trial court to retain criminal jurisdiction over juvenile defendants under limited circumstances, is inapplicable, and jurisdiction remains exclusively in juvenile court.

Accordingly, the ruling of the trial court denying Defendant's motion in arrest of judgment, as to his conviction for aggravated second degree battery, is hereby reversed, vacated and set aside. The motion in arrest of judgment is granted, and the conviction for aggravated second degree battery is vacated.

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Further, the Defendant's request for a stay of all matters in district court, as well as those pending on other charges in juvenile court, is hereby denied.

<u>MTA</u>	<u>JDP</u>	<u>JTG</u>
MTA	JDP	JTG

A TRUE COPY

Lake Charles, La.

9-14-2007

R. D. Burnett

Chief Clerk, Court of Appeals, Third Circuit