

JOHN WESLEY PATTON

NO. 24-KH-576

VERSUS

FIFTH CIRCUIT

GARY WESCOTT, DPSC SECRETARY,
WARDEN TRAVIS DAY, BB SIXTY RAYBURN
CORRECTIONAL CENTER

COURT OF APPEAL
STATE OF LOUISIANA

FIFTH CIRCUIT COURT OF APPEAL
A TRUE COPY OF DOCUMENTS AS
SAME APPEARS IN OUR RECORDS



Linda Wiseman
First Deputy, Clerk of Court

December 06, 2024

Linda Wiseman
First Deputy Clerk

IN RE JOHN WESLEY PATTON

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEPHEN C. GREFER, DIVISION "J", NUMBER 18-7474

Panel composed of Judges Marc E. Johnson,
Scott U. Schlegel, and Timothy S. Marcel

WRIT GRANTED FOR LIMITED PURPOSE

Relator, John Wesley Patton, filed a writ of mandamus asking this Court to order the trial court to assign his motion to recuse to another court for hearing. Relator contends that he filed the motion to recuse in October 2024, along with a “shell application for post conviction relief.”¹

La. C.Cr.P. art. 674 provides the trial court with different options after a defendant files a motion to recuse, depending on whether the motion to recuse is timely or sets forth facts constituting a ground for recusal under Article 671:

B. If the motion to recuse sets forth facts constituting a ground for recusal under Article 671, not later than seven days after the judge's receipt of the motion from the clerk of court, the judge shall either recuse himself or refer the motion for hearing to another judge or to an ad hoc judge as provided in Article 675.

C. If the motion to recuse is not timely filed in accordance with Paragraph A of this Article or fails to set forth facts constituting a ground for recusal under Article 671, the judge may deny the motion without referring the motion to another judge or to an ad hoc judge for hearing but shall provide written reasons for the denial.

¹ Relator filed a prior motion to recuse the trial court on December 14, 2023, which the trial court denied. Relator then filed a writ application, and this Court denied the application. *See State v. Patton*, Case No. 24-KH-87 (La. App. 5 Cir. 3/1/24).

It appears from relator's writ for mandamus that that the trial court has not yet acted on the motion to recuse. Therefore, we grant relator mandamus relief for the limited purpose of directing the trial court to act on relator's motion to recuse, if it has not already done so, within five days of this disposition. The trial court should also furnish relator and this Court with a copy of the action taken on the motion to recuse.

Gretna, Louisiana, this 6th day of December, 2024.

SUS
MEJ
TSM

SUSAN M. CHEARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISSON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT

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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. WISEMAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

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NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **12/06/2024** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

24-KH-576

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Stephen C. Grefer (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

John Wesley Patton #327902 (Relator)
Rayburn Correctional Center
27268 Highway 21
Angie, LA 70426