

STATE OF LOUISIANA

NO. 25-K-421

VERSUS

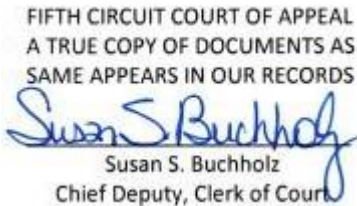
FIFTH CIRCUIT

DEMOND FRANKLIN

COURT OF APPEAL

STATE OF LOUISIANA

September 16, 2025



Susan Buchholz
Chief Deputy Clerk

IN RE STATE OF LOUISIANA

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 23-595

Panel composed of Judges Susan M. Chehardy,
Scott U. Schlegel, and Timothy S. Marcel

WRIT GRANTED IN PART AND DENIED IN PART; STAY LIFTED

On the showing made, we cannot say that the trial court abused its discretion by granting the defendant's motion in limine to prohibit the State from mentioning the mandatory life sentence for the crime charged to the jury during voir dire. *See* La. C.Cr.P. art. 786.

Defendant has implicitly asserted in his motion in limine that he will not be mentioning the mandatory life sentence nor be requesting a jury charge. However, because we do not have a transcript of the arguments or the ruling as the trial is in progress, we grant the writ application in part to instruct the trial court to inquire as to whether the defendant intends to mention the sentence or request a jury instruction informing the jury of the mandatory life sentence. If the defendant intends to request such a charge, then the State should be permitted to *voir dire* the prospective jurors to determine whether they are able to follow the law due to the nature of the sentence.

Accordingly, the State's writ application is granted in part and denied in part as explained above, and the stay is lifted.

Gretna, Louisiana, this 16th day of September, 2025.

SUS
SMC
TSM

SUSAN M. CHEHARDY
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. TRAN
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 **09/16/2025** 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:

A handwritten signature in blue ink, reading "Curtis B. Pursell", is written over a horizontal line.

CURTIS B. PURSELL
CLERK OF COURT

25-K-421

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Stephen C. Grefer (DISTRICT JUDGE)
Gregory Q. Carter (Respondent) Thomas J. Butler (Relator)
Darren A. Allemand (Relator)

MAILED

Honorable Paul D. Connick, Jr. (Relator)
District Attorney
Twenty-Fourth Judicial District
200 Derbigny Street
Gretna, LA 70053