

Fifth Circuit Court of Appeal State of Louisiana

No. 26-KP-367

STATE OF LOUISIANA

versus

RICHONDRA PRESTON-SCOTT

IN RE RICHONDRA PRESTON-SCOTT

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-NINTH JUDICIAL DISTRICT COURT,
PARISH OF ST CHARLES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE CONNIE M.
AUCOIN, DIVISION "C", No. 2025-MS-98816

TRUE COPY

September 21, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Jude G. Gravois, and Marc E. Johnson

WRIT NOT CONSIDERED

Relator, Richondra Preston-Scott, seeks review of the district court's May 15, 2026 misdemeanor adjudication to two counts of resisting an officer and one count of interfering with a law enforcement investigation. The district court sentenced Defendant to six (6) months in the parish prison, with all but ten (10) days suspended, placed Defendant on one (1) year of inactive probation, and awarded credit for one (1) day previously served. The remaining nine (9) days were initially ordered to be served over three designated weekends.

On May 29, 2026, Defendant filed an Expedited Motion to Reconsider Sentence Based on Medical Necessity, and execution of the custodial portion of the sentence was stayed pending a contradictory hearing. Following the July 28, 2026 contradictory hearing, the district court granted reconsideration as to the timing of the remaining nine (9) days of incarceration and ordered those days to be served over three weekends in April 2027, at the conclusion of Defendant's probationary period. All other conditions of sentence remained in effect.

Relator now invokes this Court's supervisory jurisdiction, seeking review of the district court's denial of her May 15, 2026 motion for continuance and the sufficiency of the evidence supporting each of her three convictions.

The trial court rendered its verdict finding the Relator guilty of a misdemeanor offense on June 2, 2026. Pursuant to La. C.Cr.P. art. 912.l(C), Relator's exclusive remedy to seek review of this non-appealable misdemeanor conviction is by application for a supervisory writ to this Court. Relator timely filed a written Notice of Intent to Seek Supervisory Writs in the district court, and the trial court signed an order setting the original return date deadline for July 2, 2026. However, the trial transcript was not completed or delivered to counsel for Relator until July 14, 2026, which was after the expiration of the original return date. Relator then filed a Motion for Extension of Return Date on July 28, 2026. The trial court granted the motion and signed an order resetting the return date to August 12, 2026. This writ application was filed with the Clerk of Court for the Fifth Circuit Court of Appeal on the extended return date.

Louisiana Uniform Rule of the Courts of Appeal 4-3 provides that the trial judge shall set a return date not exceeding 30 days from the date of notice of judgment in criminal cases. URCA 4-3. Critically, the rule provides: "Upon proper showing, the trial court or the Court of Appeal may extend the time for filing the application upon the filing of a motion for an extension of the return date by the applicant, filed within the original or an extended return date period." URCA 4-3. The rule further states that "[a]n application not filed in the Court of Appeal within the time so fixed or extended shall not be considered, in the absence of a showing that the delay in filing was not due to the applicant's fault." URCA 4-3.

Courts consistently and uniformly have held that a trial court is without authority to extend a return date that has already expired. *See, e.g., State v. Sutton*, 374 So.2d 1218 (La.1979), holding that where the State was not granted an extension during the original return period, any subsequent extension was ineffective and rendered the writ application untimely.

This Court applied this same rule directly in *State v. Bourg*, 16-313 (La. App. 5 Cir. 6/29/16), 196 So.3d 737, finding the writ application untimely where the defendant did not file his motion for extension before the original return date. This court held that because the defendant "did not timely file his writ application with this Court within a period of thirty days from the ruling at issue, nor within the later-established original return date, and did not include in his writ application proper documentation of any additional extensions of time granted by the trial court within the original return date," the writ application was untimely.

The Second Circuit addressed the transcript unavailability argument directly in *Lafferty v. Allstate Ins. Co.*, 36,119, p. 2 (La. App. 2 Cir. 2/28/02), 806 So.2d 1000, 1002-3, holding that instead of relying on an unauthorized attempt to extend the return date, the applicant "either should have filed within the original return date and requested the Court of Appeal to postpone ruling on the application until the transcript was added, or should have filed a timely request for an extension of the return date based on the unavailability of the transcript."

For these reasons, this writ is not considered, as it is untimely.

Gretna, Louisiana, this 21st day of September, 2026.

SMC
JGG
MEJ

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



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CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
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FIRST DEPUTY CLERK

MELISSA C. LEDET
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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 **09/21/2026** 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 that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

26-KP-367

E-NOTIFIED

29th Judicial District Court (Clerk)
Honorable Connie M. Aucoin (DISTRICT JUDGE)
Caitlyn L. Mayer (Relator)

MAILED

Honorable Joel T. Chaisson, II
(Respondent)
David L. Chaisson (Respondent)
Assistant District Attorney
Twenty-Ninth Judicial District Court
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