

JAMAL C. HARRIS

NO. 25-K-70

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA

COURT OF APPEAL

STATE OF LOUISIANA



October 24, 2025

Linda Tran
First Deputy Clerk

IN RE JAMAL C. HARRIS

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE DONALD A. ROWAN, JR., DIVISION "L", NUMBER 20-5861

Panel composed of Judges Marc E. Johnson,
Stephen J. Windhorst, and John J. Molaison, Jr.

WRIT DENIED

Relator/defendant, Jamal Harris, filed the instant *pro se* writ of mandamus stating that he:

seeks a Motion to Quash LA. C.Cr.P. art. 581 Expiration of Time Limitation for the commencement of trial. And my rights to a speedy trial has been violated (LA. C.Cr.P. art. 701(F)[.] The State has failed to conduct a contradictory Hearing within 30 days. The State also failed to bring relator to trial since being Indicted (February 18, 2021) in continued custody ever since (October 21, 2020) I would like for the Indictment for Bill of Information to be Quash[ed], due to the facts that my constitutional rights has been violated.

Relator has failed to provide copies of the *pro se* motions allegedly filed and not set or ruled on by the trial court. Although La. U.R.C.A., Rule 4-3 requires relator to attach the motion to his writ application, attaching the same would not assist this court in determining whether the trial court has ruled on his alleged pending motion.

Mandamus is an extraordinary remedy that is used to compel the performance of ministerial duties imposed by law when ordinary means fail to provide adequate relief or when delays in obtaining ordinary relief may cause an injustice. La. C.C.P. arts. 3861-3863; Lewis v. St. John the Baptist Parish Through Cador, 22-43 (La. App. 5 Cir. 10/19/22), 351 So.3d 734, 738-739. In cases where a writ of mandamus is filed to compel a trial court to rule on a motion, this court has recognized the importance of ensuring that the trial court fulfills its duty to address pending motions. See *e.g.*, Davis v. Lopinto, 25-130 (La. App. 5 Cir. 04/08/25), 2025 WL 1042703 (unpublished writ disposition); Durall v. Darensburg, 24-141 (La. App. 5 Cir. 09/10/24), 2024 WL 4131867 (unpublished writ disposition). Therefore, in the interest of justice, and in an effort to use reasonable due diligence in determining whether the trial court has fulfilled its duty to rule on the alleged pending motion indicated in relator's writ of mandamus, this court has reviewed the official trial court record as this is the most reasonable, efficient, and logical way for us to determine if relator is entitled to mandamus relief.

Upon review, the official trial court record does not indicate relator filed a "Motion to Quash LA. C.Cr.P. art. 581 Expiration of Time Limitation for commencement of trial." To the extent this is a new *pro se* motion to quash that relator is requesting a ruling on the merits, we find this request is not properly before this court because it does not appear that this particular *pro se* motion to quash has been filed in the record in the trial court.¹ La. U.R.C.A., Rule 1-3.² To the extent relator seeks to file a motion to quash with this court, this court is not a court of first impression and may only review matters first presented to the trial court for ruling.

¹ Because relator continues to file numerous *pro se* motions to quash and for speedy trial, despite being represented by counsel, it is difficult for this court to ascertain which *pro se* motions relator is referring to in his request for mandamus.

² La. U.R.C.A., Rule 1-3 provides:

The scope of review in all cases within the appellate and supervisory jurisdiction of the Courts of Appeal shall be as provided by La. Const. Art. 5 §10(B), or as otherwise provided by law. The Courts of Appeal shall review issues that were submitted to the trial court and that are contained in specifications or assignments of error, unless the interest of justice requires otherwise.

Id. Because relator has not shown that this particular motion to quash has been filed with the trial court, relator is not entitled to relief.

As to relator's recent *pro se* motion for speedy trial, the record shows relator filed another *pro se* motion for speedy trial³ on January 2, 2025, which was set for February 3, 2025. The February 3, 2025 minute entry indicates that defense counsel was present, waived defendant's presence, requested a continuance, and the hearing was reset for May 1, 2025. On May 1, 2025, the motion was continued at defense counsel's request, and is currently reset for November 10, 2025. The minute entry further indicated that defense counsel "will not adopt" relator's motion for speedy trial. Because the hearing was continued and reset, relator is not entitled to any relief.

Thus, on the showing made, relator is not entitled to mandamus relief at this time. Accordingly, this writ application is denied.

Gretna, Louisiana, this 24th day of October, 2025.

SJW
MEJ

³ The record shows relator has filed several *pro se* motions for speedy trial, even though he is represented by counsel. Defense counsel made known his disagreement with the motions to the trial court.

JAMAL C. HARRIS

NO. 25-K-70

VERSUS

FIFTH CIRCUIT

STATE OF LOUISIANA

COURT OF APPEAL

STATE OF LOUISIANA

MOLAISON, J., CONCURS WITHOUT REASONS

JJM

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
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

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

(504) 376-1400
(504) 376-1498 FAX

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 **10/24/2025** 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 that reads "Curtis B. Pursell".

CURTIS B. PURSELL
CLERK OF COURT

25-K-70

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Donald A. Rowan, Jr. (DISTRICT JUDGE)
Thomas J. Butler (Respondent)

MAILED

Jamal C. Harris #49429 (Relator)
Jefferson Parish Correctional Center
P. O. Box 388
Gretna, LA 70054