

Fifth Circuit Court of Appeal State of Louisiana

No. 26-K-421

STATE OF LOUISIANA

versus

KENDELL GALE

IN RE KENDELL GALE

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT, PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE STEVEN C. TUREAU, DIVISION "D", No. 93,79

TRUE COPY

September 22, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Fredericka Homberg Wicker,
Marc E. Johnson, and John J. Molaison, Jr.

WRIT DENIED

Relator, Kendall Gale, seeks review of the ruling of the 23rd Judicial District Court (St. James Parish) denying his Motion to Quash Bill of Information for Improper Venue. In March 2025, the State charged Relator with possession of a firearm by a convicted felon in violation of La. R.S. 14:95.1. At the hearing for Relator's subsequently denied Motion to Suppress, Detective Victor Marler of the St. James Parish Sheriff's Office testified that he smelled marijuana emanating from a nearby car; the detective also stated he observed the car operating "carelessly" while traveling on Route 3213, crossing the [Veterans Memorial] bridge from St. James Parish into St. John the Baptist Parish. Detective Marler explained that he decided to conduct the traffic stop after observing Relator argues that, because the alleged offense and traffic stop occurred in St. John Parish, venue is improper in St. James Parish. Detective Marler testified he searched the vehicle because he smelled marijuana; he recovered drug paraphernalia and a firearm.

On the showing made, upon de novo review, we find the district court did not clearly abuse its discretion in denying Relator's motion to quash. See *State v. Callero*, No. 26-K-100, 2026 WL 1459058, at *3 (La.

App. 5 Cir. 5/22/26). Under La. C.Cr.P. art. 615, improper venue must be raised in advance of trial by a motion to quash. Venue is a question of fact, and a jurisdictional matter that shall be proven by the State by a preponderance of the evidence in advance of trial. La. C.Cr.P. art. 615.7. La. Const. Art. 1, § 16 guarantees the right to be tried in the parish where the offense occurred unless venue is changed in accordance with law.

La. C.Cr.P. art. 611 further provides that all trials shall take place in the parish where the offense has been committed. If acts constituting an offense or if the elements of an offense occurred in more than one place, in or out of the parish or state, the offense is deemed to have been committed in any parish in this state in which any such act or element occurred. *Id.* If an offense is continuing in that it goes on in several parishes but is a completed offense in each parish, there is no venue problem, since there is a complete offense in each parish. La. C.Cr.P. art. 611, comment (d). La. C.Cr.P. art. 612 provides in pertinent part that if an offense is committed on a vehicle while in transit in this state and the exact place of the offense in this state cannot be established, the offense is deemed to have been committed in any parish through or over which the vehicle passed and in which the crime could have been committed. La. C.Cr.P. art. 614 explains that an offense committed on the boundary line of two parishes or within one hundred feet thereof is deemed to have been committed in either parish. La. C.Cr.P. art. 213(B) states, “A peace officer making an arrest pursuant to this Article who is in close pursuit of the person to be arrested may enter another jurisdiction in this state and make the arrest.”

Here, Detective Marler’s testimony described how first, the smell of marijuana, then the observed traffic violations as he, Relator, and the firearm in Relator’s possession, traveled across the bridge brought the subject vehicle to his attention. During the incident, as the vehicles crossed the bridge, they crossed the border from St. James Parish into St. John the Baptist Parish. Thus, the alleged offense occurred in both parishes. Considering the foregoing, both parishes are proper venues for this action. Accordingly, the writ is denied.

Gretna, Louisiana, this 22nd day of September, 2026.

MEJ
FHW
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 **09/22/2026** 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-K-421

E-NOTIFIED

23rd Judicial District Court (Clerk)
Honorable Steven C. Tureau (DISTRICT JUDGE)
Adam J. Koenig (Respondent) Travis J. Turner (Relator)

MAILED

Alvin J. Turner, Jr. (Relator)
Attorney at Law
413 West Main Street
Gonzales, LA 70737