

**Fifth Circuit Court of Appeal  
State of Louisiana**

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No. 26-K-108

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STATE OF LOUISIANA

*versus*

CURTIS LAVSON MITCHELL

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**IN RE** CURTIS LAVSON MITCHELL  
APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-FOURTH JUDICIAL DISTRICT  
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE  
NANCY A. MILLER, DIVISION "I", NUMBER 23-3903

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**TRUE COPY**

March 19, 2026



LINDA TRAN  
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,  
Marc E. Johnson, and Timothy S. Marcel

**WRIT DENIED**

In this pro se writ application, relator, Curtis Lavson Mitchell, seeks supervisory review of the trial court's decision denying his March 3, 2026 motion to recuse without referring the matter to another judge. Relator moved to recuse the trial judge because, after having granted relator's motion for an interlocutory appeal of the order denying relator's motion to quash in October of 2025, the trial judge granted the State's Motion to Increase Bond on January 29, 2026. Relator argues that once the trial court granted the interlocutory appeal, the trial judge was divested of jurisdiction under La. C.Cr.P. art. 916, and thus could not increase his bond. Doing so, according to relator, constituted bias or prejudice against him. We disagree.

La. C.Cr.P. art. 916 states:

The jurisdiction of the trial court is divested and that of the appellate court attaches upon the entering of the order of

appeal. Thereafter, the trial court has no jurisdiction to take any action except as otherwise provided by law and to:

- (1) Extend the return day of the appeal, the time for filing assignments of error, or the time for filing per curiam comments in accordance with Articles 844 and 919.
- (2) Correct an error or deficiency in the record.
- (3) Correct an illegal sentence or take other appropriate action pursuant to a properly made or filed motion to reconsider sentence.
- (4) Take all action concerning bail permitted by Title VIII.**
- (5) Furnish per curiam comments.
- (6) Render an interlocutory order or a definitive judgment concerning a ministerial matter not in controversy on appeal.
- (7) Impose the penalty provided by Article 844.
- (8) Sentence the defendant pursuant to a conviction under the Habitual Offender Law as set forth in R.S. 15:529.1.

(Emphasis added). In short, while an appeal is pending, a trial court's actions concerning bail are specifically exempted from the ordinary divestiture of the trial court's jurisdiction. The trial court here had jurisdiction to consider the State's motion to increase bail, notwithstanding relator's pending appeal.

Additionally, under La. C.Cr.P. art. 674(C), "If the motion to recuse ... 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." Relator's writ application fails to set forth grounds for recusal under La. C.Cr.P. art. 671 or state any additional facts to show the trial judge's bias or prejudice, and the trial judge provided written reasons for the denial. Accordingly, we find no merit in relator's writ application. The writ is denied.

Gretna, Louisiana, this 19th day of March, 2026.

**SMC**  
**MEJ**  
**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



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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 **03/19/2026** 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:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-K-108**

**E-NOTIFIED**

24th Judicial District Court (Clerk)  
Honorable Nancy A. Miller (DISTRICT JUDGE)  
Thomas J. Butler (Respondent)

**MAILED**

Curtis Mitchell (Relator)  
In Proper Person  
7700 Downman Road  
Apartment 14A  
New Orleans, LA 70126