

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0716

VERSUS

CALVIN WILLIAMS

FEB 10 2020

In Re: Calvin Williams, applying for supervisory writs, 23rd
Judicial District Court, Parish of Ascension, No.
31028.

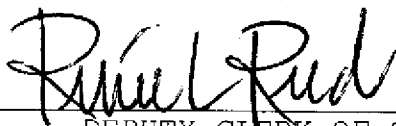
BEFORE: McCLENDON, WELCH, AND BURRIS,¹ JJ.

WRIT GRANTED. Although we recognize a judge has full power and authority to act even though a grounds for recusation exists, see La. Code Crim. P. art. 673, under the circumstances of this case, the pro se petitioner was unaware of the fact that the judge at issue had been assigned to his case until the petitioner received the ruling denying his application for postconviction relief. Therefore, in the interest of fairness, we vacate the district court's ruling denying the application for postconviction relief and remand this matter to the district court for further proceedings. See La. Code Crim. P. art. 671(A)(3); **State ex rel. McKenzie v. State**, 99-1657 (La. 11/5/99), 750 So.2d 973, 974 ("This district court judge who denied relator's application for post-conviction relief filed the state's appellate brief in relator's appeal in this court almost twenty years ago.... [T]he judge should have recused himself from post-conviction relief proceedings."). See also **State v. Connolly**, 2006-0540 (La. 6/2/06), 930 So.2d 951, 953-54 (*per curiam*).

PMc
JEW

Burris, J., concurs.

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DEPUTY CLERK OF COURT
FOR THE COURT

¹Judge William J. Burris, retired, serving *pro tempore* by special appointment of the Louisiana Supreme Court.