

STATE OF LOUISIANA
TWENTY-FIFTH JUDICIAL DISTRICT COURT

STATE OF LOUISIANA

V.

No.: 14643

GARY DUNCAN

DEMAND FOR TRIAL BY JURY

Gary Duncan, made defendant herein, hereby demands trial of this cause by jury. Defendant is charged with simple battery under L.S.A.-R.S. 14:35. The maximum sentence that may be imposed upon conviction of this charge is two years imprisonment. While there is no express provision of Louisiana law for a jury trial on a charge of simple battery, the right to trial by jury where the sentence may be in excess of six months is secured by the Sixth and Fourteenth Amendments to the United States Constitution, as construed by the United States Supreme Court in Cheff v. Schnackenberg, 384 U.S. 373 (1966).

RESPECTFULLY SUBMITTED

ROBERT F. COLLINS
NILS R. DOUGLAS
RICHARD B. SOBOL
2211 Dryades Street
New Orleans, Louisiana 70113
523-5197

By: _____
Attorneys for Defendant

Dated: January 25, 1967

The Court denied said motion and the defendant by his counsel did then and there in open court reserve the bill of exception making part thereof the demand for a jury trial, the arguments of counsel, and the ruling of the Court.

There being error to the prejudice of the defendant, the defendant files this formal bill of exception and tenders the same to the Court for signing pursuant to statute, which is done accordingly this 1st day of February, 1967.

HON. EUGENE E. LEON, JUDGE