

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL, THIRD CIRCUIT

13-1036

STATE OF LOUISIANA

VERSUS

STEPHEN ROSS PROCTOR

APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA, NO. 41124
HONORABLE GERARD B. WATTIGNY, DISTRICT JUDGE

PHYLLIS M. KEATY

JUDGE

Court composed of John D. Saunders, Billy H. Ezell, and Phyllis M. Keaty,
Judges.

APPEAL DISMISSED.

J. Phil Haney
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State of Louisiana

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COUNSELS FOR APPELLANT:
Stephen Ross Proctor

Judge Keaty,

On February 4, 1988, Defendant, Stephen Ross Proctor, was found guilty of second degree murder. On February 11, 1988, Defendant was sentenced to life imprisonment without the benefit of probation, parole, or suspension of sentence. Defendant's conviction and sentence were affirmed on appeal. *See State v. Proctor*, 88-1282 (La.App. 3 Cir. 1989) (unpublished opinion), *writ denied*, 89-2866 (La.1990), 559 So.2d 138.

On July 16, 2012, Defendant filed an "Application for Post-Conviction Relief" with the trial court, asserting that the State violated his "due process rights and his guarantee of a fair trial." The State filed an "Answer and Motion to Dismiss Defendant's Application for Post-Conviction Relief" on October 5, 2012. On July 9, 2013, counsel for Defendant filed a "Motion to Supplement Application for Post-Conviction Relief" with the trial court. The trial court denied Defendant's "Application for Post-Conviction Relief" on July 10, 2013, as being untimely filed.

On or about July 31, 2013, Defendant filed a "Notice of Intent to Appeal" and a "Motion and Order Setting Return Date" with the trial court. On August 5, 2013, the trial court granted Defendant's motion with a return date of October 21, 2013.

On September 10, 2013, this court lodged the appeal record. On September 12, 2013, this court issued a rule to show cause why the appeal should not be dismissed as the judgment is non-appealable. *See* La.Code Crim.P. art. 912. No response was received by Defendant.

Accordingly, we hereby dismiss Defendant's appeal.

APPEAL DISMISSED.