

ABDULLAH MUHAMMAD A/K/A KIRK
SPENCER
VERSUS
OFFICE OF THE DISTRICT ATTORNEY FOR
THE PARISH OF ST. JAMES, ET AL

NO. 18-C-700
FIFTH CIRCUIT
COURT OF APPEAL
STATE OF LOUISIANA

December 12, 2018

Susan Buchholz
First Deputy Clerk

IN RE ABDULLAH MUHAMMAD A/K/A KIRK SPENCER

APPLYING FOR SUPERVISORY WRIT FROM THE TWENTY-THIRD JUDICIAL DISTRICT COURT,
PARISH OF ST JAMES, STATE OF LOUISIANA, DIRECTED TO THE HONORABLE KATHERINE TESS
STROMBERG, DIVISION "C", NUMBER 36,508

Panel composed of Judges Fredericka Homberg Wicker,
Jude G. Gravois, and Robert A. Chaisson

WRIT GRANTED FOR LIMITED PURPOSE

In this case arising from a writ of mandamus seeking public records, relator Kirk Spencer seeks supervisory review of the trial court's October 9, 2018 judgment denying his request for costs and attorney's fees and damages and penalties pursuant to La. R.S. 44:35 and dismissing with prejudice his petition for a writ of mandamus. A judgment that determines the merits in whole or in part is a final judgment. La. C.C.P. art 1841. The October 9, 2018 judgment determines the merits of the case as between the relator and respondents, and is therefore a final judgment. A final judgment is reviewable by this Court pursuant to its appellate jurisdiction. La. C.C.P. art. 2083. We therefore decline to exercise our supervisory jurisdiction to address the merits of this writ application; however, we invoke our supervisory jurisdiction for the limited purpose of instructing the trial court to construe relator's notice of intent as a motion for appeal.

Gretna, Louisiana, this 12th day of December, 2018.

**RAC
FHW
JGG**

SUSAN M. CHEHARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
ROBERT A. CHAISSON
STEPHEN J. WINDHORST
HANS J. LILJEBERG
JOHN J. MOLAISSON, JR.

JUDGES



FIFTH CIRCUIT
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CHERYL Q. LANDRIEU
CLERK OF COURT

MARY E. LEGNON
CHIEF DEPUTY CLERK

SUSAN BUCHHOLZ
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
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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 **12/12/2018** 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

CHERYL Q. LANDRIEU
CLERK OF COURT

18-C-700

E-NOTIFIED

No Attorneys were ENOTIFIED

MAILED

Hon. Ricky L. Babin (Respondent)
District Attorney
23rd Judicial District Court
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Attorney at Law
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