

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1613

VERSUS

RICHARD LAGARRIGUE

DEC 30 2014

In Re: Richard Lagarrigue, applying for supervisory writs,
21st Judicial District Court, Parish of Tangipahoa,
No. 13-02597.

BEFORE: KUHN, PETTIGREW AND WELCH, JJ.

WRIT NOT CONSIDERED. There is no legal requirement that an affidavit must be made in any particular form. However, an affidavit's definitive characteristic is the fact that the writing is made under oath. See State v. Duhon, 95-2724, 95-2726 (La. 5/21/96), 674 So.2d 944, 946. Herein, noticeably absent from the verification is any recitation by the notary that the attorney's statement was a sworn statement before the notary or given under oath. Thus, the written statement is not an affidavit. In addition, relator failed to comply with Uniform Rules of Louisiana Courts of Appeal, Rule 4-5(A), in that it is unclear who signed the verification. See La. R.S. 35:12(B). Relator failed to comply with the page-numbering and binding requirements of Rule 4-5(B), and he also failed to comply with Rules 4-5(B), (C)(8) and (9). Moreover, although it is not a violation of the Uniform Rules, we note that relator failed to include a copy of the transcript of the proceedings at issue and a copy of any exhibits introduced at the hearing. See City of Baton Rouge v. Plain, 433 So.2d 710 (La.), cert. denied, 464 U.S. 896, 104 S.Ct. 246, 78 L.Ed.2d 235 (1983). Accordingly, this Court cannot adequately review the trial court's ruling herein. Supplementation of this writ application and/or an application for rehearing will not be considered. See Uniform Rules of Louisiana Courts of Appeal, Rules 2-18.7 & 4-9. In the event relator elects to file a new application with this Court, the application shall be filed on or before January 26, 2015, and the application should comply with the requirements of Rule 4-4, concerning requests for expedited consideration, if applicable. See also Rule 4-5(C)(12) & (D). Any future filing on this issue should include the entire contents of this application, the missing items noted above, and a copy of this ruling.

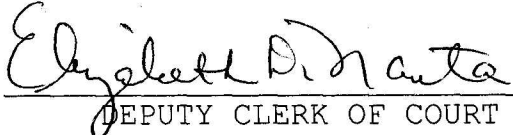
JEW
JTP

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Kuhn, J., would consider and deny the writ application.

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FOR THE COURT