

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2014 KW 1812

VERSUS

BRYAN CARPENTER

**FEB 23 2015**

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In Re: Bryan Carpenter, applying for supervisory writs, 21st Judicial District Court, Parish of Livingston, No. 13-FELN-029736.

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**BEFORE: PETTIGREW, DRAKE, AND CHUTZ, JJ.**

**WRIT NOT CONSIDERED.** Relator failed to comply with Uniform Rules of Louisiana Courts of Appeal, Rule 4-5(C)(9), by failing to include a copy of any opposition to the motion to quash (or a statement that no opposing written document was filed). Moreover, although it is not a violation of the Uniform Rules, we note that relator failed to include a copy of the September 11, 2014 transcript of the motion to quash and guilty plea proceedings at issue herein. 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). Relator did include transcripts of the two predicate DWI guilty pleas contested in his motion to quash (from December 9, 2004 and July 23, 2010). These transcripts are identified in the writ application as Exhibit D-1. However, the enclosed minute entry from September 11, 2014 indicates Exhibit D-1 only contained the December 9, 2004 transcript; it does not mention the July 23, 2010 transcript. Furthermore, while relator indicates three separate times in this writ application that he entered a reservation of his right to appeal the denial of the motion to quash under **State v. Crosby**, 338 So.2d 584 (La. 1976), the enclosed minute entry from September 11, 2014 does not reflect such a **Crosby** reservation. Nevertheless, it is possible that the September 11, 2014 minute entry is erroneous and/or incomplete and that a complete transcript of the September 11 proceedings could clarify these matters. If relator is correct and a **Crosby** reservation was entered at the September 11 proceedings, then he would have an adequate remedy on appeal. We are informed that sentencing is scheduled for March 12, 2015. Thereafter, relator may perfect his **Crosby** appeal, wherein he will presumably have the benefit of a complete appellate record to support any errors assigned therein.

**JTP**  
**EGD**  
**WRC**

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DEPUTY CLERK OF COURT  
FOR THE COURT