

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

TOYA HAMM

NO. 2015 CW 1946

VERSUS

DECEMBER 22, 2015

ANTHONY CHAPMAN

In Re: Toya Hamm, applying for supervisory writs, 16th
Judicial District Court, Parish of St. Mary, No.
128,702.

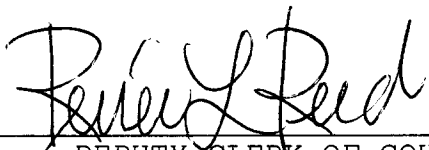
BEFORE: WHIPPLE, C.J., WELCH AND CHUTZ, JJ.

WRIT DENIED. We decline to exercise our supervisory jurisdiction to review the judgment because the custody motion is set to be heard on January 4, 2016, and because the existing custody order grants relator, Toya Hamm Billiot, supervised visitation with the child on the child's birthday and on Christmas day.

JEW
VGW

Chutz, J., dissents. I would grant relator's writ and vacate the ex parte temporary custody order, dated December 3, 2015, because the ex parte motion for temporary custody filed by Anthony Chapman failed to satisfy the notice requirement of La. C.C.P. article 3945(B). See La. C.C.P. art. 3945(E). I would also order the trial court to set an expedited evidentiary hearing on the motion for temporary custody on or before December 23, 2015, pending the full hearing on custody as provided by law.

COURT OF APPEAL, FIRST CIRCUIT



DEPUTY CLERK OF COURT
FOR THE COURT