

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

CARLTON CHARLES

NO. 2018 CW 0609

VERSUS

LOUISIANA DEPARTMENT OF  
PUBLIC SAFETY AND  
CORRECTIONS

**JUL 23 2018**

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In Re: Carlton Charles, applying for supervisory writs, 19th  
Judicial District Court, Parish of East Baton Rouge,  
No. 654025.


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**BEFORE: THERIOT, CHUTZ AND PENZATO, JJ.**

**WRIT GRANTED WITH ORDER.** The district court's March 23, 2018 judgment that dismissed Carlton Charles' action, without prejudice, is a final appealable judgment. La. Code of Civ. P. art. 1841. The writ is granted for the limited purpose of remanding this matter to the district court with instructions to grant Mr. Charles an appeal pursuant to his notice of intent to appeal, upon compliance with the requirements for an appellate pauper motion. See **In Re Howard**, 541 So.2d 195, 197 (La. 1989) (*per curiam*). This court further notes that, although Mr. Charles stated that he intended to appeal the denial of his motion for reconsideration, appellate courts consider an appeal of the denial of a motion for new trial as an appeal of the judgment on the merits. **State ex rel. Division of Administration, Office of Risk Management v. National Union Fire Ins. Co. of Louisiana**, 2013-0375 (La. App. 1st Cir. 1/8/14), 146 So.3d 556. In the event relator seeks to appeal the trial court's judgment, he shall submit an order for appeal and his appellate pauper motion to the trial court by August 6, 2018. Additionally, a copy of this court's order is to be included in the appellate record.

**AHP  
MRT  
WRC**

COURT OF APPEAL, FIRST CIRCUIT

  
DEPUTY CLERK OF COURT  
FOR THE COURT