

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 1447

VERSUS

PATRICK EDWIN RUSHA, SR.

DEC 06 2019

In Re: Patrick Edwin Rusha, Sr., applying for supervisory writs, Ascension Parish Court, Parish of Ascension, No. 586374.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

WRIT DENIED ON THE SHOWING MADE. Relator is not currently in custody. Therefore, the Uniform Rules of Louisiana Courts of Appeal apply to the writ application. Relator failed to include a notarized affidavit verifying the allegations of the writ application and certifying that a copy has been delivered or mailed to the respondent judge and to opposing counsel, and listing the addresses and telephone numbers of the respondent judge and opposing counsel. See Uniform Rules of Louisiana Courts of Appeal, Rule 4-5(A). Relator also failed to comply with Rule 4-5(C)(1), (2), (4), (5), (9) and (11), by failing to include an index, the jurisdictional statement, the issues, the assignments of error and supporting memorandum, a copy of any opposition or a statement that no opposition was filed, and the return date order is not signed by the respondent judge.

Moreover, although it is not a violation of the Uniform Rules, we note that relator failed to include a copy of the bench trial transcript and a copy of any exhibits introduced at the proceedings. 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); La. Code Crim. P. art. 912.1(C)(1). Therefore, this court cannot adequately review the judgment at issue 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, he may do so without the necessity of obtaining a return date, and the application shall be filed on or before January 6, 2020. The new application should comply with the requirements of Rule 4-4 concerning requests for expedited consideration, and must include the missing items noted above, and a copy of this ruling.

PMC
JEW
GH

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FOR THE COURT