

NOT DESIGNATED FOR PUBLICATION

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

03-1088

RHONDA JEAN HERNANDEZ

VERSUS

RANDY JAMES THERIOT

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA, NO. 74,818
HONORABLE CHARLES LEE PORTER, DISTRICT JUDGE**

PER CURIUM

Court composed of Billie Colombaro Woodard and Elizabeth A. Pickett, Judges and Arthur J. Planchard, Jr., Judge Pro Tempore.

APPEAL DISMISSED.

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Randy James Theriot**

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Rhonda Jean Hernandez**

PER CURIUM.

Randy James Theriot appeals the trial court's ruling on a rule for custody filed by his ex-wife, Rhonda Jean Hernandez. The rule was filed on May 17, 2001, asking that the domiciliary custody of the minor child, Reggie Theriot, be changed to the mother. The minutes suggest that a hearing was held on the rule on October 23, 2001, at which time the matter was taken under advisement. A minute entry made on December 4, 2001, shows that the court ordered joint custody with alternating physical custody. Although the parties each attach to their brief a copy of reasons for judgment concerning the custody issue which were apparently handed down by the trial court on February 15, 2002, these reasons do not appear of record. In his motion for appeal, the Appellant refers to a final judgment rendered August 9, 2002. However, that judgment adjudicates child support not child custody. We find in the record no judgment concerning custody dated subsequent to the October hearing on that issue. Nonetheless, counsel for appellant moved for and was granted an appeal.

In the absence of a final signed judgment on the custody issue, this court may not entertain an appeal on that issue. Therefore, the appeal of this matter is dismissed. The parties may, of course, reassert the appeal within the delays provided by law, after rendition of judgment. Costs of this appeal are assessed to the Appellant.

APPEAL DISMISSED.