

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

KA06-962

STATE OF LOUISIANA

VERSUS

GARY PAUL JOSEPH

APPEAL FROM THE
TWENTY-SEVENTH JUDICIAL DISTRICT COURT
PARISH OF ST. LANDRY, NO. 04-K-4972-D
HONORABLE DONALD W. HEBERT

**J. DAVID PAINTER
JUDGE**

Court composed of Elizabeth A. Pickett, Billy H. Ezell, and J. David Painter,
Judges.

APPEAL DISMISSED.

**Hon. Earl J. Taylor
District Attorney
P. O. Drawer 1968
Opelousas, LA 70571
(337) 948-3041
COUNSEL FOR APPELLEE:
State of Louisiana**

**Gary Paul Joseph, #088104
Phelps Correctional Center
P. O. Box 1056
DeQuincy, LA 70633
COUNSEL FOR APPELLANT:
Gary Paul Joseph**

Painter, Judge.

On December 5, 2000, Defendant-Appellant, Gary Paul Joseph, pled guilty to possession of cocaine with intent to distribute. The Defendant was sentenced to serve twenty-five years at hard labor, the first five years to be served without benefit of parole, probation or suspension of sentence. The Defendant appealed and this court affirmed his sentence on December 12, 2001. *State v. Joseph*, an unpublished opinion bearing docket number 01-862 (La.App. 3 Cir. 12/12/01).

The Defendant filed a “Motion to Withdraw Plea of Guilty” on February 1, 2006. On May 15, 2006, the trial court issued a Per Curiam in which Defendant’s motion to withdraw guilty plea was denied as untimely. The Defendant filed a “Notice of Intent to Appeal” the denial of the motion to withdraw guilty plea. On June 6, 2006, the trial court signed an order granting the Defendant an appeal.

On August 1, 2006, this court issued a rule to show cause why the appeal in this case should not be dismissed as the judgment at issue is not appealable. In response to the rule to show cause, Defendant submitted a supervisory writ application to this court, apparently acknowledging that the appropriate procedural vehicle for seeking review of a judgment denying a motion to withdraw guilty plea is an application for supervisory writs.

Accordingly, the appeal in this case is hereby dismissed.

APPEAL DISMISSED.