

NOT DESIGNATED FOR PUBLICATION

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

KA08-526

STATE OF LOUISIANA

VERSUS

KENNETH WHEELER

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF ACADIA, NO. 68274
HONORABLE KRISTIAN DENNIS EARLES**

**OSWALD A. DECUIR
JUDGE**

Court composed of Oswald A. Decuir, Billy H. Ezell, and James T. Genovese, Judges.

APPEAL DISMISSED.

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Decuir, Judge.

A review of the record in this matter reveals that Defendant pled guilty to possession of cocaine with intent to distribute, a violation of La.R.S. 40:967, and was sentenced to serve ten years at hard labor, on May 29, 2007.

On January 6, 2008, Defendant filed a “PETITION FOR WRIT OF HABEAS CORPUS.” The relief sought in the petition was to allow him to withdraw his plea of guilty. The trial court denied the petition on the date it was filed. On February 4, 2008, Defendant filed a motion for appeal from the denial of his “PETITION FOR WRIT OF HABEAS CORPUS.”

Appellate counsel for Defendant has filed an *Anders* brief¹ in which he acknowledged the judgment denying a pleading which sought to withdraw a guilty plea is not an appealable judgment.²

Accordingly, we dismiss Defendant’s appeal.

APPEAL DISMISSED.

¹A brief filed pursuant to *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396 (1967).

²Defendant has a pending supervisory writ application before this court seeking review of the same judgment at issue in the appeal.