

**NOT DESIGNATED FOR PUBLICATION**

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

**KA09-1386**

**STATE OF LOUISIANA**

**VERSUS**

**J. NORRIS CARTER**

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**APPEAL FROM THE  
FOURTEENTH JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU, NO. 24198-09  
HONORABLE DENNIS WALDRON-AD HOC**

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**JIMMIE C. PETERS  
JUDGE**

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Court composed of Oswald A. Decuir, Jimmie C. Peters, and J. David Painter,  
Judges.

**APPEAL DISMISSED.**

**Hon. Kurt Wall  
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COUNSEL FOR APPELLANT:  
J. Norris Carter**

**Peters, Judge.**

The Defendant, J. Norris Carter, was charged by a single bill of information with simple battery and simple criminal damage to property. After a bench trial, he was convicted of the charged offenses. For each offense, he was sentenced to serve six months in the Calcasieu Parish Prison, to run concurrently with each other, but consecutively to other sentences imposed in docket number 20243-08. On July 21, 2009, the day prior to sentencing, the Defendant filed a Notice of Appeal, which was granted on July 27, 2009.

Subsequent to lodging of the appeal, this court issued a rule to show cause why the appeal should not be dismissed as the judgment at issue is not an appealable judgment. In a response filed on December 7, 2009, counsel agreed that the proper mode of review is by writ of review, and she noted that a writ of review is pending in this court under docket number KW09-1250.

The judgment at issue is not appealable. La.Code Crim.P. art. 912.1(B). Accordingly, we hereby dismiss the Defendant's appeal.

**APPEAL DISMISSED.**