

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL, THIRD CIRCUIT

10-1527

CITY OF ALEXANDRIA

VERSUS

JEWEL VAUGHN, III

**APPEAL FROM THE
ALEXANDRIA CITY COURT
PARISH OF RAPIDES, NO. A106339
HONORABLE RICHARD ERIC STARLING, JR., JUDGE**

**OSWALD A. DECUIR
JUDGE**

Court composed of Oswald A. Decuir, Jimmie C. Peters, and Billy H. Ezell, Judges.

**APPEAL DISMISSED. DEFENDANT-APPELLANT IS
PERMITTED TO FILE AN APPLICATION FOR
SUPERVISORY WRITS WITHIN THIRTY DAYS OF THE
DATE OF THIS DECISION.**

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Decuir, Judge.

On October 26, 2010, the Defendant, Jewel Vaughn, III, was found guilty of the offense of domestic abuse battery, a violation of La.R.S. 14:35.3.¹ The trial court sentenced the Defendant to thirty days in the Rapides Parish jail, suspended, with supervised probation for six months. On November 3, 2010, the Defendant filed a notice of intent to appeal from the trial court's ruling, and the trial court granted the motion on that date.

Thereafter, on December 22, 2010, this court issued a rule to show cause why the appeal should not be dismissed as the judgment at issue is not appealable. The Defendant submitted no response.

The judgment at issue is not appealable. *See* La.Code Crim.P. arts. 779 and 912.1. Accordingly, we hereby dismiss the Defendant's appeal. However, the Defendant may seek supervisory writs from the trial court's ruling. The Defendant is neither required to file notice of intent to seek writs nor obtain an order from the trial court setting a return date, as is generally required by Uniform Rules—Courts of Appeal, Rule 4-3. We construe the motion for appeal as timely-filed notice of intent to seek a supervisory writ.

APPEAL DISMISSED. DEFENDANT-APPELLANT IS PERMITTED TO FILE AN APPLICATION FOR SUPERVISORY WRITS WITHIN THIRTY DAYS OF THE DATE OF THIS DECISION.

¹Although the Defendant identified himself as "Jewel Vaughn the third" at trial, the bill of information shows his last name as "Vaugh."