

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL, THIRD CIRCUIT**

**11-1284**

**STATE OF LOUISIANA**

**VERSUS**

**KEVIN KYLE**

**\*\*\*\*\***

**APPEAL FROM THE  
TWELFTH JUDICIAL DISTRICT COURT  
PARISH OF AVOYELLES, NO. 148551  
HONORABLE WILLIAM BENNETT, DISTRICT JUDGE**

**\*\*\*\*\***

**JOHN D. SAUNDERS  
JUDGE**

**\*\*\*\*\***

Court composed of John D. Saunders, J. David Painter, and James T. Genovese,  
Judges.

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

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**Kevin Kyle**

**Saunders, Judge.**

On February 15, 2011, Defendant, Kevin Kyle, was convicted of possession of cocaine and placed on probation. On February 28, 2011, a detainer notification and affidavit of probable cause and motion for hearing to revoke the probation of Defendant were filed.

On June 14, 2011, a hearing was conducted on the motion. On June 24, 2011, the trial court ordered Defendant's probation revoked, and he was ordered to serve the originally-imposed sentence of three years in the custody of the Louisiana Department of Corrections, with credit for time served.

Defendant filed a motion to reconsider sentence on July 15, 2011, which was denied on July 18, 2011. On August 5, 2011, Defendant filed a motion for appeal and designation of record. After filing of the appeal in this court, a rule to show cause why the appeal should not be dismissed, noting that "the judgment at issue is not an appealable judgment," was issued.

On November 14, 2011, Defendant's brief in response to the rule to show cause was filed with this court. Defendant, in brief, does not address the issue of whether the judgment is appealable. Rather, he presents arguments addressing the merits of the revocation of his probation.

The judgment at issue is not appealable. *See* La.Code Crim.P. art. 912.1. Accordingly, we hereby dismiss the Defendant's appeal. Defendant is hereby permitted to file a proper application for supervisory writs in compliance with Uniform Rules—Courts of Appeal, Rule 4, no later than thirty days from the date of this decision. The Defendant is not required to file a notice of intent to seek writs or obtain an order setting a return date pursuant to Uniform Rules—Courts of Appeal, Rule 4-3, as we hereby construe the motion for appeal as a notice of intent to seek a supervisory writ.

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