

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL, THIRD CIRCUIT

12-638

STATE OF LOUISIANA

VERSUS

**ALBERT KIRK ALEXANDER aka ALBERT ALEXANDER aka ALBERT
K. ALEXANDER aka ALBERT K. ALEXANDER, JR. aka KIRT
ALEXANDER aka ALBERT ALEXANDRIA**

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF LAFAYETTE, NO. CR 129667
HONORABLE PATRICK L. MICHOT, DISTRICT JUDGE**

**SHANNON J. GREMILLION
JUDGE**

Court composed of Marc T. Amy, James T. Genovese, and Shannon J. Gremillion,
Judges.

**APPEAL DISMISSED. THE DEFENDANT IS
PERMITTED TO FILE AN APPLICATION FOR
SUPERVISORY WRITS WITHIN FIFTEEN DAYS OF
THE DATE OF THIS OPINION.**

**Hon. Michael Harson
District Attorney – 15th JDC
P.O. Box 3306
Lafayette, LA 70502
(337) 232-5170
COUNSEL FOR APPELLEE:
State of Louisiana**

**Carolyn Cole
15th JDC Public Defender's Office
P. O. Box 3622
Lafayette, LA 70502**

COUNSEL FOR APPELLANT:

**ALBERT KIRK ALEXANDER aka ALBERT ALEXANDER aka
ALBERT K. ALEXANDER aka ALBERT K. ALEXANDER, JR. aka
KIRT ALEXANDER aka ALBERT ALEXANDRIA**

Gremillion, Judge.

On March 16, 2011, Defendant was charged in a fourteen count bill of information with various offenses. He filed a motion to suppress which was denied on February 16, 2012. On February 29, 2012, Defendant filed a Notice of Appeal on Motion to Suppress seeking a review of the denial of his motion to suppress. The motion was granted by the trial court on March 13, 2012, and a notice of appeal was issued.

On June 12, 2012, 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. On July 13, 2012, Defendant replied with a brief in which he indicates review is sought on the denial of his Motion to Quash (referred to during the hearing as a Motion to Suppress), and he acknowledges that this is non-appealable judgment. He requests he be allowed to seek supervisory writs on the judgment.

The judgment at issue is not appealable. La.Code Crim.P. art. 912. That being the case, we hereby dismiss Defendant's appeal. However, Defendant may seek supervisory writs within fifteen days of the date of this decision. Defendant is not required to file a 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 Notice of Appeal on Motion to Suppress as a timely filed notice of intent to seek a supervisory writ. We note that a *pro se* writ application currently pending in this court involves, in part, the ruling at issue; however, we will allow counsel for Defendant to file a writ application within fifteen days as stated above.

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