

**NOT DESIGNATED FOR PUBLICATION**

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

**12-1145**

**STATE OF LOUISIANA**

**VERSUS**

**DEMETRIUS D. NASH**

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**APPEAL FROM THE  
FOURTEENTH JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU, NO. 3272-07  
HONORABLE DAVID KENT SAVOIE, DISTRICT JUDGE**

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**JOHN D. SAUNDERS  
JUDGE**

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Court composed of Sylvia R. Cooks, John D. Saunders, and Marc T. Amy, Judges.

**APPEAL DISMISSED.**

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**Saunders, Judge.**

On January 24, 2007, the Defendant, Demetrius D. Nash, was charged by bill of information with two counts of simple burglary, in violation of La.R.S. 14:62, and two counts of theft under \$300, in violation of La.R.S. 14:67. On April 3, 2008, the Defendant pled guilty to one count of simple burglary, and the remaining charges were *nolle prosequi*, as well as charges of illegal carrying of a weapon and illegal possession of a stolen firearm in an unrelated docket number. The Defendant was sentenced to three years hard labor, suspended, and placed on supervised probation for three years.

On June 21, 2010, the Defendant pled guilty to attempted armed robbery and armed robbery and admitted he violated the terms of his probation. The Defendant's probation was subsequently revoked on October 13, 2010, and he was ordered to serve the originally imposed sentence. The Defendant was also sentenced for attempted armed robbery and armed robbery. A motion to reconsider his sentences was denied on April 13, 2012.

A notice of appeal was filed on May 7, 2012, seeking review of the trial court's rulings in each of the three docket numbers related to these convictions and sentences. On October 4, 2012, the matters came before this court in separate records, with the instant case being the appeal of the Defendant's probation revocation. On October 8, 2012, this court issued a rule to show cause why the appeal of the Defendant's probation revocation should not be dismissed as the judgment is non-appealable.

A response from the Defendant was received in this court on October 26, 2012, wherein the Defendant concedes that an order revoking probation is not an appealable judgment pursuant to La.Code Crim.P. art. 912.1. As such, the Defendant asks this court to construe his notice of appeal as a notice of his intent to seek review of his probation revocation by supervisory writ.

We find that the Defendant's motion to appeal his probation revocation was not timely filed; thus, his request to construe his notice of appeal as a notice of his intent to see review of his probation revocation by supervisory writ is denied. Accordingly, we hereby dismiss the Defendant's appeal.

**APPEAL DISMISSED.**