

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL, THIRD CIRCUIT**

**13-258**

**STATE OF LOUISIANA**

**VERSUS**

**JAMES BERTRAND**

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**APPEAL FROM THE  
THIRTEENTH JUDICIAL DISTRICT COURT  
PARISH OF EVANGELINE, NO. 79492-FA  
HONORABLE JOHN LARRY VIDRINE, DISTRICT JUDGE**

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**PHYLLIS M. KEATY  
JUDGE**

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Court composed of Elizabeth A. Pickett, Phyllis M. Keaty, and John E. Conery, Judges.

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

**Trent Brignac  
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COUNSEL FOR APPELLEE:  
State of Louisiana**

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COUNSEL FOR APPELLANT:  
James Bertrand**

**Keaty, Judge.**

Defendant-Appellant, James Bertrand, was convicted of criminal trespass, a misdemeanor, on June 21, 2012. On the same date, he received a thirty-day sentence, with fifteen days suspended; the court allowed him to remain on his existing bond. He filed a motion to reconsider sentence in late June. On January 3, 2013, the trial court denied the motion; at the same proceeding, it granted a stay in anticipation of an appeal. The trial court granted his written motion for appeal on January 17.

On March 15, 2013, this court lodged the appeal record for this case. On March 19, this court issued a rule to show cause why this matter should not be dismissed as non-appealable, since the offense at issue is a misdemeanor.

On March 28, Defense counsel responded, acknowledging that the case is non-appealable but requesting that the appeal be converted to a writ application. Accordingly, the appeal in this case is hereby dismissed. The request to convert the appeal to a writ is denied, but Defendant-Appellant is hereby permitted to file a proper application for supervisory writs, in compliance with Uniform Rules—Courts of Appeal, Rule 4, no later than fifteen days from the date of this decision. Defendant is not required to file a notice of intent to seek writs nor 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 timely-filed notice of intent to seek a supervisory writ.

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