

NOT DESIGNATED FOR PUBLICATION

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

13-933

STATE OF LOUISIANA

VERSUS

DARRELL DONTRELL FORT

**APPEAL FROM THE
FOURTEENTH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU, NO. 30419-09
HONORABLE D. KENT SAVOIE, DISTRICT JUDGE**

**JAMES T. GENOVESE
JUDGE**

Court composed of Sylvia R. Cooks, Marc T. Amy, and James T. Genovese,
Judges.

**APPEAL DISMISSED. APPELLATE COUNSEL'S MOTION
TO WITHDRAW IS GRANTED.**

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Darrell Dontrell Fort**

Genovese, Judge.

Defendant-Appellant, Darrell Dontrell Fort, pled guilty to simple burglary and was sentenced to four years in the Louisiana Department of Corrections; however, his sentence was suspended, and he was placed on supervised probation for three years. His probation was later revoked, and he was ordered to serve the four-year sentence. The Defendant filed a motion to reconsider sentence which was denied by the trial court. His subsequent request for an appeal was granted by the trial court, and this court lodged the appeal record for this case on August 16, 2013.

On September 25, 2013, this court issued a rule to show cause why this matter should not be dismissed as non-appealable since the judgment at issue, probation revocation, is not an appealable judgment.

On October 17, 2013, defense counsel responded, acknowledging that the case is non-appealable. He requested that the motion seeking review be construed as a notice of intent to seek a supervisory writ of review and that the Defendant be allowed thirty days to file a supervisory writ application. In a separate motion, defense counsel requests that the Louisiana Appellate Project's appointment be terminated for the purpose of the probation revocation writ of review.

We find the probation revocation judgment is not an appealable judgment. La.Code Crim.P. art. 912.1. Accordingly, we hereby dismiss the Defendant's appeal. The Defendant may seek supervisory writs within thirty (30) days of the date of this decision. The Defendant is not required to file a notice of intent to seek writs, nor must he 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 a timely-filed notice of intent to seek a supervisory writ.

Defense counsel's motion to terminate the appointment of the Louisiana Appellate Project is granted.

APPEAL DISMISSED. APPELLATE COUNSEL'S MOTION TO WITHDRAW IS GRANTED.