

NOT DESIGNATED FOR PUBLICATION

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

13-1108

STATE OF LOUISIANA

VERSUS

HARRY P. CARMOUCHE

**APPEAL FROM THE
TWELFTH JUDICIAL DISTRICT COURT
PARISH OF AVOYELLES, NO. 173,708
HONORABLE RONALD COX, DISTRICT JUDGE**

**JOHN D. SAUNDERS
JUDGE**

Court composed of John D. Saunders, Billy H. Ezell, and Phyllis M. Keaty, Judges.

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

**Charles A. Riddle, III
District Attorney
P.O. Box 1200
Marksville, LA 71351
(318) 253-6587
COUNSEL FOR APPELLEE:
State of Louisiana**

**Roshell Jones
405 W. Main Street, Suite 107
Lafayette, LA 70501
(337) 504-3437
COUNSEL FOR APPELLANT:
Harry P. Carmouche**

Saunders, Judge.

Defendant-Appellant, Harry P. Carmouche, was convicted of three counts of cruelty to animals, a misdemeanor, on June 27, 2013. On the same date, he was sentenced to six months in the parish jail on each count, with six months suspended and two years of probation, and restitution of \$500.00 for each of the five dogs. On July 9, 2013, counsel for Defendant filed a “Motion for Appeal, Return Date, and Designation of the Record.” The trial court granted the motion for appeal on July 16, 2013.

On September 27, 2013, this court lodged the appeal record in this case. On October 1, 2013, this court issued a rule to show cause why this matter should not be dismissed as the judgment at issue is not an appealable judgment.

On October 9, 2013, Defense counsel responded, acknowledging that the judgment is non-appealable but is requesting that the appeal be remanded back to the trial court and that he be permitted to file an application for supervisory writs. Accordingly, the appeal in this case is hereby dismissed. 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.