

NOT DESIGNATED FOR PUBLICATION

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

15-850

**STATE OF LOUISIANA
IN THE INTEREST OF
J.B.**

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF ST. MARTIN, NO. 15-JV-17982
HONORABLE LORI LANDRY, DISTRICT COURT JUDGE**

**SYLVIA R. COOKS
JUDGE**

Court composed of Sylvia R. Cooks, Jimmie C. Peters, and James T. Genovese, Judges.

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

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Cooks, Judge.

On September 9, 2015, an appeal record was lodged in the above-captioned matter. On June 26, 2015, an arraignment hearing was scheduled for Juvenile-Appellee, J.B., during which juvenile court Judge Lori Landry ordered the administration of a drug screen to the parents of Juvenile-Appellee. Appellant, the State of Louisiana, Louisiana Youth Services/Office of Juvenile Justice, filed a motion of appeal seeking review of this order. On September 11, 2015, after review of the record, this court issued an order to show cause by September 25, 2015, why the appeal should not be dismissed as a non-appealable judgment. Appellant-State of Louisiana failed to file a brief in response by the date provided.

Louisiana Children's Code Article 330 provides that:

A. An appeal may be taken from any final judgment of a court and shall be to the appropriate court of appeal.

B. In delinquency proceedings pursuant to Title VIII, child in need of care proceedings pursuant to Title VI, and families in need of services proceedings pursuant to Title VII, an appeal may be taken only after a judgment of disposition. The appeal shall include all errors assigned concerning the adjudication and disposition.

A final judgment is a judgment of disposition. *See State in Interest of J.C.*, 13-776 (La.App. 1 Cir. 9/13/13), 134 So.3d 611; *State in Interest of S.D.*, 01-670 (La.App. 5 Cir. 1/29/02), 807 So.2d 1138. The State's appeal of the court's order to administer a drug screen is not a final judgment within the meaning of La.Ch.Code art. 330(A).

However, La.Ch.Code art. 330(A) does not limit this court's supervisory jurisdiction over this matter. *See State in Interest of J.C.*, 134 So.3d 611. Therefore, the State of Louisiana 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. The State of Louisiana

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 5-3 as we hereby construe the motion for appeal as a notice of intent to seek a supervisory writ.

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