

NOT DESIGNATED FOR PUBLICATION

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

14-1031

STATE OF LOUISIANA

VERSUS

DARIUS M. SIAS

**APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA, NO. 08-1835
HONORABLE GERALD B. WATTIGNY, DISTRICT JUDGE**

**ELIZABETH A. PICKETT
JUDGE**

Court composed of Sylvia R. Cooks, Elizabeth A. Pickett, and Shannon J. Gremillion, Judges.

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

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Pickett, Judge.

On April 24, 2014, Defendant-Appellant, Darius M. Sias, was convicted of possession of marijuana and possession of drug paraphernalia. On May 16, 2014, Defendant-Appellant was sentenced on each count to six months in the parish jail, with credit given for time served. The sentences were suspended, and Defendant was placed on two years of supervised probation. The sentences and probation were ordered to run concurrently. Defendant-Appellant was also ordered to pay probation supervision fees, fines, court costs, prosecution costs, court security fees, crime lab fees, and drug screening fees. Other special conditions were also ordered.

Defendant filed a “NOTICE OF INTENT TO SEEK APPEAL AND MOTION TO FILE THE COMPLETE RECORD OF THESE PROCEEDINGS WITH THE THIRD CIRCUIT OF APPEAL” with the trial court on May 16, 2014. The trial court granted Defendant’s notice and motion on May 16, 2014.

On October 2, 2014, this court lodged the appeal record for this case. On November 12, 2014, this court issued a rule to show cause why this matter should not be dismissed as non-appealable, since the offenses at issue are misdemeanors. *See* La.Code Crim.P. art. 912.1.

On November 26, 2014, Defendant-Appellant responded, asserting, “The Appellant’s appeal should not be dismissed. Instead, the Appellant’s appeal should be remanded back to the trial court in order to grant him the opportunity to file an Application for Writ of Review, which should relate back to the date he filed his Motion for Appeal.”

The appeal is dismissed, as the offenses are non-appealable, 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.