

NOT DESIGNATED FOR PUBLICATION

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

15-528

STATE OF LOUISIANA

VERSUS

ROBERT L. BROUSSARD

**APPEAL FROM THE
CITY COURT OF NEW IBERIA
PARISH OF IBERIA, NO. 201402992
HONORABLE THEODORE M. HAIK, III, DISTRICT JUDGE**

**JAMES T. GENOVESE
JUDGE**

Court composed John D. Saunders, James T. Genovese, 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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Robert L. Broussard**

Genovese, Judge.

Defendant-Appellant, Robert L. Broussard, was convicted of OWI second offense, in violation of La.R.S. 14:98A(1)(a), and excessive noise, in violation of City Ordinance 513-96, 58-75, on March 4, 2015. Relator was ordered to pay a \$1,000.00 fine plus court costs or, in default of payment, ten days in jail; sentenced to 125 days in the parish jail, all but seven days suspended; thirty 8-hour days of community service; upon release, Relator to be placed on supervised probation for an eighteen-month period on the charge of OWI second offense. Relator was ordered to pay a \$250.00 fine or, in default of payment, ten days in the parish jail and pay a \$200.00 witness fee on the charge of excessive noise. Relator filed a “NOTICE OF SUSPENSIVE APPEAL” with the trial court on March 12, 2015. The trial court issued an “ORDER OF APPEAL” on March 17, 2015, ruling, “IT IS FURTHER ORDERED that a Suspensive Appeal be granted to Robert Broussard, execution of sentence be stayed, and that post conviction bail be set at \$25,000.00.”

On June 8, 2015, this court lodged the appeal record for this case. On July 2, 2015, 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.

On July 15, 2015, Defendant-Appellant responded, requesting the following:

1. Convert the Order of Appeal to the request “to seek supervisory writs”;
2. Grant leave for Appellant to obtain a [sic] Order granting a supervisory writ by the City Court Judge; and
3. Consider the matter as an appeal requiring a published opinion as there are novel issues of law and fact.

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