

NOT DESIGNATED FOR PUBLICATION

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

15-731

STATE OF LOUISIANA

VERSUS

**FARREL J. HARRINGTON, JR.
aka FARRELL J. HARRINGTON, JR.**

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
CITY COURT OF KAPLAN, NO. ST-14-048
PARISH OF VERMILION
HONORABLE F. STANTON HARDEE, III, JUDGE**

**MARC T. AMY
JUDGE**

Court composed of Jimmie C. Peters, Marc T. Amy, and Billy H. Ezell, Judges.

APPEAL DISMISSED.

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State of Louisiana**

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COUNSEL FOR APPELLANT:
Farrel J. Harrington, Jr.
aka Farrell J. Harrington, Jr.**

AMY, Judge.

On March 19, 2015, Defendant-Appellant, Farrel J. Harrington, Jr. aka Farrell J. Harrington, Jr., was convicted of driving while intoxicated (first offense), a misdemeanor, in violation of La.R.S. 14:98. As a result, Defendant-Appellant was sentenced to serve six months in the parish jail, with all but forty-eight hours suspended and one year of unsupervised probation with the condition that he attends and participates in court approved substance abuse/driver improvement programs. Defendant-Appellant was also ordered to pay a fine of five hundred dollars and court costs. Credit was given for time served. On April 16, 2015, Defendant-Appellant filed a “NOTICE OF INTENT TO SEEK WRIT OF REVIEW AND DESIGNATION OF RECORD” with the trial court. On July 9, 2015, the trial court granted Defendant-Appellant’s notice with a return date of on or before August 9, 2015.

On July 31, 2015, this court lodged the appeal in this case. On August 4, 2015, this court issued a rule to show cause why this matter should not be dismissed as non-appealable, since the offense at issue is a misdemeanor. La.Code Crim.P. art. 912.1.

On August 17, 2015, Defendant-Appellant filed a “RULE TO SHOW CAUSE BRIEF” with this court. Defendant-Appellant asserts in his brief “he timely filed for a writ of review within thirty days of the conviction. However, due to inadvertence by the Clerk of Court, the notice was lodged as an appeal.” Defendant-Appellant acknowledges and “would agree that an appeal is not the proper remedy, but since he filed the appropriate writ of review, and the return date is September 13, 2015, that he has until that date within which to file his writ.”

On September 11, 2015, Defendant-Appellant filed an “APPLICATION FOR WRITS OF REVIEW,” seeking review of the above-referenced conviction. Accordingly, we hereby dismiss Defendant-Appellant’s appeal.

APPEAL DISMISSED.