

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA  
COURT OF APPEAL, THIRD CIRCUIT  
16-502**

**STATE OF LOUISIANA  
VERSUS  
JESSE WILLIAM SPEARING**

**\*\*\*\*\*  
APPEAL FROM THE  
FOURTEENTH JUDICIAL DISTRICT COURT  
PARISH OF CALCASIEU, DOCKET NO. 10633-14  
HONORABLE GUY BRADBERRY, JUDGE**

**\*\*\*\*\*  
ULYSSES GENE THIBODEAUX  
CHIEF JUDGE  
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Court composed of Ulysses Gene Thibodeaux, Chief Judge, Marc T. Amy, and Billy H. Ezell, Judges.

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

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**Jessie William Spearing**

**Thibodeaux, Chief Judge.**

On April 7, 2014, Defendant-Appellant, Jessie William Spearing, was charged by bill of information with simple burglary, a violation of La.R.S. 14:62. On September 24, 2012, pursuant to a plea agreement, Defendant-Appellant pled guilty to the charged offense and was sentenced to serve four years in the custody of the Louisiana Department of Corrections. The sentence was suspended, and Defendant-Appellant was placed on supervised probation for a term of four years, subject to certain conditions.

On February 24, 2016, Defendant-Appellant admitted that he violated the conditions of his probation. His probation was revoked, and he was ordered to serve his original sentence of four years in the Louisiana Department of Corrections. Defendant-Appellant filed a “Motion and Order for Appeal” with the trial court on March 7, 2016. The trial court granted Defendant-Appellant’s motion on March 31, 2016.

On June 15, 2016, this court lodged the appeal record for this case. On July 22, 2016, this court issued a rule to show cause why the appeal should not be dismissed as the judgment at issue is a probation revocation. *State ex rel. Clavelle v. State*, 02-1244 (La. 12/12/03), 861 So.2d 186. No response was received from Defendant-Appellant.

The appeal is dismissed, as the judgment at issue is a probation revocation and thus not appealable. *Clavelle*, 861 So.2d 186. 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 thirty days from the date of this decision. Defendant-Appellant 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 THIRTY DAYS FROM THE DATE OF THIS DECISION.**