

NOT DESIGNATED FOR PUBLICATION

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

16-544

STATE OF LOUISIANA

VERSUS

**BRYAN ANTHONY SEGURA
AKA BRIAN SEGURA**

APPEAL FROM THE
SIXTEENTH JUDICIAL DISTRICT COURT
PARISH OF IBERIA DOCKET NUMBER 11-866
HONORABLE LORI A. LANDRY, JUDGE

JIMMIE C. PETERS
JUDGE

Court composed of Jimmie C. Peters, Elizabeth A. Pickett, and John E. Conery, 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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COUNSELS FOR APPELLANT:
Bryan Anthony Segura
aka Brian Segura

Peters, Judge.

On August 8, 2011, Defendant-Appellant, Bryan Anthony Segura, aka Brian Segura, was charged by grand jury indictment with two counts of aggravated kidnapping, a violation of La.R.S. 14:44, and one count of armed robbery, a violation of La.R.S. 14:64. On October 13, 2011, Defendant-Appellant was found guilty as charged. On February 10, 2012, Defendant-Appellant was sentenced to life imprisonment at hard labor on each aggravated kidnapping conviction and fifty years at hard labor on the armed robbery conviction. The sentences were ordered to run concurrently, without the benefit of probation, parole, or suspension of sentence, with credit given for time served. The sentences were also ordered to run consecutively to the sentences currently being served in Iberia Parish docket numbers 99-1846, 99-1961, 00-333, 00-334, and Lafayette Parish docket number 88-0759.

On June 22, 2015, Defendant-Appellant filed a “UNIFORM APPLICATION FOR POST-CONVICTION RELIEF” with the trial court. On July 8, 2015, the trial court ordered the State to file a brief in response to Defendant-Appellant’s application for post-conviction relief by August 10, 2015. On August 10, 2015, Defendant-Appellant filed an “AMENDED PETITION FOR POST-CONVICTION RELIEF” with the trial court. The State filed a response to Defendant-Appellant’s application for post-conviction relief, entitled “STATE’S ANSWER AND MOTION TO DISMISS PETITIONER’S APPLICATION FOR POST[-]CONVICTION RELIEF” on August 11, 2015. On February 17, 2016, an evidentiary hearing was held; thereat, the trial court denied Defendant-Appellant’s “UNIFORM APPLICATION FOR POST-CONVICTION RELIEF.”

On March 9, 2016, Defendant-Appellant filed a “NOTICE OF APPEAL” and a “DESIGNATION OF RECORD ON APPEAL” with the trial court. The trial court granted Defendant-Appellant’s notice on March 14, 2016.

On June 28, 2016, this court lodged the appeal record. On July 5, 2016, this court issued a rule to show cause why the appeal should not be dismissed, as the judgment at issue is not an appealable judgment. La.Code Crim.P. art. 930.6(A).

On July 26, 2016, Defendant-Appellant filed a “RESPONSE TO SHOW CAUSE ORDER” with this court. Defendant-Appellant responded, acknowledging that he “agrees that this appeal should be dismissed.” Defendant-Appellant “requests that this Court construe the ‘Notice of Appeal’ filed in the District Court as a timely filed ‘Notice of Intent to Seek Writs,’ and grant him thirty days in which to file a proper application for supervisory writs in this Court.”

Accordingly, the appeal in this case is hereby dismissed. Defendant-Appellant’s request to construe the motion for appeal as a timely-filed notice of intent to seek a supervisory writ is hereby granted and 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.

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