

NOT DESIGNATED FOR PUBLICATION

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

17-575

**STATE OF LOUISIANA
VERSUS
JOHN C. HILL, JR.**

APPEAL FROM THE
ELEVENTH JUDICIAL DISTRICT COURT
PARISH OF SABINE, NO. TR 78212
HONORABLE STEPHEN B. BEASLEY, JUDGE**

JUDGE
JOHN D. SAUNDERS

Court composed of John D. Saunders, Shannon J. Gremillion, John E. Conery,
Judges.

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

**Honorable Don M. Burkett
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COUNSEL FOR APPELLEE:
State of Louisiana**

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COUNSEL FOR APPELLANT:
John C. Hill, Jr.**

Saunders, Judge

On November 17, 2015, Defendant-Appellant, John C. Hill, Jr., was charged with passing a stopped school bus, a violation of La.R.S 32:80. On January 11, 2017, the trial court found Defendant-Appellant guilty as charged. On the same date, Defendant-Appellant was ordered to pay a \$100.00 fine and court costs or in default, ten days in jail. The trial court also ordered Defendant-Appellant to appear in court if he fails to pay the \$100.00 fine and court costs by 11:00 a.m., March 16, 2017. The trial court further ordered a bench warrant for Defendant-Appellant's arrest if he fails to appear in court and fails to pay the \$100.00 fine and court costs.

The trial court issued an "ORDER" on March 17, 2017. The trial court ruled:

The above-listed defendant, JOHN C. HILL, JR., had been ordered to appear for Status Hearing (Fine and Costs) on March 16, 2017. The Defendant did not appear in Court and a Bench Warrant was issued for his arrest. It is upon on Motion of the Court:

IT IS HEREBY ORDERED that the Bench Warrant issued on March 16, 2017, is **recalled**.

IT IS FURTHER ORDERED that the Defendant, **JOHN C. HILL, JR., must appear for a Status Hearing on WEDNESDAY, APRIL 12, 2017, AT 9:00 A.M., if fines and costs are not paid.**

IT IS FURTHER ORDERED that a true copy of this Order be served to the Defendant; Sabine Parish District Attorney's Office; and the Sabine Parish Sheriff's Department (Warrants Division).

On February 14, 2017, Defendant-Appellant filed a "MOTION FOR APPEAL and DESIGNATION OF RECORD" with the trial court. On February 23, 2017, the trial court granted Defendant-Appellant's notice of appeal with a return date of March 31, 2017.

On June 20, 2017, this court lodged the appeal record. On June 29, 2017, this court issued a rule to show cause why the appeal in 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 July 17, 2017, a “BRIEF OF APPELLANT, JOHN C. HILL, JR.[,] FILED IN RESPONSE TO ORDER TO SHOW CAUSE WHY THE APPEAL SHOULD NOT BE DISMISSED” was filed with this court. Defendant-Appellant responded, acknowledging that the judgment is non-appealable and requests to “proceed by way of a supervisory writ and as such, the Louisiana Appellate Project is not authorized to and does not undertake writ proceedings. Undersigned counsel and the Louisiana Appellate Project should be relieved as counsel of record in this proceeding.”

Accordingly, counsel for Defendant-Appellant and the Louisiana Appellate Project’s request to withdraw as counsel of record and to dismiss the appeal in the instant case are granted. 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-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 FIFTEEN DAYS FROM THE DATE OF THIS DECISION.