

6.

STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT
P.O. Box 16577
Lake Charles, LA. 70616
(337) 433-9403

Hon. G. Michael Canaday
Judge, 14 JDC
P. O. Box 3210
Lake Charles, LA 70602-3210

Oliver Jackson Schrumpf
Schrumpf & Schrumpf
3801 Maplewood Dr.
Sulphur, LA 70663

Heath Brian Veillon
Proper Person
2580 Miller Drive
Sulphur, LA 70662

**NOTICE OF JUDGMENT AND
CERTIFICATE OF MAILING**

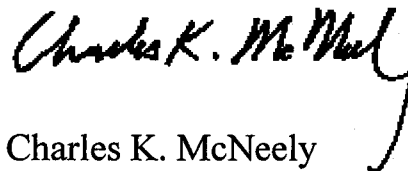
November 22, 2017

Docket Number: KA 17-612

WILLIAM AND IMELDA WILHITE
VERSUS
HEATH BRIAN VEILLON

NOTICE IS HEREBY GIVEN that the attached judgment and written opinion was rendered this date and a copy was mailed to the trial judge, all counsel of record and all parties not represented by counsel as listed above.

FOR THE COURT



Charles K. McNeely
Clerk of Court

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL, THIRD CIRCUIT

17-612

WILLIAM AND IMELDA WILHITE

VERSUS

HEATH BRIAN VEILLON

Judgment rendered and mailed to all parties or counsel on November 22, 2017. Applications for rehearing may be filed within the delays allowed by La. Code Civ. P. art. 2166 or La. Code Crim. P. art. 922.

**APPEAL FROM THE
FOURTEENTH JUDICIAL DISTRICT COURT
PARISH OF CALCASIEU, NO. 2015-3344
HONORABLE G. MICHAEL CANADAY, DISTRICT JUDGE**

**JOHN D. SAUNDERS
JUDGE**

JDS
MTA
CGP

Court composed of John D. Saunders, Marc T. Amy, and Candyce G. Perret, Judges.

APPEAL DISMISSED. THE DEFENDANT IS PERMITTED TO FILE AN APPLICATION FOR SUPERVISORY WRITS WITHIN FIFTEEN DAYS OF THE DATE OF THIS OPINION.

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COUNSEL FOR APPELLEE:
William and Imelda Wilhite**

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Saunders, Judge.

The present case stems from a civil drainage dispute dating back to 2015. On January 30, 2017, the Plaintiffs, William and Imelda Wilhite, filed a petition to hold Defendant, Heath Brian Veillon, in contempt for the alleged failure to comply with a preliminary injunction signed in September of 2015, a contempt order signed in January of 2016, a second contempt order and injunction signed in May of 2016, and a third judgment of contempt signed in October 2016. At a hearing on the motion held on April 13, 2017, the district court again found Defendant to be in contempt of court and sentenced him to thirty days in parish jail and to pay a fine of five-hundred dollars plus court costs or serve an additional thirty days in lieu thereof. We note this is a criminal contempt, as it punishes Defendant for disobeying a court order. *Dauphine v. Carencro High School*, 02-2005 (La. 4/21/03), 843 So.2d 1096.

On May 9, 2017, the district court granted Defendant a suspensive appeal. On July 3, 2017, this court issued a rule to show cause why the appeal should not be dismissed, since the judgment at issue is non-appealable. Defendant, acting in proper person, timely filed a brief on July 24, 2017. However, he did not address the rule to show cause. Plaintiffs were given until September 27 to file a brief; they filed untimely on October 11. Plaintiffs seek to have the appeal dismissed but do not address the rule to show cause.

The judgment at issue is not appealable. *See* La.Code Crim.P. arts. 779, 912.1, La.Code Civ.P. art. 227, La.R.S. 13:4611, 14:2(A)(6). Accordingly, we hereby dismiss the Defendant's appeal. The Defendant may seek supervisory writs within fifteen days of the date of this decision. Defendant is not required to file a notice of intent to seek writs, nor must he obtain an order from the trial court setting a return date, as is generally required by Uniform Rules—Courts of Appeal,

Rule 4-3. We construe the notice of appeal as a timely-filed notice of intent to seek a supervisory writ.

APPEAL DISMISSED. THE DEFENDANT IS PERMITTED TO FILE AN APPLICATION FOR SUPERVISORY WRITS WITHIN FIFTEEN DAYS OF THE DATE OF THIS OPINION.