

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA  
COURT OF APPEAL, THIRD CIRCUIT  
21-100**

**STATE OF LOUISIANA**

**VERSUS**

**ROBERT GALLOW**

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**APPEAL FROM THE  
FIFTEENTH JUDICIAL DISTRICT COURT  
PARISH OF LAFAYETTE, NO. CR 178555  
HONORABLE MARILYN CARR CASTLE, DISTRICT JUDGE**

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**SHARON DARVILLE WILSON  
JUDGE**

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Court composed of Billy H. Ezell, Candyce G. Perret, and Sharon Darville Wilson, Judges.

**APPEAL DISMISSED. DEFENDANT-  
APPELLANT IS GIVEN FIFTEEN DAYS TO  
FILE AN APPLICATION FOR  
SUPERVISORY WRITS.**

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**Robert Gallow**

**WILSON, Judge.**

On October 5, 2020, Defendant-Appellant, Robert Gallow, was charged by bill of information with domestic violence, in violation of La.R.S. 14:35.3(K); two counts of false imprisonment, in violation of La.R.S. 14:46; resisting arrest, in violation of La.R.S. 14:108; domestic abuse battery, in violation of La.R.S. 14:35.3; and flight from an officer, in violation of La.R.S. 14:108(B)(1)(a).

Defendant-Appellant filed a pro se “Motion to Quash” on October 23, 2020, asserting he was arrested on August 5, 2020, and that the time limitations of La.Code Crim.P. arts. 532(7), 581, and 701(B) and (C) had expired. He requested discharge from custody and dismissal of the charges. The trial court denied the motion on October 27, 2020, based on the bill of information having been filed on October 5, 2020.

On November 30, 2020, Defendant-Appellant filed a pro se “Motion to Appeal” from the trial court’s October 27, 2020 ruling. The trial court granted an appeal.

Defendant-Appellant’s trial counsel filed a “Motion for Release of Defendant [for] Failure to Arraign as Required by La. C.Cr.P. Art. 701B(1) and C” on November 24, 2020. A hearing was held on December 9, 2020. The trial court denied the motion. Counsel for Defendant-Appellant filed a supervisory writ application seeking review of the trial court’s December 9, 2020 ruling. On February 12, 2021, this Court denied Defendant-Appellant’s writ application finding his illegal detention ceased when he was arraigned.

On February 2, 2021, this Court issued a “Rule to Show Cause” why Defendant-Appellant’s appeal should not be dismissed as the judgment is not appealable. On February 22, 2021, this Court received appellate counsel’s

response to the “Rule to Show Cause,” wherein she concedes the proper mode of review is by supervisory writ application.

Defendant-Appellant, Robert Gallow, 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 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 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.**