

NOT DESIGNATED FOR PUBLICATION

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

KA07-1320

STATE OF LOUISIANA

VERSUS

JOHN JAMES RICHARD

**APPEAL FROM THE
FIFTEENTH JUDICIAL DISTRICT COURT
PARISH OF ACADIA, NO. 67648
HONORABLE GLENNON P. EVERETT**

**OSWALD A. DECUIR
JUDGE**

Court composed of Oswald A. Decuir, Jimmie C. Peters, 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.**

**Hon. Michael Harson
District Attorney, 15th JDC
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(337) 898-4320
COUNSEL FOR APPELLEE:
State of Louisiana**

**John James Richard, Pro Se
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3751 Lauderdale Woodyard Rd.
Kinder, LA 70648-5908
COUNSEL FOR APPELLANT:
John James Richard**

Decuir, Judge.

On December 12, 2006, the Defendant, John James Richard, pled guilty to attempted second degree murder, a violation of La.R.S. 14:27 and 14:30.1, and agreed to a sentencing cap of twenty-five years. He was sentenced on March 12, 2007, to serve seventeen years at hard labor. The Defendant filed a Motion to Reconsider Sentence on April 9, 2007. The motion was subsequently denied on April 12, 2007.

The Defendant filed a Motion to Withdraw/Vacate Plea of Guilty on April 24, 2007. The motion was denied on May 4, 2007. On May 14, 2007, the Defendant sent a letter to the office of the clerk of court indicating his intention to file an appeal regarding the denial of his motion to withdraw guilty plea. On September 5, 2007, the trial court issued an order granting the appeal. On October 26, 2007, 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.” The Defendant failed to submit a response to the rule to show cause.

The judgment at issue herein is not appealable, pursuant to La.Code Crim.P. arts. 912 and 912.1; therefore, the appeal in the above-captioned case is hereby dismissed. The Defendant-Appellant, John James Richard, is hereby permitted to file a proper application for supervisory writs, in compliance with Uniform Rules—Courts of Appeal, Rule 4-3, within thirty days from the date of this decision. The 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 THIRTY
DAYS FROM THE DATE OF THIS DECISION.**