

STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700

No. 55,812-KH

STATE OF LOUISIANA

VERSUS

JOE BUTLER, JR.

FILED: 02/14/24

RECEIVED: PM 02/02/24

On application of Joe Butler, Jr. for POST CONVICTION RELIEF in No. 386,600 on the docket of the First Judicial District, Parish of CADDO, Judge Michael A. Pitman.

Pro se

Counsel for:
Joe Butler, Jr.

James Edward Stewart, Sr.

Counsel for:
State of Louisiana

Before STONE, ROBINSON, and ELLENDER, JJ.

WRIT GRANTED AND MADE PEREMPTORY.

The applicant, Joe Butler, seeks supervisory review of the trial court's ruling denying his motion for an out of time appeal. Butler entered an unqualified plea of guilty to charges of domestic abuse battery and domestic abuse child endangerment, but sentencing was left to the trial court. After being adjudicated as a second-felony offender, he was sentenced under the Habitual Offender Law. Butler did not waive the right to seek appeal of his sentence. His motion seeking an appeal, while filed prematurely on December 11, 2023, was then cured upon the trial court's January 30, 2023, ruling denying Butler's motion to reconsider sentence. Butler's pro se motion for appeal was therefore timely under La. C. Cr. P. art. 914.

Accordingly, the writ is granted and the trial court's ruling is reversed. The

matter is remanded to the trial court for perfection of the appeal and for appointment of appellate counsel.

Shreveport, Louisiana, this 29 day of February, 2024.

SDS JLR DJE

FILED: February 29, 2024

Brian T. Ward
CHIEF DEPUTY CLERK