

**Fifth Circuit Court of Appeal**  
**State of Louisiana**

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No. 26-CA-10

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STATE OF LOUISIANA, DEPARTMENT OF CHILDREN AND FAMILY SERVICES IN THE  
INTEREST OF J.J.S.

*versus*

JUSTIN JAMAL SMOOT

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ON APPEAL THE JEFFERSON PARISH JUVENILE COURT  
PARISH OF JEFFERSON, STATE OF LOUISIANA  
NO. 21-NS-322, DIVISION "C"  
HONORABLE BARRON C. BURMASTER, JUDGE PRESIDING

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May 06, 2026

**JUDE G. GRAVOIS**

**JUDGE**

Panel composed of Judges Jude G. Gravois,  
Scott U. Schlegel, and Timothy S. Marcel

**AFFIRMED; MOTION TO STRIKE DENIED**

**JGG**  
**SUS**  
**TSM**

TRUE COPY



MORGAN NAQUIN  
DEPUTY CLERK

COUNSEL FOR PLAINTIFF/APPELLEE,  
STATE OF LOUISIANA, DEPARTMENT OF CHILDREN AND  
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Honorable Paul D. Connick, Jr.

Thomas J. Butler

Lekita G. Robertson

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COUNSEL FOR DEFENDANT/APPELLANT,  
JUSTIN JAMAL SMOOT

Justin Jamal Smoot

**GRAVOIS, J.**

Appellant, Justin Jamal Smoot, appearing in proper person, appeals a judgment by the Juvenile Court denying his Rule to Modify Child Support. For the following reasons, finding no merit to the errors raised on appeal, we affirm the judgment. We also deny Mr. Smoot's Motion to Strike the amended judgment under review.

**PROCEDURAL BACKGROUND AND FACTS**

This appeal stems from a child support proceeding instituted pursuant to La. R.S. 46:236.1.1, *et seq.*, on April 21, 2021 by the State of Louisiana, Department of Child and Family Services ("DCFS"), in the interest of the minor child J.J.S., born on August 26, 2015. Therein, DCFS alleged that Britny Lemieux, J.J.S.'s mother, was receiving services from DCFS for J.J.S., who was the legal child of defendant Smoot. The matter was heard on September 26, 2022, with both parents in attendance. The hearing officer made various recommendations regarding child support, medical expenses, and amounts to be collected from Mr. Smoot via income assignment. Both parties signed orders consenting to the recommendations, which were made the judgment of the Juvenile Court on October 6, 2022, after neither parent sought a disagreement hearing pursuant to La. R.S. 46:236.5(C)(6).

The parents and DCFS appeared in proceedings before the Juvenile Court's hearing officer several times in 2023 and 2024. Pertinent to this appeal, on May 29, 2024, DCFS filed a Motion to Modify Support—Change in Circumstances, alleging a change in circumstances necessitating a modification of the previous award rendered on January 11, 2024. The matter was set before the hearing officer on July 11, 2024. At the hearing, with both parents present, the hearing officer considered proof of the parents' incomes and several obligation worksheets. The hearing officer recommended that defendant pay certain amounts of support for particular time periods in the past, and pay an ongoing amount of \$437.78 per month, with the first payment being due on July 21, 2024. Both parents signed a Family Support Order Recommendation for Judgment, specifically stating that they consented to the hearing officer's recommendations and had

received a copy thereof. Neither parent sought a disagreement hearing with the Juvenile Court judge.

On July 18, 2025, Mr. Smoot filed a Rule to Modify Child Support, seeking modification of the previous support order issued on July 11, 2024. As grounds, Mr. Smoot requested “termination of child support and wage garnishment due to lack of probable cause and child support being declared unconstitutional by the Supreme Court.” The matter was set before the Juvenile Court’s hearing officer on August 21, 2025.

Both Mr. Smoot and Ms. Lemieux were present at the hearing, as well as DCFS. Mr. Smoot refused at first to fully fill out the “blue sheet” (child support information sheet) that all parties are required to fill out before the hearing. He then argued to the hearing officer that this “agency” was in violation of his constitutional rights because it was an administrative agency, but was acting like a judicial court. He argued that he was entitled to a “full judicial trial that gives me protection” and the child support was being enforced without proper judicial authority. After continuing to argue with the hearing officer over the legality of the process, Mr. Smoot was escorted out of the courtroom to the lobby.<sup>1</sup> Thereafter, the hearing officer denied Mr. Smoot’s rule to modify/terminate, finding that Mr. Smoot gave no legal basis for termination of the support order then in effect. He was provided with documents stating that he could file a request for a disagreement hearing with the Juvenile Court judge within five days.

On August 21, 2025, the same day as the hearing, Mr. Smoot filed a Rule to Modify Child Support–Terminate Child Support and a request for a Disagreement Hearing. He requested a judicial hearing to contest the continuation of child support and to request termination of his child support obligation, arguing due process violations (5<sup>th</sup> and 14<sup>th</sup> Amendments), “excessive government power, right to a trial in which violates my Constitutional Rights.” He included a letter to the Clerk of Court entitled “Notice of Termination of Child Support,” arguing that

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<sup>1</sup> The transcript and the minute entry both reflect that Mr. Smoot was “excused to the waiting area for disruptive behavior.”

his current child support order should be terminated on the grounds of “lack of probable cause and due process violations,” including, but not limited to, the separation of powers doctrine. In support of his motion, Mr. Smoot attached a document discussing a Minnesota child support case from 1999. The disagreement hearing was scheduled for November 3, 2025.

On October 30, 2025, Mr. Smoot filed an “Emergency Motion to Stay Enforcement of Child Support Order Pending Judicial Review.” Therein, he asked that the support order be stayed and his wage garnishments be suspended until the matter was reviewed and ruled upon by a district court judge. He claimed that his constitutional rights were violated when the support order was issued by a hearing officer, not a “proper judicial court.”

Mr. Smoot’s requested disagreement hearing was held on November 3, 2025, in front of the Juvenile Court judge. Mr. Smoot, Ms. Lemieux, and DCFS were present. The court told Mr. Smoot that the hearing was the judicial review he’d asked for in his Emergency Motion to Stay. Mr. Smoot, however, contested the court’s jurisdiction over him. The court denied Mr. Smoot’s oral motion arguing lack of jurisdiction, finding that the court had personal jurisdiction over him. Mr. Smoot then argued the grounds he had asserted in his August 21, 2025 filing and had argued to the hearing officer, which the court denied. The court ruled that the child support order remained enforced, and Mr. Smoot had a right to appeal to the Court of Appeal. Mr. Smoot filed a motion for an appeal on November 12, 2025, which was granted on November 17, 2025.

Upon the lodging of the appeal in this Court, our review revealed that the November 3, 2025 judgment lacked the necessary decretal language to properly invoke this Court’s appellate jurisdiction. Under the authority of La. C.C.P. art. 1918(A), this Court remanded the matter to the Juvenile Court for amendment of the judgment to include decretal language. The Juvenile Court duly amended the judgment on January 28, 2026, and the appellate record was duly supplemented. Mr. Smoot then filed a Motion to Strike the amended judgment and a supplemental

brief, arguing that the amendment went beyond the court's statutory authority. Mr. Smoot's Motion to Strike is considered herein with the merits of his appeal.

On appeal, Mr. Smoot raises the following assignments of error:

1. The Juvenile Court committed legal error by issuing a judgment lacking proper decretal language, rendering it unenforceable and incapable of meaningful appellate review.
2. The Juvenile Court abused its discretion and committed legal error by denying Appellant's Motion to Modify and Terminate Child Support without lawful adjudication or findings.
3. The Juvenile Court erred by adopting a hearing officer's recommendation without independently stating findings of fact, conclusions of law, or specific relief.
4. The Juvenile Court violated Appellant's constitutional due process rights by denying the Motion to Stay Enforcement Pending Judicial Review and permitting enforcement absent a valid final judgment.
5. The Juvenile Court violated Appellant's constitutional right to due process by permitting a police officer of the court to remove Appellant under threat of force, based on a prejudicial characterization, thereby preventing Appellant from placing objections on the record.

### **FIRST ASSIGNMENT OF ERROR**

#### ***Validity of amended judgment***

In his first assignment of error, Mr. Smoot argues that the November 3, 2025 judgment of the Juvenile Court was deficient in that it lacked the proper decretal language required by La. C.C.P. art. 1918(A), and thus it is insufficient to serve as a lawful basis for continued child support.

After the appeal was lodged, this Court *sua sponte* recognized that the judgment lacked proper decretal language to invoke this Court's appellate jurisdiction, and on January 20, 2026, issued an order to the Juvenile Court to amend the judgment to comply with Article 1918(A). The Juvenile Court issued an amended judgment on January 28, 2026. In his Motion to Strike, Mr. Smoot asks that this amended judgment be stricken, as he claims that the amended judgment exceeded

the trial court's authority to correct clerical errors. He argues that the amended judgment goes beyond adding the appropriate decretal language, and instead makes expanded findings of fact, additional legal reasoning, and clarified the jurisdictional rulings.

A duty panel of this Court found that the minute entry of November 3, 2025, which evidenced the judgment on appeal, lacked decretal language and ordered the trial court to submit an amended judgment containing decretal language, as per La. C.C.P. art. 1918(A), which provides:

A final judgment in accordance with Article 1841 shall be identified as such by appropriate language; shall be signed and dated; and shall, in its decree, identify the name of the party in whose favor the relief is awarded, the name of the party against whom the relief is awarded, and the relief that is awarded. If appealed, a final judgment that does not contain the appropriate decretal language shall be remanded to the trial court, which shall amend the judgment in accordance with Article 1951 within the time set by the appellate court.

The 2021 Comments to La. C.C.P. art. 1918 help further clarify the legislature's intent with this amendment: "A lack of proper decretal language in a judgment that is otherwise a final judgment does not divest the appellate court of jurisdiction. Instead, the final judgment shall be corrected to include proper decretal language by an amendment in accordance with Article 1951."

The authority granted to district courts to amend otherwise final judgments lacking decretal language is in addition to other permissible ways to amend judgments as found in La. C.C.P. art. 1951. Contrary to appellant's argument, the lack of decretal language is not a mere clerical error.

The original minute entry that formed the judgment of the Juvenile Court reads as follows:

DEFENDANT FILED A MOTION TO MODIFY  
SUPPORT AND EMERGENCY MOTION TO STAY  
ENFORCEMENT OF CHILD SUPPORT ORDER  
PENDING JUDICIAL REVIEW ON 10/30/25.  
COURT DENIED DEFT'S RULE AND INFORMED

DEFT THAT TODAY'S HEARING IS THE JUDICIAL REVIEW.

COURT DENIED DEFT'S ORAL MOTION AS TO APPEARANCE AND THAT THIS COURT DOES NOT HAVE JURISDICTION.

COURT DENIED DEFT'S RULE FOR DISAGREEMENT AND ADOPTS THE HEARING OFFICER'S RECOMMENDATION.

COURT ADVISED DEFT HE CAN FILE FOR APPEAL.

CLERK OF COURT NOTIFY DEFENDANT/ RECIPIENT/ADA WITH A COPY OF ENTRY BY U.S. MAIL ALONG WITH NOTICE OF SIGNING JUDGMENT.

The amended judgment states as follows:

**AMENDED FINAL JUDGMENT**

This matter came for hearing on the 3rd day of November, 2025 on the Defendant's request for a DISAGREEMENT HEARING/RULE TO MODIFY CHILD SUPPORT-TERMINATE CHILD SUPPORT. The following parties were present on the record:

- Justin Jamal Smoot, Defendant
- Britny Nichole Lemieux, Recipient
- Lekita Robertson, ADA
- Adam Landrieu, ADA

Defendant, Justin Jamal Smoot, filed an EMERGENCY MOTION TO STAY ENFORCEMENT OF CHILD SUPPORT ORDER PENDING JUDICIAL REVIEW on October 30, 2025. **IT IS ORDERED, ADJUDGED AND DECREED** that defendant's EMERGENCY MOTION TO STAY ENFORCEMENT OF CHILD SUPPORT ORDER PENDING JUDICIAL REVIEW is **DENIED** as this DISAGREEMENT HEARING requested by the defendant on August 21, 2025 constitutes judicial review of the Hearing Officer's recommendations dated the same.

**IT IS FURTHER ORDERED, ADJUGED AND DECREED** that defendant's, Justin Jamal Smoot, oral motion as to jurisdiction is **DENIED**. Mr. Smoot contested personal jurisdiction under the Fourteenth Amendment Due Process Clause on the

record. Pursuant to Louisiana Code of Civil Procedure Article 6:

- A. Jurisdiction over the person is the legal power and authority of a court to render a personal judgment against a party to an action or proceeding. The exercise of this jurisdiction requires:
- (1) The service of process on the defendant, or on his agent for the service of process, or the express waiver of citation and service under Article 1201.
  - (2) The service of process on the attorney at law appointed by the court to defend an action or proceeding brought against an absent or incompetent defendant who is domiciled in this state.
  - (3) The submission of the party to the jurisdiction of the court by commencing an action or by the waiver of objection to jurisdiction by failure to timely file the declinatory exception.

Mr. Smoot was personally served with a RULE FOR CHILD SUPPORT on August 15, 2022 and has continued to litigate in the proceedings, consequently acquiescing to the jurisdiction of this Court. His failure to timely file a declinatory exception for lack of personal jurisdiction waives any objection to this Court's legal authority over him.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that defendant's, Justin Jamal Smoot, DISAGREEMENT HEARING is **DENIED**. Mr. Smoot presented no evidence, refused to acknowledge this Court's personal jurisdiction over him and declined to argue any merits of the child support claim at the DISAGREEMENT HEARING. The Hearing Officer denied Mr. Smoot's MOTION TO TERMINATE CHILD SUPPORT on August 21, 2025 because Mr. Smoot did not provide a legal basis for terminating the child support order. This Court hereby adopts the August 21, 2025 findings of the Hearing Officer based on defendant's failure to recognize the jurisdiction of this Court and failure to present a valid legal argument to warrant terminating the child support order.

**RENDERED** and **SIGNED** on the 3<sup>rd</sup> day of November, 2025 and **AMENDED** and **SIGNED** the 28<sup>th</sup> day of January, 2026 in Harvey, Louisiana.

The Louisiana Supreme Court has held that the language contained in the second sentence of La. C.C.P. art. 1918 is precatory and, as such, does not render an otherwise complete and valid judgment invalid merely because it contains surplus language. *Hinchman v. International Brotherhood of Electrical Workers, Local Union # 130*, 292 So.2d 717, 720 (La. 1974); *John M. Floyd & Assocs., Inc. v. Ascension Credit Union*, 29-574 (La. App. 1 Cir. 12/27/19), 292 So.3d 922, 924. A judgment should not be nullified if it is otherwise complete and valid except for the inclusion of reasons. *Id.*

A comparison of the original judgment and the amended judgment shows that decretal language was duly added in the amended judgment and corrects the original deficiency in the judgment, rendering it a valid judgment sufficient to invoke this Court's appellate jurisdiction. The judge's inclusion of reasons for the various rulings contained in the amended judgment does not violate Article 1918(A) and does not constitute additional rulings that were not made at the November 3, 2025 hearing.

Mr. Smoot's original assignment of error argued that the original judgment was not sufficient to serve as a lawful basis for continued child support. Now that the judgment was amended to include proper decretal language, we find no merit to this contention, as explained further below.<sup>2</sup>

Thus, we deny Mr. Smoot's Motion to Strike the amended judgment.

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<sup>2</sup> The hearing officer denied Mr. Smoot's rule to modify/terminate the child support order in effect, finding that Mr. Smoot gave no legal basis for termination of the support order. Any language in the transcript or in the judgment "enforcing" the motion/order for child support is superfluous, as no new order was issued, nor was the order currently in effect (July 11, 2024) modified or terminated. Thus, the lack of an "amount" of child support in the amended judgment is of no moment.

## **SECOND AND THIRD ASSIGNMENTS OF ERROR**

### ***Denial of request to terminate child support***

In these assignments of error, Mr. Smoot argues that the Juvenile Court failed to adjudicate termination of child support as he requested, failed to issue findings, and violated his constitutional due process rights. He argues that “continued enforcement absent such adjudication violates constitutional protections under both the Louisiana and United States Constitutions.” He also argues that the Juvenile Court erred by adopting the hearing officer’s recommendation without independently stating findings of fact, conclusions of law, or specific relief.

Mr. Smoot’s “arguments” that his rights were violated are conclusory statements made without support. La. Ch.C. art. 311 grants concurrent jurisdiction to the Juvenile Court in Jefferson Parish in proceedings brought by the district attorney or DCFS to establish paternity or to establish, modify, or enforce support pursuant to provisions of La. R.S. 46:236.1.1, *et seq.* The procedures set forth in La. R.S. 46:236.5 satisfy the due process requirements of the Louisiana and United States Constitutions, and are facially constitutional. *Fairbanks v. Beninate*, 20-206 (La. App. 5 Cir. 12/23/20), 308 So.3d 1222, 1235, *writ denied*, 21-250 (La. 3/23/21), 313 So.3d 272. This statute allows the appointment of hearing officers in Juvenile Court in proceedings brought by DCFS pursuant to La. R.S. 46:236.1.1. The hearing officer shall act as a finder of fact and shall make written recommendations to the court on the establishment and modification of child and spousal support, child custody, and visitation. La. R.S. 46:236.5(C)(3). La. R.S. 46:236.5(C)(6) provides that any party who disagrees with a judgment or ruling of a hearing officer on a matter set forth in Paragraph (3) may file a written objection to the findings of fact or law of the hearing officer within the time and manner established by court rule, and that the objection shall be heard by the judge of the district court to whom the case is assigned. At the contradictory hearing, the judge shall accept, reject, or modify in whole or in part the findings of the hearing officer. If the judge in his discretion determines that additional information is needed, he may receive evidence at the

hearing or remand the proceeding to the hearing officer. It is this provision, preserving the right to judicial review of the hearing officer's recommendations, that passes constitutional muster. *Fairbanks*, 308 So.3d at 1235. Mr. Smoot was in fact provided with the forms necessary to request a disagreement hearing, which he submitted on the same day as the hearing officer proceeding, as noted above.

La. R.S. 9:311(A)(1) states that "an award for support shall not be modified unless the party seeking the modification shows a material change in circumstances of one of the parties between the time of the previous award and the time of the rule for modification of the award. The material change in circumstances must be substantial and continuing since the last award for support."

The form that Mr. Smoot filled out to request a modification/termination of support listed various grounds that may constitute a material change in circumstances, as per La. R.S. 9:311(A)(2).<sup>3</sup> When DCFS is providing support enforcement services, a change in circumstances exists only when a strict application of the guidelines would result in at least a twenty-five percent change in the existing child support award. La. R.S. 9:311(C)(1); *State, Dep't of Soc. Servs., Support Enf't Servs. ex rel. A.M. v. Taylor*, 00-2048 (La. App. 1 Cir. 2/15/02), 807 So. 2d 1156, 1161. As the party seeking modification of a child support award, Mr. Smoot bore the burden of proving that a change in circumstances had occurred. *State, Dep't of Soc. Servs. v. Burkett*, 02-1128 (La. App. 5 Cir. 4/29/03), 845 So.2d 1183, 1188.

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<sup>3</sup> La. R.S. 9:311(A)(2) states:

- (2) The Department of Children and Family Services shall prepare and distribute information, forms, and rules for the modification or suspension of support orders, in accordance with this Subsection, and for proceeding *in forma pauperis*. The information provided by the Department of Children and Family Services shall specifically include what may constitute a material change in circumstances. The clerks of court in all parishes shall make this information available to the public upon request. This information shall also be distributed by the Department of Public Safety and Corrections or the sheriff of any parish, as appropriate, to every person incarcerated in every state and parish jail and prison facility. When the initial support order is entered, either the court or the department, if providing services, shall provide this information to the parties.

In his rule to modify/terminate child support, Mr. Smoot did not argue a change in circumstances, either in the child's needs or his ability to pay, as he admits in brief. Instead, he argued procedural issues such as lack of jurisdiction and that the statutory scheme allowing hearing officers to hear child support matters violated his constitutional rights, which arguments are akin to peremptory and declinatory exceptions. The hearing officer properly denied these arguments, which became the "recommendation" which is the subject of the disagreement hearing. As the Juvenile Court recognized at the disagreement hearing, Mr. Smoot has acquiesced to the jurisdiction of the Juvenile Court in this child support matter since 2022. Mr. Smoot has failed to show that the Juvenile Court's adoption of the hearing officer's rulings denying Mr. Smoot's objections to the proceeding served to abdicate its responsibility to Mr. Smoot.

#### **FOURTH ASSIGNMENT OF ERROR**

##### ***Denial of stay request***

In this assignment of error, Mr. Smoot argues that the Juvenile Court erred in not granting his request for a stay to prevent enforcement of the child support order pending judicial review of the hearing officer's recommendations of August 21, 2025 that denied Mr. Smoot's rule to modify/terminate, finding that Mr. Smoot gave no legal basis for termination of the support order in effect. He argues that the denial of the stay chilled his right to appeal and constituted a deprivation of property without due process of law.

First, we point out that the August 21, 2025 recommendations did not enforce a child support order, but rather denied Mr. Smoot's request to modify or terminate the previous order that was already in effect (the July 11, 2024 order to which Mr. Smoot consented). Also, Mr. Smoot was not deprived of an "appeal" of the August 21, 2025 recommendations. He filed a request for a disagreement hearing on the same day, which took place on November 3, 2025.

Mr. Smoot's request for a stay was not filed until October 30, 2025, only days before the disagreement hearing. The request for a stay

was, in essence, a request to enjoin enforcement of the previous order of support. In any event, no court shall issue a temporary restraining order in cases where the issuance shall stay or enjoin the enforcement of a child support order when the Department of Children and Family Services is providing services, except for good cause shown by written reasons made a part of the record. La. C.C.P. art. 3603(C). Mr. Smoot failed to allege any grounds or show that he was entitled to a stay or an injunction of the child support order of July 11, 2024. This assignment of error is without merit.

### **FIFTH ASSIGNMENT OF ERROR**

#### ***Appellant's removal from court room during hearing***

In his final assignment of error, Mr. Smoot argues that the judgment is constitutionally infirm because at the hearing on August 21, 2025, he was removed from the courtroom before he could be heard and his objections placed on the record.

The transcript of the hearing before the hearing officer on August 21, 2025 shows that Mr. Smoot was able to argue his objections before he was removed from the courtroom for disruptive behavior. The transcript supports the hearing officer's finding that Mr. Smoot's behavior towards the court violated requirements for proper courtroom decorum. Mr. Smoot was not illegally denied access to the courts. This assignment of error is without merit.

### **CONCLUSION AND DECREE**

The Juvenile Court's November 3, 2025 judgment, as amended on January 28, 2026, is affirmed. Appellant's Motion to Strike the Juvenile Court's November 3, 2025 judgment, as amended on January 28, 2026, is denied.

**AFFIRMED; MOTION TO  
STRIKE DENIED**

SUSAN M. CHEHARDY  
CHIEF JUDGE

FREDERICKA H. WICKER  
JUDE G. GRAVOIS  
MARC E. JOHNSON  
STEPHEN J. WINDHORST  
JOHN J. MOLAISSON, JR.  
SCOTT U. SCHLEGEL  
TIMOTHY S. MARCEL

JUDGES



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**NOTICE OF JUDGMENT AND CERTIFICATE OF DELIVERY**

I CERTIFY THAT A COPY OF THE OPINION IN THE BELOW-NUMBERED MATTER HAS BEEN DELIVERED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 2-16.4 AND 2-16.5** THIS DAY **MAY 6, 2026** TO THE TRIAL JUDGE, CLERK OF COURT, COUNSEL OF RECORD AND ALL PARTIES NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

**CURTIS B. PURSELL**  
CLERK OF COURT

**26-CA-10**

**E-NOTIFIED**

JUVENILE COURT (CLERK)

HON. BARRON C. BURMASTER (DISTRICT JUDGE)

DOMINIQUE N. GERACI (APPELLEE)

THOMAS J. BUTLER (APPELLEE)

HONORABLE PAUL D. CONNICK, JR.

(APPELLEE)

LEKITA G. ROBERTSON (APPELLEE)

**MAILED**

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