

Fifth Circuit Court of Appeal
State of Louisiana

No. 26-KA-189

STATE OF LOUISIANA
versus
NAYELI MATAMORO

ON APPEAL THE TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON, STATE OF LOUISIANA
NO. 25-3979, DIVISION "M"
HONORABLE SHAYNA BEEVERS MORVANT, JUDGE PRESIDING

May 15, 2026

SUSAN M. CHEHARDY
CHIEF JUDGE

Panel composed of Judges Susan M. Chehardy,
Marc E. Johnson, and Scott U. Schlegel

APPEAL DISMISSED

SMC
MEJ
SUS

TRUE COPY



JALISA WALKER
DEPUTY CLERK

CHEHARDY, C.J.

Appellant, Ms. Nayeli Matamoros-Murillo, appeals her convictions and sentences on two counts of child desertion, a violation of La. R.S. 154:93.2.1. On December 15, 2025, the trial court sentenced defendant to six months of incarceration on both counts, with credit for time served and with the sentences to be served concurrently, followed by eight months of probation. The trial court then suspended the sentences and placed defendant on active probation for eight months.

Under the Louisiana Constitution, appellate jurisdiction extends to “all criminal cases triable by a jury” except capital cases. La. Const. Art. V, § 10. A misdemeanor is triable by jury only if the accused faces imprisonment for more than six months or a fine of more than \$1,000. La. C.Cr.P. art. 779(B); *State v. Flowers*, 11-376 (La. App. 5 Cir. 12/13/11), 81 So.3d 910, 910.

The penalty that may be imposed for a violation of La. R.S. 154:93.2.1 does not exceed six months imprisonment or a fine of more than five hundred dollars. Thus, the charged offenses in this case are not triable to a jury. La. C.Cr.P. art. 779(B). An offense not triable to a jury is reviewable pursuant to this Court’s supervisory jurisdiction only; it is not appealable. La. C.Cr.P. art. 912.1(C)(1); *Flowers, supra*; *State v. Simmons*, 25-363 (La. App. 5 Cir. 8/27/25), 421 So.3d 1038, 1039.

This Court has consistently dismissed appeals in analogous cases while reserving the defendant’s right to seek supervisory review of an adverse judgment within 30 days. *See, e.g., Flowers*, 81 So.3d at 911; *Simmons*, 421 So.3d at 1039. As such, we dismiss this appeal and permit defendant 30 days to file a supervisory writ application. Furthermore, we construe defendant’s January 5, 2026 motion for appeal as a timely filed notice of intent to seek a supervisory writ, thereby relieving her of the obligation to file a separate notice of intent or to obtain an order setting a

return date, which ordinarily is required under Uniform Rules—Courts of Appeal, Rule 4-3. *See Flowers*, 81 So.3d at 911.

CONCLUSION

Because we lack appellate jurisdiction to review the instant misdemeanor convictions and sentences, we dismiss the appeal. Defendant has 30 days from the date of this Order to file a writ application seeking supervisory review of the trial court's rulings.

APPEAL DISMISSED

SUSAN M. CHEHARDY
CHIEF JUDGE

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

JUDGES



FIFTH CIRCUIT

101 DERBIGNY STREET (70053)

POST OFFICE BOX 489

GRETNA, LOUISIANA 70054

www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400

(504) 376-1498 FAX

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 15, 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-KA-189

E-NOTIFIED

24TH JUDICIAL DISTRICT COURT (CLERK)

HONORABLE SHAYNA BEEVERS MORVANT (DISTRICT JUDGE)

IVAN A. ORIHUELA (APPELLANT)

THOMAS J. BUTLER (APPELLEE)

MAILED

NO ATTORNEYS WERE MAILED