

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

STATE OF LOUISIANA

NUMBER 2013 KW 0171

VERSUS

MALCOLM C. BRUMFIELD

**APR 08 2013**

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In Re: Malcolm C. Brumfield, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 499562.

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**BEFORE: GUIDRY, CRAIN AND THERIOT, JJ.**

**WRIT DENIED.** The proper procedural vehicle for raising a claim of excessiveness is a motion to reconsider sentence. See La. Code Crim. P. art. 881.1(E). A motion to reconsider sentence must be filed within thirty days after imposition of sentence unless the court at sentencing sets a longer time. See La. Code Crim. P. art. 881.1(A)(1). An "out-of-time" motion to reconsider sentence is not contemplated by the Code of Criminal Procedure nor allowed by the jurisprudence. See **State v. Gedric**, 99-1213 (La. App. 1st Cir. 6/3/99), 741 So.2d 849, 851-52, writ denied, 99-1830 (La. 11/5/99), 751 So.2d 239 (per curiam). See also La. Code Crim. P. arts. 881.5 & 882(A).

**MRT**  
**JMG**

**Crain, J., concurs.**

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DEPUTY CLERK OF COURT  
FOR THE COURT