

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NUMBER 2013 KW 0586

VERSUS

WALTER DICKERSON

JUN 19 2013

In Re: Walter Dickerson, applying for supervisory writs,
32nd Judicial District Court, Parish of
Terrebonne, No. 201576.

BEFORE: PARRO, KUHN AND McCLENDON, JJ.

WRIT DENIED. Louisiana Code of Criminal Procedure article 930.3 lists the grounds upon which postconviction relief may be granted and these are exclusive grounds. Article 930.3 does not provide the basis for review of claims of excessiveness or other sentencing error after the conviction. See State ex rel. Melinie v. State, 93-1380 (La. 1/12/96), 665 So.2d 1172 (per curiam). See also State v. Cotton, 2009-2397 (La. 10/15/10), 45 So.3d 1030 (per curiam). Because relator's excessiveness claim is without merit, he failed to allege a claim which, if established, would entitle him to relief. Therefore, the trial court did not err in denying the application for postconviction relief without ordering the State to file procedural objections or an answer on the merits. See La. Code Crim. P. art. 928. Additionally, the five new claims are untimely for purposes of postconviction relief, and relator failed to allege an exception to the time limit. See La. Code Crim. P. art. 930.8(A). Moreover, article 930.8 does not require the trial court to notify a petitioner and afford him an opportunity to respond prior to dismissing a petitioner's postconviction relief application as untimely. See State v. Chapman, 97-0967 (La. App. 4th Cir. 9/3/97), 699 So.2d 504, writ denied, 97-2600 (La. 4/3/98), 717 So.2d 229.

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