

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1610

VERSUS

WILLIAM VICKNAIR

DEC 20 2013

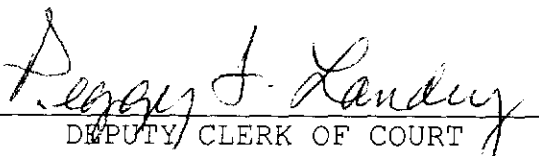
In Re: State of Louisiana, applying for supervisory writs,
21st Judicial District Court, Parish of Livingston,
No. 21556.

BEFORE: PARRO, GUIDRY, AND DRAKE, JJ.

WRIT GRANTED. The trial court erred in granting the defendant's application for postconviction relief. The appropriate procedural vehicle for a defendant to seek the exercise of his right to appeal a felony conviction and sentence, after the delay provided in La. Code Crim. P. art. 914 has expired, is an application for postconviction relief. **State v. Counterman**, 475 So.2d 336, 339 (La. 1985). However, the request for an out-of-time appeal must be filed within the time period provided for the filing of postconviction relief. See La. Code Crim. P. art. 930.8(A). The defendant's conviction was final in 2007. The defendant failed to assert any of the exceptions to the time limitation set forth in Article 930.8. Thus, the application for postconviction relief filed in 2013 was untimely.

EGD
RHP
JMG

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DEPUTY CLERK OF COURT
FOR THE COURT