

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

STATE OF LOUISIANA

NO. 2014 KW 0697

VERSUS

JOHN HARLEY COOK

**JUL 28 2014**

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In Re: John Harley Cook, applying for supervisory writs, 22nd  
Judicial District Court, Parish of St. Tammany, No.  
504777-1.

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

**WRIT DENIED.** Relator's claims regarding the habitual offender proceedings and counsel's representation at the proceedings are not cognizable in a motion to correct an illegal sentence. See **State v. Gedric**, 99-1213 (La. App. 1st Cir. 6/3/99), 741 So.2d 849 (per curiam), writ denied, 99-1830 (11/5/99), 751 So.2d 239. These claims also may not be raised in an application for postconviction relief. **State v. Cotton**, 2009-2397 (La. 10/15/10), 45 So.3d 1030 (per curiam). Furthermore, this Court has previously noted that **Apprendi v. New Jersey**, 530 U.S. 466, 120 S.Ct. 2348, 147 L.Ed.2d 435 (2000), does not apply to habitual offender situations. See **State v. Leblanc**, 2004-1032 (La. App. 1st Cir. 12/17/04), 897 So.2d 736, 743-44, writ denied, 2005-0150 (La. 4/29/05), 901 So.2d 1063, cert. denied, 546 U.S. 905, 126 S.Ct. 254, 163 L.Ed.2d 231 (2005). Additionally, relator was properly adjudicated and sentenced as a second-felony habitual offender. See **State v. Lewis**, 2012-1835 (La. 11/30/12), 104 So.3d 407 (per curiam). See also **State v. Holloway**, 2012-0926 (La. App. 4th Cir. 7/3/13), 120 So.3d 795, 797-802, writ denied, 2013-1875 (La. 2/21/14), 133 So.3d 680.

**MRT**  
**EGD**  
**WJC**

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DEPUTY CLERK OF COURT  
FOR THE COURT