

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

STATE OF LOUISIANA

NO. 2014 KW 1162

VERSUS

TERRANCE JAMES KELM

OCT 03 2014

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In Re: Terrance James Kelm, applying for supervisory writs,  
22nd Judicial District Court, Parish of St. Tammany,  
No. 456903.

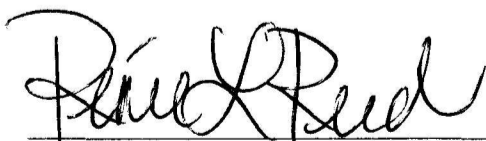
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**BEFORE: WHIPPLE, C.J., McCLENDON AND HIGGINBOTHAM, JJ.**

**WRIT DENIED.** A pleading's nature is determined by its substance and not its caption. See **State ex rel. Daley v. State**, 97-2612 (La. 11/7/97), 703 So.2d 32; **State ex rel. Lay v. Cain**, 96-1247 (La. App. 1st Cir. 2/14/97), 691 So.2d 135, 137. Habeas corpus is not available to contest the validity of a conviction or to have the sentence set aside; such claims are considered requests for postconviction relief. See **Sinclair v. Kennedy**, 96-1510 (La. App. 1st Cir. 9/19/97), 701 So.2d 457, 460, writ denied, 97-2495 (La. 4/3/98), 717 So.2d 645. If the inmate files a pleading that requests postconviction relief, the pleading should be treated as such, including the application of the time limit of Article 930.8. See **State v. Jarrow**, 2004-0483 (La. 9/24/04), 882 So.2d 1160. No application for postconviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence have become final. See La. Code Crim. P. art. 930.8(A). It is well settled that a guilty plea, by its nature, admits factual guilt and relieves the State of the necessity to prove it by a contested trial. See **State v. Crosby**, 338 So.2d 584 (La. 1976); **State v. Bourgeois**, 406 So.2d 550 (La. 1981).

PMc  
TMH  
VGW

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