

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 0822

VERSUS

ANTHONY MEALEY

OCT 01 2018

In Re: State of Louisiana, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, Nos. 02-01-0125, 06-00-0462.

BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT GRANTED. The district court's ruling granting the defendant's motion to withdraw guilty plea is reversed. A request to withdraw a plea made after sentencing is in the nature of postconviction and must be filed timely under La. Code Crim. P. art. 930.8. **State ex rel. Chauvin v. State**, 99-2456 (La. App. 1st Cir. 1/28/00), 814 So.2d 1 (per curiam). An application for postconviction relief shall not be considered if it is filed more than two years after the judgment of conviction and sentence has become final, unless an exception to the time limit applies. La. Code Crim. P. art. 930.8(A). The defendant's conviction was final in 2001. Thus, his motion filed in 2018 was untimely and did not allege any exceptions to the time limitation.

Additionally, the defendant's motion is also considered repetitive and a successive application for postconviction relief. See La. Code Crim. P. arts. 930.4 & 930.8. Having fully litigated his claims in accord with La. Code Crim. P. art. 930.6, unless he can show that one of the narrow exceptions authorizing the filing of a successive application provided in La. Code Crim. P. art. 930.4 applies, the defendant has exhausted his right to postconviction relief. See State ex rel. Bonvillain v. State, 2015-2331 (La. 3/14/16), 186 So.3d 644 (per curiam).

WJC
GH
JMM

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DEPUTY CLERK OF COURT
FOR THE COURT