

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2018 KW 0884

VERSUS

ROGER JAMES

OCT 01 2018

In Re: Roger James, applying for supervisory writs, 18th Judicial District Court, Parish of Iberville, No. 518-11.

BEFORE: McDONALD, CRAIN, AND HOLDRIDGE, JJ.

WRIT DENIED. Relator's claim regarding the guilty plea is untimely. See La. Code Crim. P. arts. 914(B) & 930.8(A); **State ex rel. Chauvin v. State**, 99-2456 (La. App. 1st Cir. 1/28/00), 814 So.2d 1 (*per curiam*). The State met its burden of establishing that relator violated a condition of probation. Additionally, no complex issues were addressed at the probation revocation hearing, and there is no indication that relator made a request for counsel. Therefore, the district court did not abuse its discretion by revoking relator's probation or by not appointing counsel to represent relator at the revocation proceedings. See **Gagnon v. Scarpelli**, 411 U.S. 778, 788-90, 93 S.Ct. 1756, 1763-64, 36 L.Ed.2d 656 (1973). See also **State v. Lavergne**, 97-752 (La. App. 3d Cir. 6/3/98), 716 So.2d 92, 95-96. Moreover, sentencing claims may not be raised in an application for postconviction relief. See La. Code Crim. P. art. 930.3; **State ex rel. Melinie v. State**, 93-1380 (La. 1/12/96), 665 So.2d 1172 (*per curiam*).

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