

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2013 KW 1846

VERSUS

EDWARD MCGARY

FEB 18 2014


In Re: Edward McGary, applying for supervisory writs, 21st
Judicial District Court, Parish of Tangipahoa, No.
53149.

BEFORE: PARRO, GUIDRY AND DRAKE, JJ.

WRIT DENIED. A pleading's nature is determined by its substance and not its caption. **State ex rel. Lay v. Cain**, 96-1247 (La. App. 1st Cir. 2/14/97), 691 So.2d 135, 137. See **State ex rel. Daley v. State**, 97-2612 (La. 11/7/97), 703 So.2d 32. 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. **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. Moreover, claims arising out of habitual offender proceedings may not be raised in an application for postconviction relief. See **State v. Cotton**, 2009-2397 (La. 10/15/10), 45 So.3d 1030 (per curiam).

RHP
JMG
EGD

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DEPUTY CLERK OF COURT
FOR THE COURT