

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1499

VERSUS

THEODORE SMITH

NOV 19 2014

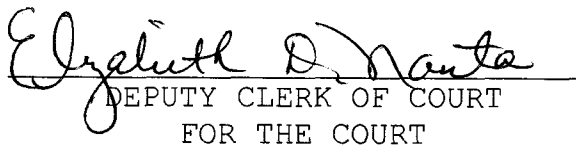
In Re: Theodore Smith, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
220022.

BEFORE: GUIDRY, THERIOT AND DRAKE, JJ.

WRIT DENIED. After sentencing, the court may set aside the guilty plea and sentence only if the facts surrounding the guilty plea render it constitutionally deficient. **State v. Smith**, 406 So.2d 1314, 1315 (La. 1981). Such a request (filed after sentencing) is in the nature of postconviction relief, and it 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). As relator is undoubtedly aware of, Article 930.8(A) provides that 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. Relator's sentence and conviction in this case became final well over nineteen years ago. Therefore, he is procedurally barred from seeking postconviction relief in this case.

EGD
JMC
MRT

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DEPUTY CLERK OF COURT
FOR THE COURT