

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1615

VERSUS

JAN 12 2015

SPENCER K. WATTS

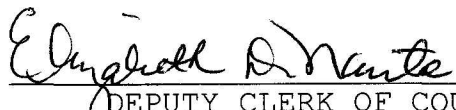
In Re: Spencer K. Watts, applying for supervisory writs, 22nd
Judicial District Court, Parish of St. Tammany, No.
497753.

BEFORE: GUIDRY, THERIOT 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. We find the claim raised in the "Petition to Annul, Vacate and Set-Aside, Conviction and Sentence: (Nunc Pro Tunc)," is in the nature of postconviction relief. Thus, the district court did not err in applying the postconviction relief articles to relator's filing and determining that the filing was repetitive and untimely. Accordingly, the writ application is denied.

EGD
JMG
MRT

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