

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1877

VERSUS

WARREN C. REAVIS, III

FEB 23 2015


In Re: Warren C. Reavis, III, applying for supervisory writs,
22nd Judicial District Court, Parish of St. Tammany,
No. 528248.

BEFORE: PETTIGREW, DRAKE AND CHUTZ, JJ.

WRIT DENIED. Although relator's application is timely for purposes of postconviction relief, the application is barred under **State v. Cotton**, 2009-2397 (La. 10/15/10), 45 So.3d 1030 (per curiam), and **State ex rel. Melinie v. State**, 93-1380 (La. 1/12/96), 665 So.2d 1172 (per curiam). A habitual offender adjudication constitutes "sentencing" for purposes of **Melinie** and La. Code Crim. P. art. 930.3, which provides no vehicle for postconviction consideration of claims arising out of the habitual offender proceedings. Thus, a defendant's claim that he received ineffective assistance of counsel at his habitual offender adjudication is not cognizable on collateral review so long as the sentence imposed by the court falls within the range of the sentencing statutes. See Cotton, 45 So.3d at 1030-31. Because relator's 12-year at hard labor habitual offender sentence falls within the range of the sentencing statutes, his claim that counsel was ineffective at the habitual offender proceedings is not cognizable in an application for postconviction relief. See La. R.S. 14:27(D)(3) & 14:62.5(C). See also 15:529.1(A)(1). Accordingly, the district court did not abuse its discretion by denying postconviction relief. The district court also did not err by not ordering the State to file a response on the merits and by not holding an evidentiary hearing before rendering its ruling on the application. See La. Code Crim. P. arts. 928 & 929(A).

EGD
WRC
JTP

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