

**STATE OF LOUISIANA**  
**COURT OF APPEAL, FIRST CIRCUIT**

STATE OF LOUISIANA

NO. 2015 KW 0055

VERSUS

MAR 09 2015

TIMOTHY SPICER

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In Re: Timothy Spicer, applying for supervisory writs, 22nd  
Judicial District Court, Parish of St. Tammany, No.  
276533.

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**BEFORE: GUIDRY, WELCH AND THERIOT, JJ.**

**WRIT DENIED.** La. Code Crim. P. art. 881.5 defines an illegal sentence as one that "exceeds the maximum sentence authorized by law." Relator's claim regarding the habitual offender bill of information does not point to an illegal term in the sentence. Therefore, his claim is not cognizable in a motion to correct an illegal sentence. See **State v. Parker**, 98-0256 (La. 5/8/98), 711 So.2d 694 (per curiam). This claim also may not be raised in an application for postconviction relief. **State v. Cotton**, 2009-2397 (La. 10/15/10), 45 So.3d 1030 (per curiam). Any challenge to a previous conviction which is not made before sentence is imposed may not thereafter be raised to attack the sentence. See La. R.S. 15:529.1(D)(1)(b). Furthermore, the delay to seek postconviction relief has expired in this case. See La. Code Crim. P. art. 930.8(A). Accordingly, the district court did not err in denying relator's motion to correct an illegal sentence. Moreover, see the actions of this Court in 2014 KW 1153 and 2013 KW 1134, wherein this Court denied relator's writs seeking review of similar claims.

JEW  
MRT  
JMG

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DEPUTY CLERK OF COURT  
FOR THE COURT