

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 1248

VERSUS

KIAN TATE

NOV 18 2015

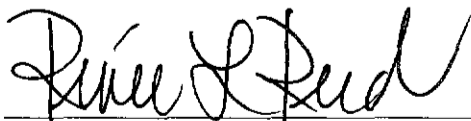
In Re: Kian Tate, applying for supervisory writs, 19th
Judicial District Court, Parish of East Baton Rouge,
No. 09-09-0319.

BEFORE: GUIDRY, HOLDRIDGE AND CHUTZ, JJ.

WRIT DENIED. The allegations in the motion and the pleadings filed with this Court do not point to a claimed illegal term in the sentences. Therefore, relator's claims are not cognizable in a motion to correct an illegal sentence. **State v. Gedric**, 99-1213 (La. App. 1st Cir. 6/3/99), 741 So.2d 849, 851-52 (per curiam), writ denied, 99-1830 (La. 11/5/99), 751 So.2d 239. These claims also may not be raised in an application for postconviction relief. Louisiana Code of Criminal Procedure article 930.3 does not provide the basis for review of claims of excessiveness, or other sentencing error after conviction, and the failure of the district court to comply with the requirements of La. Code Crim. P. art. 894.1 may not be raised in an application for postconviction relief. See State ex rel. Melinie v. State, 93-1380 (La. 1/12/96), 665 So.2d 1172 (per curiam). Moreover, relator's claim that the district court failed to impose a determinate sentence is factually without merit, and the imposition of the entire forcible rape sentence without benefit of parole was within the court's sentencing discretion. See La. R.S. 42.1(B).

JMG
GH
WRC

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