

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2015 KW 1407

VERSUS

NOV 18 2015

D'JUANIELLE DIGGS

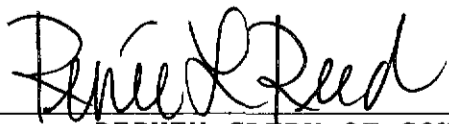
In Re: D'Juanielle Diggs, applying for supervisory writs,
16th Judicial District Court, Parish of St. Mary, No.
2008-177724.

BEFORE: GUIDRY, HOLDRIDGE AND CHUTZ, JJ.

WRIT DENIED. The district court did not err in denying relator's application for postconviction relief. It is well-settled that La. Code Crim. P. art. 930.3 does not provide the basis for review of claims of excessiveness, or other sentencing error after conviction. See **State ex rel. Melinie v. State**, 93-1380 (La. 1/12/96), 665 So.2d 1172 (per curiam). Furthermore, as correctly noted by the district court, **Miranda v. Arizona**, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966) only applies if three conditions are met: (1) the defendant is in "custody" or significantly deprived of freedom, (2) there is an "interrogation," and (3) the interrogation is conducted by a "law enforcement officer" or someone acting as their agent. **State v. Bernard**, 2009-1178 (La. 3/16/10), 31 So.3d 1025, 1029. Relator failed to include documents from the district court record to support his contention that he was not advised of his **Miranda** rights following his arrest for the underlying offense. The information in the judgment, however, reflects that the arresting officer in the instant case did not read relator the **Miranda** rights after he placed relator under arrest because the officer did not interrogate relator.

WRC
JMG
GH

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