

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

STATE OF LOUISIANA

NO. 2017 KW 1195

VERSUS

NOV 30 2017

NICHOLAS CHIASSON

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In Re: Nicholas Chiasson, applying for supervisory writs,  
22nd Judicial District Court, Parish of St. Tammany,  
No. 521,898.

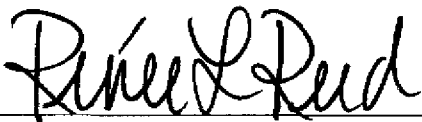
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**BEFORE: HIGGINBOTHAM, HOLDRIDGE, AND PENZATO, JJ.**

**WRIT DENIED.** A pleading's nature is determined by its substance and not its caption. See State ex rel. Daley v. State, 97-2612 (La. 11/7/97), 703 So.2d 32. Relator's allegation that he was induced to plead guilty for a certain parole date does not point to a claimed illegal term in the sentence. Therefore, relator's claim may not be raised in a motion to correct an illegal sentence, and it is untimely for purposes of an application for postconviction relief. See La. Code Crim. P. art. 930.8(A). See also State v. Parker, 98-0256 (La. 5/8/98), 711 So.2d 694, 695 (*per curiam*). In addition, the **Boykin** transcript does not support relator's allegations regarding a promise of parole eligibility. The district court was mandated by law to restrict parole for the first two years of relator's sentence. See La. R.S. 40:967(B)(4)(b). Parole eligibility is determined pursuant to La. R.S. 15:574.4 et seq. Once an inmate has fulfilled the terms of the sentence imposed by the district court, the Department of Corrections determines whether the inmate is eligible to be considered for parole. Accordingly, the district court did not err by denying the motion to correct an illegal sentence.

TMH  
GH  
AHP

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FOR THE COURT