

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0539

VERSUS

ANTHONY D. HOLLIDAY

JUL 11 2019

In Re: Anthony D. Holliday, applying for supervisory writs,
19th Judicial District Court, Parish of East Baton
Rouge, No. 12-86-0363.

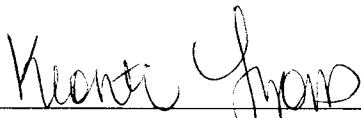
BEFORE: WELCH, CHUTZ, AND PENZATO, JJ.

WRIT DENIED. Relator's claim regarding the amendment of the grand jury indictment does not point to an illegal term in his sentence. Therefore, his claim may not be raised in a "motion to correct an invalid sentence," and it is untimely for purposes of postconviction relief. La. Code Crim. P. art. 930.8(A); **State v. Gedric**, 99-1213 (La. App. 1st Cir. 6/3/99), 741 So.2d 849, 852 (*per curiam*), writ denied, 99-1830 (La. 11/5/99), 751 So.2d 239. Furthermore, it is well-settled law that district attorneys are empowered to amend indictments to charge lesser offenses. See **State v. Davis**, 385 So.2d 193, 197 (La. 1980); **State v. Young**, 615 So.2d 948, 951 (La. App. 1st Cir.), writ denied, 620 So.2d 873 (La. 1993). See also **State v. Thibodeaux**, 98-1673 (La. 9/8/99), 750 So.2d 916, 930, cert. denied, 529 U.S. 1112, 120 S.Ct. 1969, 146 L.Ed.2d 800 (2000).

WRC
AHP

Welch, J., concurs.

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