

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2019 KW 0757

VERSUS

MARLO CHARLES

AUG 19 2019

In Re: Marlo Charles, applying for supervisory writs, 32nd Judicial District Court, Parish of Terrebonne, No. 345943.

BEFORE: McCLENDON, WELCH, AND HOLDRIDGE, JJ.

WRIT DENIED. Relator's claim may not be raised in a motion to correct an illegal 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, both as to form and substance, at any time before trial. See La. Code Crim. P. art. 487(A); **State ex rel. Rochelle v. State**, 2015-1728 (La. 10/28/16), 203 So.3d 227 (*per curiam*). A post-verdict attack on the sufficiency of an indictment should be rejected unless the indictment failed to give fair notice of the offense charged or failed to set forth any identifiable offense. 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).

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