

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

STATE OF LOUISIANA

NO. 2020 KW 0919

VERSUS

VICTOR COVINGTON

DECEMBER 21, 2020

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In Re: Victor Covington, applying for supervisory writs, 20th  
Judicial District Court, Parish of East Feliciana, No.  
96-CR-1253.

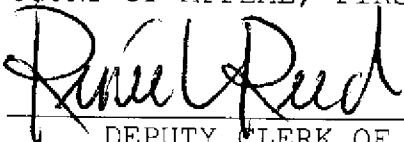
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**BEFORE: WHIPPLE, C.J., WELCH AND CHUTZ, JJ.**

**WRIT DENIED.** A pleading's nature is determined by its substance and not its caption. **State ex rel. Lay v. Cain**, 96-1247 (La. App. 1st Cir. 2/14/97), 691 So.2d 135, 137. Relator's contention that he should be released from confinement on the ground the trial court lacked jurisdiction is an attack on his conviction and sentence. Thus, his allegations are in the nature of a request for postconviction relief. See La. Code Crim. P. art. 924(1). Relator's claims are untimely as the delay to seek postconviction relief in this case has expired. See La. Code Crim. P. art. 930.8(A). Furthermore, contrary to relator's claims, the United States Supreme Court did not declare La. Code Crim. P. art. 413(B) unconstitutional in **Campbell v. Louisiana**, 523 U.S. 392, 118 S.Ct. 1419, 140 L.Ed.2d 551 (1998). Compare **State v. Dilosa**, 2002-2222 (La. 6/27/03), 848 So.2d 546.

VGW  
JEW  
WRC

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