

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA * **NO. 2001-KA-1374**
VERSUS * **COURT OF APPEAL**
ALPHA O. CEDAN * **FOURTH CIRCUIT**
* **STATE OF LOUISIANA**
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APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 415-240, SECTION "D"
Honorable Frank A. Marullo, Judge
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Judge Miriam G. Waltzer
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(Court composed of Chief Judge William H. Byrnes III, Judge Steven R. Plotkin, Judge Miriam G. Waltzer)

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AFFIRMED.

Alpha O. Cedan was charged by bill of information on 26 June 2000, with possession of cocaine in violation of La. R.S. 40:967(C). He pleaded not guilty at arraignment on 29 June. After being advised of his right to a jury, Cedan elected a bench trial, and on 7 August the defendant was found to be guilty of attempted possession of cocaine. The state filed a multiple bill that same day charging the defendant as a second offender, and the defendant pleaded guilty to the bill. After waiving all sentencing delays, he was then sentenced to serve fifteen months at hard labor under La. R.S. 15:529.1. His motion for an appeal was granted.

At trial Officer John Hunter testified that on 9 June 2000, he was conducting a traffic stop in the 1500 block of Dumaine Street when he noticed the defendant standing on the sidewalk nearby. Cedan was holding a syringe in his left hand, and he threw it to the ground on seeing the officer. In his right hand Cedan was holding the bottom half of an aluminum can containing a white residue. Officer Hunter knew from experience that such a can is used to cook drugs that are then injected intravenously. Officer Hunter asked Cedan if he were diabetic, and he answered that he was not. Cedan also had a shoestring around his neck. The shoestring, can, and syringe were taken from him. He was charged with possession of drug paraphernalia.

There was a stipulation that the residue from the syringe and can were tested and in both instances cocaine was found.

A review of the record for errors patent revealed none.

In a single assignment of error, the defendant complains that the trial court failed to advise him of the prescriptive period for post-conviction relief under La. C.Cr.P. art. 930.8. However, this article contains merely precatory language and does not bestow an

enforceable right upon an individual defendant. State ex rel. Glover v. State, 93-2330, 94-2101, 94-2197, p. 21 (La. 9/5/95), 660 So.2d 1189, 1201.

In the interest of judicial economy, we note for defendant that La. C.Cr.P. art. 930.8 generally requires that applications for post-conviction relief be filed within two years of the finality of a conviction.

The defendant's conviction and sentence are affirmed.

AFFIRMED.