

STATE OF LOUISIANA

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NO. 2002-KA-0066

VERSUS

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COURT OF APPEAL

WAYNE JONES

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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APPEAL FROM
CRIMINAL DISTRICT COURT ORLEANS PARISH
NO. 418-290, SECTION "B"
HONORABLE PATRICK G. QUINLAN, JUDGE

JUDGE MICHAEL E. KIRBY

(Court composed of Judge Miriam G. Waltzer, Judge Patricia Rivet Murray,
Judge Michael E. Kirby)

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On November 27, 2000, Wayne Jones was charged by bill of information with possession of cocaine in violation of La. R.S. 40:967(C). He pleaded not guilty at his arraignment on January 24, 2001. The trial court found probable cause and denied the motion to suppress the evidence after a hearing on March 2nd. On March 28th the appellant withdrew his earlier plea and entered a plea of guilty as charged under State v. Crosby, 338 So. 2d 584 (La. 1976). The state filed a multiple bill charging Jones as a second offender, and he was sentenced to serve two and one-half years at hard labor under La. R.S. 15:592.1.

The facts in the record are contained in the transcript of the motion hearing. Officer John Netto testified that he was called to an adult video bookstore at 425 Bourbon Street on July 8, 2000, where he met the manager. The officer was told that Jones walked into the store as a customer but proceeded to the back where he was found trying to pry open a plate on the wall to gain access to cash kept there. When he was confronted, Jones hit the manager in the face several times. Jones was restrained and when the officer arrived and searched Jones incident to his arrest, Jones was found to be carrying a crack pipe in his right front pocket.

In a single assignment of error the defendant complains that the trial court erred when it failed to advise him of post-conviction relief provisions 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, abrogated in part on other grounds, State ex rel. Olivieri v. State, 2000-0172, 2000-1767 (La. 2/21/2001), 779 So. 2d 735.

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 conviction and sentence are affirmed.

AFFIRMED