

SUPREME COURT OF LOUISIANA

No. 15-KH-2125

STATE EX REL. BROOKS CHRISTOPHER FORD

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE FIRST
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

PER CURIAM:

Denied. Relator does not identify an illegal term in his sentence, and therefore, his filing is properly construed as an application for post-conviction relief. *See State v. Parker*, 98-0256 (La. 5/8/98), 711 So.2d 694. As such, it is subject to the time limitation set forth in La.C.Cr.P. art. 930.8. Relator's application was not timely filed in the district court, and he fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189. In addition, relator's sentencing claim is not cognizable on collateral review. La.C.Cr.P. art. 930.3; *State ex rel. Melinie v. State*, 93-1380 (La. 1/12/96), 665 So.2d 1172; *see also State v. Cotton*, 09-2397 (La. 10/15/10), 45 So.3d 1030. We attach hereto and make a part hereof the district court's written reasons denying relator's application.

Relator has now fully litigated his application for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the Legislature in

2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, relator has exhausted his right to state collateral review. The district court is ordered to record a minute entry consistent with this per curiam.

STATE OF LOUISIANA

FILED

NUMBER 276,093; SECTION 3

VERSUS

BROOKS CHRISTOPHER FORD

AUG 20 2015
Faron Blaney

CADDO PARISH, LOUISIANA

FARON BLANEY
DEPUTY CLERK OF COURT
CADDO PARISH, LOUISIANA

RULING

On January 11, 2010, Petitioner Brooks Christopher Ford pled guilty to Simple Robbery. As a fourth felony habitual offender the Court sentenced him to hard labor for a period of twenty (20) years with credit for time served and in addition this sentence was to be served without the benefit of probation, parole, or suspension of sentence.

Currently before the Court is Petitioner's "Motion to Correct Illegal Sentence." For the reasons that follow below, Petitioner's motion is **DENIED**.

In his letter to the Court, Petitioner raises allegations of being denied the right to a habitual offender hearing, that should have been raised in an Application for Post-Conviction Relief. Petitioner has previously filed an application for post-conviction relief, which was denied by this Court. Any subsequent application for post-conviction relief will be untimely. Under Louisiana Code of Criminal Procedure article 930.8, Petitioner has two years from the judgment of conviction and sentence becoming final to file his application for post-conviction relief. None of Petitioner's claims meet an exception to Louisiana Code of Criminal Procedure article 930.8.

Accordingly, this motion is **DENIED**. The Clerk of Court is directed to provide a copy of this ruling to Petitioner and the District Attorney.

Signed this 18th day of August, 2015, in Shreveport, Caddo Parish, Louisiana.

Brady O'Callaghan
BRADY O'CALLAGHAN
DISTRICT JUDGE

DISTRIBUTION:

ENDORSED FILED
FARON BLANEY, Deputy Clerk
Faron Blaney
AUG 20 2015