

SUPREME COURT OF LOUISIANA

No. 16-KH-1491

STATE EX REL. ARTHUR LEE FUNCHESS

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE TWENTY-FIRST
JUDICIAL DISTRICT COURT, PARISH OF TANGIPAHOA**

PER CURIAM:

Writ not considered. La.S.Ct.R. X, § 5(b). Though this court originally had exclusive appellate jurisdiction over defendant's pre-1982 felony conviction and sentence, *see* La. Const. art. V, § 5(E), following his resentencing in 2016, pursuant to La.C.Cr.P. art. 878.1 and *State v. Montgomery*, 13-1163 (La. 6/28/16), 194 So.3d 606, appellate jurisdiction is now vested in the intermediate court of appeal. *See* La. Const. art. V, § 10(A) (eff. July 1, 1982, "[A] court of appeal has appellate jurisdiction of . . . all criminal cases triable by a jury," except when a law has been declared unconstitutional or when the death penalty has been imposed). Thus, to whatever extent defendant desires to seek review of his new judgment of sentence, the law envisions him pursuing an appeal (or, considering time constraints, an out-of-time appeal) before filing here. *See* La.C.Cr.P. art. 912(C)(1); *cf. State v. Counterman*, 475 So.2d 336, 339 (La. 1985) (acknowledging "constitutional right to appeal (or to other review on the record) in criminal cases in Louisiana when the defendant is to be subjected to imprisonment or fine" under La. Const. art. I, § 19).