

SUPREME COURT OF LOUISIANA

No. 17-KH-0008

STATE EX REL. ROBERT S. KRODINGER

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE CRIMINAL DISTRICT
COURT, PARISH OF ORLEANS**

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. We attach hereto and make a part hereof the court of appeal’s written reasons denying relief.

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.

NO. 2016-K-1182

COURT OF APPEAL, FOURTH CIRCUIT

STATE OF LOUISIANA

STATE OF LOUISIANA

VERSUS

ROBERT S. KRODINGER

IN RE: ROBERT S. KRODINGER

APPLYING FOR: SUPERVISORY WRIT
(09/27/16 DENIAL OF MOTION TO CORRECT
ILLEGAL SENTENCE)

DIRECTED TO: HONORABLE CAMILLE BURAS
CRIMINAL DISTRICT COURT ORLEANS PARISH
SECTION "H", 487-956

WRIT DENIED

The prisoner filed a motion to correct an illegal sentence, but, because he failed to identify any illegal *term* in his sentence, we necessarily construe his motion as an application for post-conviction relief. *See State v. Parker*, 98-0256 (La. 5/8/98), 711 So. 2d 694; *State v. Mead*, 14-1051, pp. 3-4 (La. App. 4 Cir. 4/22/15), 165 So. 3d 1044, 1050. An application for post-conviction relief, however, is subject to the time limitation set forth in La. C.Cr.P. art. 930.8, which is two years from the finality of his conviction. Mr. Krodinger's conviction became final on October 25, 2013, the date the Louisiana Supreme Court denied his application for writ of certiorari. *State v. Krodinger*, 12-0134 (La. App. 4 Cir. 2/27/13), 128 So. 2d 270, *writ denied* 13-0608 (La. 10/25/13), 124 So. 3d 1090. Because his motion to correct illegal sentence was not filed until July 20, 2016, as a PCR application it is time-barred. *See Mead*, 14-1051, pp. 9-10, 165 So. 3d at

1050. Thus, we decline to exercise our supervisory jurisdiction to review the district judge's denial of any relief to the prisoner.

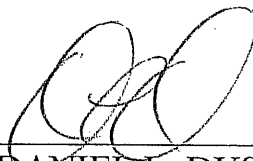
New Orleans, Louisiana this 22nd day of November, 2016.



JUDGE PAUL A. BONIN



JUDGE EDWIN A. LOMBARD



JUDGE DANIEL L. DYSART

