

SUPREME COURT OF LOUISIANA

No. 19-KP-0788

STATE OF LOUISIANA

v.

WILLIE CARTER

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL,
FIFTH CIRCUIT, PARISH OF JEFFERSON**

PER CURIAM:

Granted in part; case remanded to the district court. The district court is ordered to hold a hearing at which it will determine whether applicant is entitled to an out-of-time appeal under the rule of *State v. Counterman*, 475 So.2d 336, 340 (La. 1985) (out-of-time appeal may be appropriate “after due consideration of such factors as the length of the delay in defendant’s attempt to exercise the right and the adverse effect upon the state caused by the delay, in cases such as those in which the defendant was not substantially notified at sentencing of his right to appeal or those in which the defense attorney was at fault in failing to file or perfect a timely appeal.”). Petitioner shall be represented by counsel at the hearing, and prior to the hearing, the state may file any response it deems appropriate. In all other respects, the application is denied.