

STATE OF LOUISIANA : DOCKET NO. _____, DIVISION/SECTION _____
 : _____ JUDICIAL DISTRICT COURT
 VERSUS : PARISH OF _____
 _____ : STATE OF LOUISIANA

UNIFORM MOTION TO CORRECT AN ILLEGAL SENTENCE

For the **Time Limitations** for filing this motion, please see La. C.Cr.P. Art. 882(A), which states that an illegal sentence may be corrected at any time. A motion to correct an illegal sentence must point to an illegal term in your sentence; otherwise it will be construed as an application for postconviction relief subject to the time limits established in La. C.Cr.P. Art. 930.8 and the exclusive grounds for relief described in La. C.Cr.P. Art. 930.3.

WHEN NOT TO USE THIS FORM

1. A claim that a sentence is **excessive**, that is a sentence which falls within the sentencing limits but nonetheless violates the Louisiana Constitution, does **not** qualify as an illegal sentence for the purposes of obtaining relief under La. C.Cr.P. Art. 882. Please be sure to determine whether your sentence would qualify for relief for a different reason. *See, e.g., State ex rel. Morgan v. State*, 217 So. 3d 266 (La. 2016). If so, see instructions below.
2. If you are trying to file an **application for postconviction relief** pursuant to La. C.Cr.P. Arts. 924–930.9, you must use either the First Uniform Application for Postconviction Relief or the Second or Subsequent Uniform Application for Postconviction Relief.
3. If your complaint involves the **computation of time** you are serving or have served, you must first file for administrative relief with the Department of Corrections, then request review of any unfavorable decision in the 19th Judicial District Court in East Baton Rouge Parish. However, a request for credit for time served may be filed in the district court where you were convicted and sentenced.

GENERAL INSTRUCTIONS – READ CAREFULLY

Please carefully review and follow all of the following instructions:

1. Use this form for the filing of all motions to correct an illegal sentence. Make sure to indicate in the designated box whether this is the first or a subsequent motion to correct an illegal sentence.
2. A false statement of a material fact may serve as the basis for a criminal prosecution. All questions must be answered concisely in the proper space on the form. You may attach additional pages stating the facts that support your claim for relief. No lengthy citations of authorities or legal arguments are necessary.
3. When the motion is completed, the original motion must be filed in the District Court for the parish in which the mover was convicted and sentenced.
4. A copy of any filing sent by the mover to the Court must also be sent by the mover to the prosecutor.

**CLAIMS FOR CORRECTION OF AN ILLEGAL SENTENCE
 INSTRUCTIONS – READ CAREFULLY**

You must point to a claimed "**illegal term**" in your sentence in order to receive relief. The currently recognized grounds for relief are listed below. Please check the applicable box or boxes.

- The sentence is not authorized by the law or laws which govern the penalty.
- The sentence is indeterminate.
- A decision of substantive constitutional law prohibits the punishment for a type of crime or a class of offenders.
- The sentence was imposed without counsel present and the presence of counsel was not waived.
- The punishment ultimately imposed constitutes an *ex post facto* violation or a judicial decision violated the due process right of notice and fair warning.

Provide a brief summary of the reasons why you are entitled to relief in the following space.

REQUIRED ATTACHMENT

A copy of **the Louisiana Uniform Commitment Order** of conviction and sentence **must** be attached to the motion (if it is available), or the motion must allege that is unavailable.

Date of this Motion:	____ / ____ / 20____	Name of Mover:	
DOC Number:		Place of Confinement:	
District Court Case Number:		Parish of Conviction:	
Name of Trial Judge:			
Offense(s) for which you were convicted:			
Do any of the convictions involve a sex offense, a human trafficking-related offense, or an offense where the victim was a minor under the age of eighteen years (<i>see</i> La. R.S. 46:1842(1.1) and 46:1844(W))? [Check One]			Yes <input type="checkbox"/> No <input type="checkbox"/>

Date of Conviction:	____ / ____ / ____	Conviction by: [Check One]	Guilty Plea <input type="checkbox"/> Trial by Jury <input type="checkbox"/> Trial by Judge <input type="checkbox"/>
Date of Sentencing:	____ / ____ / ____	Sentence:	
Name of Attorney who represented you at the time of conviction, trial, or sentencing:			

Multiple Offender Proceeding: [Check One]	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Stipulated (pled guilty) to multiple bill: [Check if Applicable]	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Adjudicated after hearing: [Check if Applicable]	Yes <input type="checkbox"/>	No <input type="checkbox"/>
What grade of Multiple Offender: [Check if Applicable]	2nd <input type="checkbox"/>	3rd <input type="checkbox"/> 4th <input type="checkbox"/>
Sentence on Multiple Offender Bill: [If Applicable]		

Name of Counsel who represented you on appeal:			
Appeal of conviction and sentence: [Check One]	Yes <input type="checkbox"/> No <input type="checkbox"/>	Appellate Case #:	
Appeal of Multiple Bill: [Check One]	Yes <input type="checkbox"/> No <input type="checkbox"/>	Appellate Case #:	
Writ to Louisiana Supreme Court: [Check One]	Yes <input type="checkbox"/> No <input type="checkbox"/>	Supreme Court Case #:	
Action by Supreme Court: [Check if Applicable]	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Date of Action:	___ / ___ / ___
Rehearing to Supreme Court: [Check if Applicable]	Granted <input type="checkbox"/> Denied <input type="checkbox"/>	Date of Action:	___ / ___ / ___

**PRIOR MOTIONS TO CORRECT AN ILLEGAL SENTENCE
INSTRUCTIONS – READ CAREFULLY**

Please provide a list below of all prior motions to correct an illegal sentence filed by you or on your behalf in connection with the sentence at issue in this motion. If you are currently raising any issue that you have presented before, please also list that motion, no matter how the motion was titled. If you have filed more than one motion to correct an illegal sentence, provide the information for each additional motion on a separate sheet of paper.

District Court Case Number:		Parish of Conviction:	
Date of Filing:	___ / ___ / ___		
Illegal Term Alleged:			
Was relief granted or denied? [Check One]	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date of Disposition:	___ / ___ / ___
Did you receive a hearing? [Check One]	Yes <input type="checkbox"/> No <input type="checkbox"/>	Did you file a writ to the Court of Appeal? [Check One]	Yes <input type="checkbox"/> No <input type="checkbox"/>
Which Circuit?[Check One]	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/>	Appellate Case #:	
Sought writ to Louisiana Supreme Court? [Check One]	Granted <input type="checkbox"/> Denied <input type="checkbox"/> Not Sought <input type="checkbox"/>	Supreme Court Case #:	
		Date of Ruling	___ / ___ / ___

You may use a separate sheet of paper to provide any additional necessary information as it relates to your motion to correct an illegal sentence.

Wherefore, Mover prays that the Court grant Mover relief to which he/she may be entitled.	
___ / ___ / 20___ [Day / Month/ Year]	_____ [Signature of Mover]

STATE OF LOUISIANA : DOCKET NO. _____, DIVISION/SECTION _____
: _____ JUDICIAL DISTRICT COURT
VERSUS : PARISH OF _____
_____ : STATE OF LOUISIANA

ORDER
[For Use by the Court]

Considering the foregoing motion to correct an illegal sentence, this Honorable Court hereby:

- DENIES this motion.
- ORDERS that the State file a response to this motion on or before the ____ day of _____, 20____.
- ORDERS that the motion be set for a contradictory hearing on the ____ day of _____, 20____ at _____ A.M./P.M.

The Court may choose to provide any additional reasons for its decision in the space below or in a separate document.

Signed in _____, Louisiana, this ____ day of _____, 20____.

JUDGE

CLERK: PLEASE SERVE ALL PARTIES