

10/17/2016 "See News Release 055 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 15-KH-1724

STATE EX REL. BRENDON LANDS, A/K/A JOEY LANDS

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE NINETEENTH
JUDICIAL DISTRICT COURT, PARISH OF EAST BATON ROUGE**

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. Moreover, 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. We attach hereto and make a part hereof the District Court's written reasons denying relator's application.

Relator has now fully litigated at least two applications 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

NO. 3-01-293/3-01-575/7-01-74/9-01-395

SEC. V

VERSUS

19TH JUDICIAL DISTRICT COURT

JOEY LANDS

PARISH OF EAST BATON ROUGE

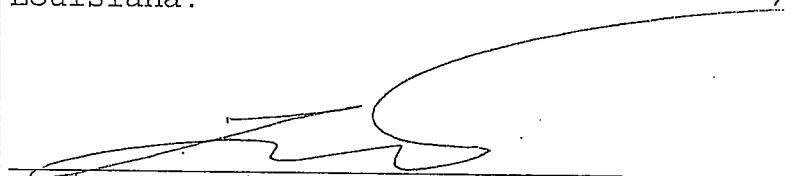
AKA BRENDON LANDS

STATE OF LOUISIANA

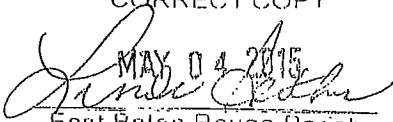
ORDER

Having this day considered the "motion to correct an illegal sentence," filed February 20, 2014, it is DENIED. Movant's allegations are without merit. In each of the above cases, this Court sentenced the defendant to a term within the statutory limits. Defendant's sentences on February 25, 2002 were properly and legally imposed. Additionally, in case number 3-01-575, the bill of information was amended on October 12, 2001 to add count II, armed robbery.

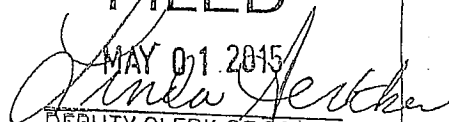
Read and signed this 1st day of May, 2015 in Baton Rouge, Louisiana.


Louis R. Daniel
Judge, 19th Judicial District Court

CERTIFIED TRUE AND
CORRECT COPY


MAY 04 2015
East Baton Rouge Parish
Deputy Clerk of Court
19th JUDICIAL DISTRICT COURT

FILED

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