

**SUPREME COURT OF LOUISIANA**

**No. 16-KH-1909**

**STATE EX REL. JOHNNIE CAUSEY**

**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. In addition, 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; *see also State v. Cotton*, 09-2397 (La. 10/15/10), 45 So.3d 1030. We attach hereto and make a part hereof the district court'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.

STATE OF LOUISIANA

CRIMINAL DISTRICT COURT

VERSUS

PARISH OF ORLEANS

JOHNNIE CAUSEY

NO. 488-208 SECT. "I"

JUDGMENT

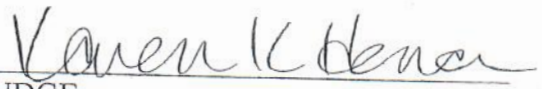
This matter comes before the Court on a Motion to Correct an Illegal Sentence. A review of the record reveals that this sentence is legal in all respects.

Mr. Causey contends that he is deserving of this relief because of the trial court's failure to advise him of his rights to challenge the multiple bill filed against him. This conviction became final more than two years ago. This Court is of the opinion that this motion is actually an application for post-conviction relief that is being labeled a motion to correct illegal sentence to avoid the obvious prescription problems. Such an attempt to circumvent the time limitation provided by Article 930.8 was addressed by the Supreme Court in *State v Parker*, 711 So.2d 694, 1998-0256 (La. 5/8/98):

Because Parker's filing below did not point to a claimed illegal term in his sentence, he did not raise a claim cognizable in a motion to correct an illegal sentence. Instead, he raised a claim of trial error properly cognizable in an application for post-conviction relief if at all. Accordingly, the "at any time" language of La.C.Cr.P. art. 882 does not apply to Parker's filing and the three-year prescriptive period of La.C.Cr.P. art. 930.8 applies instead. See *State ex rel. Stepter v. Whitley*, 93-2346 (La.10/13/95), 661 So.2d 480

The same is true of Mr. Causey's present motion. Accordingly, his motion is DENIED.

New Orleans, La., this 19<sup>th</sup> day of May 2016.

  
JUDGE