

SUPREME COURT OF LOUISIANA

State ex rel. Stephens v. State

186 So. 3d 94 (La. 2016) · No. 267565-SECTION 5 · Decided March 4, 2016

SUMMARY

The Louisiana Supreme Court denied relator Matthew Stephens’s sentencing-related application for post-conviction relief, holding that his sentencing claim was not cognizable on collateral review. The court stated that Stephens had fully litigated his state collateral remedies and could pursue a successive application only if a narrow statutory exception applied.

CASE DETAILS

COURT	Supreme Court of Louisiana
JURISDICTION	Louisiana
DECIDED	March 4, 2016
DOCKET	267565-SECTION 5
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Relator sought supervisory review of the denial of a motion to correct an illegal sentence following the completion of state post-conviction proceedings.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Matthew Stephens v. State

TOPICS

- state post-conviction relief
- successive petitions
- sentence modification
- sentencing
- appellate procedure

PRACTICE AREAS

- Louisiana post-conviction relief
- criminal procedure
- appellate procedure
- sentencing

QUESTIONS PRESENTED

- Whether Stephens's sentencing claim was cognizable on collateral review through a motion to correct an illegal sentence.
- Whether Stephens could pursue another state post-conviction application after fully litigating his existing application.

3. Whether the denial of Stephens's post-conviction motion was final absent one of the narrow statutory exceptions for a successive application.

HOLDINGS

1. A sentencing claim is not cognizable on collateral review under Louisiana Code of Criminal Procedure article 930.3.
2. A second or successive state post-conviction application is permitted only under the narrow circumstances authorized by Louisiana Code of Criminal Procedure article 930.4 and within the limitations period in article 930.8.
3. After the claims were fully litigated under Louisiana Code of Criminal Procedure article 930.6, the denial was final, and Stephens exhausted his right to state collateral review unless he could establish a statutory exception for a successive application.

KEY QUOTATIONS

“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.” (95)

FACTUAL BACKGROUND

Stephens pleaded guilty to being a fifth-felony habitual offender and was sentenced to fifty years at hard labor on March 5, 2012. Although the Second Circuit vacated one sentence, it affirmed the convictions and concurrent fifty-year sentences on the other counts. Stephens later argued that his sentence was illegal because he was not charged or convicted on a count naming another person.

PROCEDURAL HISTORY

Stephens pleaded guilty in 2012 to being a fifth-felony habitual offender and received a fifty-year sentence at hard labor. The Louisiana Second Circuit affirmed most of his convictions and sentences, although it vacated the sentence for possession of a Schedule IV controlled dangerous substance; writ relief was denied by the Louisiana Supreme Court. Stephens then filed a motion to correct an illegal sentence in the First Judicial District Court, which denied the motion on July 8, 2015. The Louisiana Supreme Court denied further relief and ordered the district court to record a conforming minute entry.

DISPOSITION

writ_denied

REMAND INSTRUCTIONS

The district court was ordered to record a minute entry consistent with the Louisiana Supreme Court's per curiam denial.

CASES CITED

- State ex rel. Melinie v. State, 93-1380 (La. 1/12/96), 665 So. 2d 1172
- State v. Cotton, 09-2397 (La. 10/15/10), 45 So. 3d 1030
- State v. Stephens, 47,978 (La. App. 2 Cir. 5/29/13), 114 So. 3d 1265

OPINION

PER CURIAM.

PER CURIAM. hDenied. 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 relator's motion to correct illegal sentence. 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 v. MATTHEW STEPHENS NUMBER 267565-SECTION 5 FIRST JUDICIAL DISTRICT COURT CADD0 PARISH, LOUISIANA July 8, 2015. RULING PER CURIAM. Currently before the Court is a "Motion to Correct Illegal Sentence" ("Motion") and a "Memorandum of Authorities and Point in Support of Motion to Correct Illegal Sentence" ("Memo") filed on June 9, 2015 by Matthew Stephens ("Petitioner").

For the reasons that follow, Petitioner's Motion is DENIED. On January 19, 2012, Petitioner pled guilty to being a fifth felony habitual offender. On March 5, 2012, Petitioner was sentenced to 50 years at hard labor.

The Second Circuit Court of Appeal upheld the Petitioner's sentence after considering that Stephens' criminal history included multiple drug and weapon charges as well as parole revocations which spanned a period of more than 15 years. See State v. Stephens, 47,978 (La.App. 2 Cir. 5/29/13), 114 So.3d 1265, 1273-74, writ denied, 2013-1551 (La.1/17/14), 130 So.3d 342.

The Second Circuit also recognized that Petitioner's guilty plea to the habitual offender proceeding substantially benefited the Petitioner. Id. Petitioner now asserts that his sentence is "illegal in that

the movant was not charged or convicted in count three which named only Jade Cofer, exclusively” [sic]. Motion p. 2.

In support of his Motion, Petitioner points out that the Court of Appeal for the Second Circuit “vacated the sentence as illegal.” Id. However, Petitioner is only partially correct. The Second Circuit only vacated the sentence for the crime of possession of a Schedule IV CDS. Stephens’ convictions and sentences for possession with intent to distribute Schedule II CDS and possession of a Schedule III CDS were affirmed.

Stephens, 114 So.3d at 1274. Petitioner was sentenced on each count to concurrent sentences of 50 years. Even though one of Petitioner’s sentences was vacated,.Petitioner is still sentenced to 50 years on each of the other charges to run concurrently. Id. at 1266. Signed this 8 day of July, 2015, in Shreveport, Caddo Parish, Louisiana. /s/ Charles G. Tutt CHARLES G. TUTT DISTRICT JUDGE