

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2008 CA 0714

MICHAEL A. SAMPSON

VERSUS

STATE OF LOUISIANA, LA'S RISK MANAGEMENT

Judgment Rendered: SEP 23 2008

Appealed from the
Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Docket Number 560,506

Honorable William A. Morvant, Judge

Michael A. Sampson
Winnfield, LA

In Proper Person
Plaintiff-Appellant

William L. Kline
Baton Rouge, LA

Counsel for
State of Louisiana,
Department of Public
Safety and Corrections

BEFORE: KUHN, GUIDRY, AND GAIDRY, JJ.

GUIDRY, J.

Michael A. Sampson, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, appeals the summary dismissal of his petition for judicial review in a screening judgment signed by the trial court on January 3, 2008.

In his petition for judicial review, Sampson claimed that he was illegally and unconstitutionally convicted and sentenced for the crimes of attempted forcible rape and simple robbery and therefore was entitled to damages for his alleged wrongful conviction and imprisonment pursuant to La. R.S. 15:572.8A(2). He also requested that his case be remanded to the Twelfth Judicial District Court, where he was convicted and sentenced on the aforementioned offenses, for new proceedings to be held relative to his plea agreement. A commissioner with the Nineteenth Judicial District Court¹ was assigned Sampson's case, and after considering the pleadings and evidence presented, the commissioner recommended that Sampson's petition for judicial review be dismissed for lack of jurisdiction and because the suit was filed in an improper venue. The trial court signed a screening judgment consistent with the commissioner's recommendation.

Sampson appeals the screening judgment, contending that the trial court erred in finding that the suit was filed in an improper venue and in finding that it lacked jurisdiction to hear his claims. Finding no error in the trial court's judgment, we affirm.

In his petition for judicial review, Sampson challenged the Twelfth Judicial District Court's acceptance of his guilty plea and the sentencing on the basis that he was not properly advised of his rights under Boykin v. Alabama, 395 U.S. 238, 89

¹ See La. R.S. 13:713.

S.Ct. 1709, 23 L.Ed.2d 274 (1969).² His challenge is actually an application for post-conviction relief, and as such, is required to be filed in the parish where Sampson was convicted. La. C.Cr.P. art. 925. Moreover, while La. R.S. 15:572.8 (the statutory basis for which Sampson claims damages for allegedly being wrongfully convicted) formerly provided that "[a]ll applications for compensation as provided in this Section shall be filed in the Nineteenth Judicial District Court," the statute was amended by 2007 La. Acts, No. 262, §1 to now provide that such claims must be "filed in the district court in which the original conviction was obtained[.]" This change in the statute became effective on August 15, 2007. See La. Const. art. 3, § 19. Sampson's underlying petition for judicial review was not filed until October 25, 2007, well after the effective date of the amended statute; hence, he was required to file his claim for compensation pursuant to La. R.S. 15:572.8 in the Twelfth Judicial District Court.³

We therefore affirm the screening judgment of the district court and issue this summary disposition in accordance with Uniform Rules - Courts of Appeal, Rule 2-16.2(A)(2), (5), and (6). Costs of this appeal are assessed to the appellant, Michael Sampson.

AFFIRMED.

² In support of his claim that he was wrongfully convicted and sentenced, Sampson attached a copy of the transcript of his Boykin hearing, throughout which the notation "unintelligible" is found in regard to the trial court's questioning and sentencing of Sampson pursuant to a plea agreement.

³ It is further observed that Sampson's claims for post-conviction relief and for compensation for wrongful conviction and imprisonment cannot be properly brought in a petition for judicial review, but must be filed in the district court to be reviewed pursuant to the district court's original jurisdiction. La. Const. art. 5 §16; La. R.S. 15:1177(C); State v. Cage, 637 So. 2d 89, 90 (La. 1994); Nichols v. Cain, 03-1169, p. 4 (La. App. 1st Cir. 4/2/04), 871 So. 2d 654, 656, writ denied, 04-1711 (La. 10/8/04), 883 So. 2d 1017.