

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2021-KH-01500

VS.

BRANDON L. PIKE

IN RE: Brandon L. Pike - Applicant Defendant; Applying For Supervisory Writ,
Parish of Jefferson, 24th Judicial District Court Number(s) 17-661, Court of Appeal,
Fifth Circuit, Number(s) 21-KH-512;

December 21, 2021

Writ application granted in part. See per curiam.

WJC

JLW

JDH

SJC

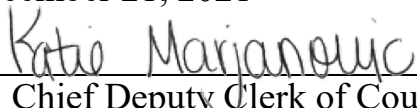
JTG

JBM

PDG

Supreme Court of Louisiana

December 21, 2021



Chief Deputy Clerk of Court
For the Court

SUPREME COURT OF LOUISIANA

No. 21-KH-1500

STATE OF LOUISIANA

v.

BRANDON PIKE

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

PER CURIAM:

Writ granted in part; case remanded to the district court. Code of Criminal Procedure art. 930.8 does not bar consideration of the application for post-conviction relief. *See* La.C.Cr.P. art. 930.8(A) (“No application for post conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final”) (emphasis added); *see also* La.C.Cr.P. art. 922(D). The district court is ordered to grant applicant an out-of-time appeal of his habitual offender adjudication and sentence and appoint counsel to prosecute it. *State v. Counterman*, 475 So.2d 336, 340 (La. 1985).

In all other respects, the application is denied.