

The Supreme Court of the State of Louisiana

STATE OF LOUISIANA

No. 2024-KP-00053

VS.

KENNETH WAYNE WHITMORE

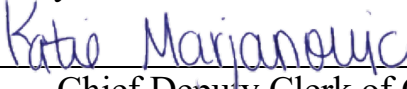
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IN RE: State of Louisiana, through the Louisiana Department of Natural Resources  
- Applicant Plaintiff; Applying For Supervisory Writ, Parish of East Baton Rouge,  
19th Judicial District Court Number(s) 05-75-8614, Court of Appeal, First Circuit,  
Number(s) 2023 KW 0433;  
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May 07, 2024

Writ application granted. See per curiam.

SJC  
JLW  
JDH  
JTG  
WJC  
JBM  
PDG

Supreme Court of Louisiana  
May 07, 2024

  
\_\_\_\_\_  
Chief Deputy Clerk of Court  
For the Court

**SUPREME COURT OF LOUISIANA**

**No. 24-KP-0053**

**STATE OF LOUISIANA**

**v.**

**KENNETH WAYNE WHITMORE**

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

**PER CURIAM:**

Writ granted. The judgment of the district court granting in part applicant’s motion for probation and ordering an evidentiary hearing is reversed. *See State v. Thomas*, 07-0634 (La. 1/11/08), 972 So.2d 323. Moreover, applicant’s claim that the sentencing judge was not aware of his sentencing discretion is a claim for post-conviction relief, which is subject to the time limitations set forth at La.C.Cr.P. art. 930.8. *See State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189. The claim is therefore untimely, and he fails to show that an exception applies. La.C.Cr.P. art. 930.8.