

09/05/03 “See News Release 057 for any concurrences and/or dissents.”

SUPREME COURT OF LOUISIANA

No. 02-KP-2460

STATE OF LOUISIANA

v.

GERALD DIAZ

On Writ of Certiorari to the
Criminal District Court, Parish of Orleans

PER CURIAM:

Denied. Although the district court erred by granting the state’s motion to reconsider its ruling granting relator’s application for post-conviction relief, see La.C.Cr.P. art. 930.6; State v. Ford, 96-2919 (La. 5/30/97), 694 So.2d 917; State v. Clayton, 96-1658 (La.2/27/97), 687 So.2d 996; State ex rel. Lewis v. Cr.D.C., 571 So.2d 659 (La. 1991), relator’s underlying claim concerning the district court’s failure to determine his competence to proceed after the state and the defense filed a joint motion for a mental status examination is time-barred by La.C.Cr.P. art. 930.8 and State ex rel. Glover v. State, 93-2330 (La. 9/5/95), 660 So.2d 1189.