

**STATE OF LOUISIANA
COURT OF APPEAL, SECOND CIRCUIT
430 Fannin Street
Shreveport, LA 71101
(318) 227-3700**

No. 56,939-KH

STATE OF LOUISIANA

VERSUS

CARLOS MARTEL LYNN SMITH

FILED: 02/05/26

RECEIVED: PM 01/07/26

On application of Carlos Martel Lynn Smith for POST CONVICTION RELIEF in No. 354,236 on the docket of the First Judicial District, Parish of CADDO, Judge John D. Mosely, Jr.

Pro se

Counsel for:
Carlos Martel Lynn Smith

James Edward Stewart, Sr.

Counsel for:
State of Louisiana

Before STONE, HUNTER, and ELLENDER, JJ.

WRIT GRANTED; REVERSED; REMANDED.

The applicant, Carlos Martel Lynn Smith, complains that the district court erred in denying his First Uniform Application for Post-Conviction Relief filed on November 7, 2025, as untimely pursuant La. C. Cr. P. art. 930.8. No application for post-conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final under the provisions of La. C. Cr. P. art. 914 and La. C. Cr. P. art. 922. The motion for an appeal must be made no later than thirty days after the rendition of the judgment or ruling from which the appeal is taken. La. C. Cr. P. art. 914(B)(1). If an application for a rehearing has been made timely, a judgment of the appellate court becomes final when the application is denied. La. C. Cr. P. art. 922(C).

The Louisiana Supreme Court denied Smith's application for rehearing on December 11, 2024, which is the date that Smith's convictions and sentences became final. *State v. Smith*, 54,510 (La. App. 2 Cir. 11/8/23), 374 So. 3d 1035, writ denied, 24-00189 (La. 10/8/24), 394 So. 3d 267, rehearing denied, 24-00189 (La. 12/11/24), 369 So. 3d 962. Accordingly, we find that Smith's First Uniform Application for Post-Conviction Relief filed on November 7, 2025, was timely filed and the trial court erred in denying the application as untimely. Therefore, we reverse the trial court's November 24, 2025, ruling denying Smith's First Uniform Application for Post-Conviction Relief as untimely, and remand this matter for consideration of the claims raised in the application.

Shreveport, Louisiana, this 25 day of March, 2026.

DJE SDS MJA

FILED: March 25, 2026

Molly Melton

DEPUTY CLERK