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

No. 57,340-KH

STATE OF LOUISIANA

VERSUS

KEVIN LENARD THOMPSON

FILED: 10/14/26
RECEIVED: PM 09/15/26

On application of Kevin Lenard Thompson for POST CONVICTION RELIEF in No. 2023-F-090 on the docket of the Fifth Judicial District, Parish of WEST CARROLL, Judge Will R. Barham.

	Counsel for:
Pro se	Kevin Lenard Thompson
	Counsel for:
Penny Wise Douciere	State of Louisiana

Before PITMAN, HUNTER, and ELLENDER, JJ.

WRIT GRANTED; REVERSED; REMANDED.

The applicant, Kevin Thompson, seeks review of the trial court's ruling denying his post-conviction relief request seeking an out-of-time appeal of his new sentences imposed on August 6, 2025. A defendant has a right to appeal from the imposition of a new sentence. *State v. Vaughn*, 22-00214 (La. 5/5/23), 362 So. 3d 363 citing *State v. Lewis*, 350 So. 2d 1197 (La. 1977). A defense attorney's fault in failing to perfect a timely appeal constitutes ineffective assistance of counsel and is a denial of a defendant's constitutional right to due process. *State v. Clark*, 19-1077 (La. 5/1/20), 295 So. 3d 935, citing *Evitts v. Lucey*, 469 U.S. 387, 105 S. Ct. 830, 83 L. Ed. 2d 821(1985). Where a defendant's attorney fails to file a timely motion for appeal, and the defendant lost his right to appeal through no fault of his own, he may obtain post-conviction relief to have his constitutional right to appeal reinstated. La. Const. art. I § 19; *State v. Clark*, *supra*; *State v. Simmons*, 390 So. 2d 504 (La. 1980).

Thompson's attorney failed to file a timely motion for appeal, so the defendant lost his right to appeal through no fault of his own. The trial court's ruling denying Thompson's request for an out-of-time appeal is reversed. This matter is remanded to the trial court with instructions to grant the defendant an out-of-time appeal.

Shreveport, Louisiana, this 5 day of November, 2026.

MLH JGP DJE

FILED: November 5, 2026

Stacy Joyner
DEPUTY CLERK