

STATE OF LOUISIANA

COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2026 KW 0681

VERSUS

LORENZO GREEN

AUGUST 10, 2026

In Re: Lorenzo Green, applying for supervisory writs, 20th Judicial District Court, Parish of West Feliciana, No. 23-WFLN-436.

BEFORE: WOLFE, STROMBERG, AND BALFOUR, JJ.

WRIT GRANTED. There is a constitutional right to an appeal (or to other review on the record) in criminal cases when the defendant is to be subjected to imprisonment or fine. See La. Const. art. I, § 19 (1974); **State v. Clark**, 2019-1077 (La. 5/1/20), 295 So.3d 935, 936. A trial court is required to grant an out-of-time appeal if the defendant establishes he was not advised of the right to appeal or if the defense attorney was at fault in failing to file or perfect a timely appeal. **State v. Counterman**, 475 So.2d 336, 339 (La. 1985). When the defendant loses the constitutional right to appeal without fault on his part, a district court has the inherent authority to grant the limited relief of an out-of-time appeal. **Id.** at 340. Accordingly, the ruling denying the application for postconviction relief is vacated and this matter is remanded for an evidentiary hearing to determine if relator is entitled to an out-of-time appeal under **Counterman**. The court is ordered to appoint counsel for the hearing if relator is indigent. Prior to the hearing, the State may file any response it deems appropriate. See La. Code Crim. P. art. 930.7; see also **State v. Carter**, 2019-0788 (La. 10/8/19), 280 So.3d 142 (*per curiam*).

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