

12/16/2016 "See News Release 076 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 15-KH-1924

STATE EX REL. MARK McNEAL

v.

STATE OF LOUISIANA

ON SUPERVISORY WRITS TO THE NINTH

JUDICIAL DISTRICT COURT, PARISH OF RAPDIES

PER CURIAM:

Denied. The application was not timely filed in the district court, and relator fails to carry his burden to show that an exception applies. La.C.Cr.P. art. 930.8; *State ex rel. Glover v. State*, 93-2330 (La. 9/5/95), 660 So.2d 1189. We attach hereto and make a part hereof the District Court's written reasons denying relator's application.

Relator has now fully litigated two applications for post-conviction relief in state court. Similar to federal habeas relief, *see* 28 U.S.C. § 2244, Louisiana post-conviction procedure envisions the filing of a second or successive application only under the narrow circumstances provided in La.C.Cr.P. art. 930.4 and within the limitations period as set out in La.C.Cr.P. art. 930.8. Notably, the Legislature in 2013 La. Acts 251 amended that article to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless he can show that one of the narrow exceptions authorizing the filing of a successive application applies, relator has exhausted his right to state collateral review. The District Court is ordered to record a minute entry consistent with this per curiam.

CRIMINAL DOCKET NO. 288,605
DIVISION "C"

STATE OF LOUISIANA

NINTH JUDICIAL DISTRICT COURT

VERSUS

PARISH OF RAPIDES

MARK MCNEAL

STATE OF LOUISIANA

ORDER

This matter comes before the Court on Defendant's Motion for various forms of Post Conviction Relief: Appeal, and Writ of Habeas Corpus.

The defendant was found guilty of the offenses of Attempted Possession of CDS on 12/11/07. After reviewing the record; the Court finds that Defendant's motions for Post Conviction Relief has exceeded the time limitation for filing motions for Post Conviction Relief under Code of Criminal Procedure Article 930.8. Accordingly,

IT IS ORDERED that Defendant's Motion is DENIED.

THUS DONE AND SIGNED, this 21 day of April, 2015,
in Alexandria, Louisiana.



JUDGE MARY L. DOGGETT
NINTH JUDICIAL DISTRICT COURT
DIVISION "C"

PLEASE SERVE:

Mark McNeal @ 203324
David Wade Corr. Ctr. - H4B
Homer La. 71040

FILED & RECORDED
ROBIN L. HOOTER
CLERK OF COURT
2015 APR 21 PM 2:15
BY
DY CLERK & RECORDER
RAPIDES PARISH LA.

STATE OF LOUISIANA, PARISH OF RAPIDES
I HEREBY CERTIFY THAT THE ABOVE AND FOREGOING IS
A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE
AND OF RECORD IN THIS OFFICE.
IN FAITH, WHEREOF, WITNESS MY HAND AND SEAL OF
OFFICE, AT ALEXANDRIA, LOUISIANA, THIS 21
DAY OF April, A.D., 2015

BY Robin L. Hooter
DY CLERK OF COURT