

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-0276**

**STATE EX REL. ERIC GRESHAM**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE TWENTY-FOURTH  
JUDICIAL DISTRICT COURT, PARISH OF JEFFERSON**

**PER CURIAM:**

Denied. Relator's application is repetitive. Cf. La.C.Cr.P. art. 930.4. We attach hereto and make a part hereof the District Court's written reasons denying relator's motion.

Relator has now fully litigated at least three 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.

TWENTY-FOURTH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON  
STATE OF LOUISIANA

NO. 96-6273

STATE OF LOUISIANA

DIVISION "I"

RECEIVED BY:  
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AUG 27 2014

VERSUS

ERIC GRESHAM

RAYBURN CORRECTIONAL CENTER

FILED: \_\_\_\_\_

DEPUTY CLERK

ORDER

This matter comes before the Court on petitioner's MOTION TO DECLARE R.S. 15:529.1(A)(1)(b)(ii) and (c)(ii) UNCONSTITUTIONAL AS APPLIED - TO THOSE SENTENCED BEFORE JUNE 15, 2001 - AFTER JUNE 14, 2001, STAMPED AS FILED JULY 28, 2014.

On April 9, 1997, the defendant was convicted of LSA-R.S. 14:64, relative to armed robbery. On April 25, 1997, the court sentenced him to 40 years imprisonment at hard labor. On November 7, 1999, the defendant was adjudicated a third felony offender, and the court sentenced him to life imprisonment at hard labor. The Fifth Circuit Court of Appeal affirmed his conviction and adjudication and sentence as a multiple offender. *State v. Gresham*, 97-1158 (La. App. 5 Cir. 4/15/98), 712 So.2d 946; writ denied, 98-2259 (La. 1/15/99), 736 So.2d 200.

The defendant has made numerous requests seeking similar relief, which the court has denied. The court finds defendant's present pleading repetitive and successive.

Furthermore, the court finds no illegality in defendant's sentencing, as he was sentenced with the statutory terms established at the time of sentencing.

As this court has previously ruled, the defendant's remedy would be with the Board of Pardons and/or the Parole Board, both parts of the Executive Branch. *State v. Dick*, 951 at 133. This court is not empowered to commute defendant's sentence.

Accordingly,

**IT IS ORDERED BY THE COURT** that this motion be and is hereby **DENIED.**

Gretna, Louisiana this 15<sup>th</sup> day of August, 2014.

[Signature]  
JUDGE

**PLEASE SERVE:**

PRISONER: Eric Gresham, DOC # 302221, Rayburn Correctional Center, 27268 Hwy. 21, Angie, LA 70426

A TRUE COPY OF THE ORIGINAL  
ON FILE IN THIS OFFICE

DEPUTY CLERK  
24TH JUDICIAL DISTRICT COURT  
PARISH OF JEFFERSON, LA.

*clc 8/20/14*