

SUPREME COURT OF LOUISIANA

No. 15-KH-0426

STATE EX REL. ERIC DENET

v.

STATE OF LOUISIANA

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

PER CURIAM:

Denied. Relator fails to show the district court erred when it denied his application for DNA testing. La.C.Cr.P. art. 926.1. We attach hereto and make a part hereof the District Court's written reasons denying relator's application.

Relator has now fully litigated at least five substantive 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.

RECEIVED

DEC 15 2014

TWENTY FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

LEGAL PROGRAMS DEPARTMENT

NO. 96-3245

DIVISION "P"

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DEC 15 2014

W.F.P.S.O.

STATE OF LOUISIANA

VERSUS

ERIC DENET

FILED: _____

J. Laine
DEPUTY CLERK

ORDER

This matter comes before the court on the petitioner's MOTION FOR POST CONVICTION DNA TESTING IN ACCORDS WITH LOUISIANA CODE OF CRIMINAL PROCEDURE ARTICLE 926.1, STAMPED AS FILED NOVEMBER 7, 2014.

Following trial by jury, the petitioner was convicted of aggravated rape on February 27, 1997, and sentenced to life imprisonment. His life sentence and conviction were upheld on direct appeal by the Supreme Court. *State v. Denet*, 2001-KP-1334, 812 So.2d 644 (La. 2002). He previously moved this court for DNA testing and post-conviction relief. Relief was denied on that request on January 26, 2012.

The petitioner has had extensive collateral review of his claims, with no less than four applications for post-conviction relief being filed and denied. He has made and been denied DNA testing previously. The court finds this motion is repetitive and successive.

The requested relief is not warranted and the court will deny relief.

Accordingly,

IT IS ORDERED BY THE COURT that the petitioner's motion be and is hereby **DENIED**.

Gretna, Louisiana this 5th day of Dec, 2014

[Signature]
JUDGE

PLEASE SERVE:

PRISONER: Eric Denet, DOC #380958, La. State Penitentiary, Angola, LA 70712

A TRUE COPY OF THIS ORDER IS ON FILE IN THE CLERK'S OFFICE.
J. Laine
DEPUTY CLERK
24TH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON

IMAGED DEC 09 2014

Eric Denet 12-9-14