

SUPREME COURT OF LOUISIANA

No. 15-KH-1001

STATE EX REL. BRANDON HAYNES

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE FIRST
JUDICIAL DISTRICT COURT, PARISH OF CADDO**

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. In addition, relator's claim is repetitive. La.C.Cr.P. art. 930.4. We attach hereto and make a part hereof the District Court's written opinion denying relator's application.

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.

STATE OF LOUISIANA

FILED

NUMBER 166,637

VERSUS

MAR 02 2015
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IRIS MATTHEWS
DEPUTY CLERK OF COURT

FIRST JUDICIAL DISTRICT COURT

BRANDON HAYNES

CADDO PARISH, LOUISIANA

OPINION

The matter before the court is consideration of Petitioner's **Supplemental Brief to Application for Post Conviction Relief** filed January 20, 2015. For the reasons stated below the Petitioner's Application is **DENIED**.

On October 22, 1994, the Petitioner was found guilty as charged of first degree murder. On November 4, 1994, the Petitioner, Brandon Franklin Haynes, present with counsel, Kurt Goins and Alan Golden, was sentenced the to life imprisonment at hard labor, and committed to the Louisiana Department of Corrections, subject to the conditions provided by law. The Court ordered the sentence to be served without benefit of probation, parole or suspension of sentence. The Court ordered costs to be paid through the inmate banking system. The Court informed the Petitioner of his right of appeal and his right to post-conviction relief.

According to La. C.Cr.P. Art. 930.8, "no application for post-conviction relief, including applications which seek an out-of-time appeal, shall be considered if it is filed more than two (2) years after the judgment of conviction and sentence has become final", unless certain circumstances exist. None of the considered circumstances exist in the case at bar. In the present case, Petitioner's sentence and conviction became final on February 16, 1985. State v. Haynes, 662 So.2d 849 (La. App. 2 Cir 11/1/95); writ denied, 667 So.2d 1050 (La. 2/16/96). The current Application was not filed until January 20, 2015, approximately thirty (30) years later. Due to Petitioner failing to set forth any of the circumstances that would exempt him from the two (2) year time limitation pursuant to Art. 930.8, his Application for Post-Conviction Relief is **DENIED**.

Therefore, for the foregoing reasons the Petitioner's **Supplemental Brief to Application for Post Conviction Relief** filed January 20, 2015 is **DENIED**.

The Clerk of Court is directed to provide a copy of this Opinion to Petitioner, his custodian, and the District Attorney.


OPINION RENDERED, READ AND SIGNED this 2 day of March 2015.

SERVICE INFORMATION:

Brandon Haynes, #346713
Louisiana State Prison
Angola, LA 70712

Caddo Parish District Attorney's Office


JOHN MOSELEY, JR.
DISTRICT COURT JUDGE

ENDORSED, FILED 3/24 20 15
IT'S MANNERS
CADDO PARISH DEPUTY CLERK
TRUE COPY - ATTEST

CADDO PARISH DEPUTY CLERK