

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-1035**

**STATE EX REL. SIMON LEWIS**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE FIFTEENTH  
JUDICIAL DISTRICT COURT, PARISH OF LAFAYETTE**

**PER CURIAM:**

Denied. On the showing made, there is no error in the ruling of the court below. We attach hereto and make a part hereof the Third Circuit's order and accompanying reasons denying relator's application for writs.

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 the 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  
COURT OF APPEAL, THIRD CIRCUIT

NO: KH 14-01235

Judgment rendered and mailed to all parties or counsel of record on April 30, 2015.

STATE OF LOUISIANA  
VERSUS  
SIMON LEWIS

**SCANNED**  
3RD CIRCUIT COURT OF APPEAL

FILED: 11/21/14

On application of Simon Lewis for Writ of Review in No. 118,832 on the docket of the Fifteenth Judicial District Court, Parish of Lafayette, Hon. Jules Davis Edwards.

Pro se

Counsel for:  
Simon Lewis

Michael Harson

Counsel for:  
State of Louisiana

Lake Charles, Louisiana, on April 30, 2015.

**WRIT DENIED:** We find that the trial court properly ruled that the juror in question committed misconduct in going to the accident scene, and then reporting on his visit to the other jurors. The question, then, is not whether misconduct occurred, but whether the misconduct prejudiced the jury's verdict. More specifically, we must determine whether the intrusion of the extraneous matter into the jury's deliberations leaves too great an uncertainty about the effect of the juror's conduct on his – and the jury's – ability to render an impartial verdict to permit the judgment to stand. *Hill v. U.S.*, 622 A.2d. 680 (D.C. 1993). Though this is admittedly a close question, we find that there is no such uncertainty. Rather, the jury clearly focused on the defendant's confession and the eyewitness testimony. The jurors' after-hours crime scene visit focused only on the amount of light at the scene and the color of the gun. Those matters pale into insignificance compared to the much more damning evidence that was properly submitted to the jury.

JCP  
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JCP

SJG  
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SJG

SAC Cooks, J., Concurs.