

SUPREME COURT OF LOUISIANA

No. 15-KH-1075

STATE EX REL. VINCENT MARK CASTILLO

v.

STATE OF LOUISIANA

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

PER CURIAM:

Denied. Relator shows no error in the ruling of the court below. We attach hereto and make a part hereof the Court of Appeal's written reasons denying writs.

Relator has now fully litigated his application 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

NO. 15-KH-113

VERSUS

FIFTH CIRCUIT

VINCENT MARK CASTILLO

COURT OF APPEAL

STATE OF LOUISIANA

WRIT DENIED

In this writ application, Relator complains that his December 17, 2014 notices of intent to seek supervisory writs from various rulings in district court cases #95-105 and #10-1601 were signed by a recused judge, Judge Glenn Ansardi, who had no authority to rule. In 2012, the sitting judges of the 24th Judicial District Court voluntarily recused themselves from all cases involving Relator. Judge Ansardi, along with all the other sitting judges, signed the order of recusation. Subsequently, an ad hoc judge, Judge Donald Fendlason, was appointed to hear Relator's various cases.

Based on the 2012 order of recusation, we agree that Judge Ansardi had no authority to sign Relator's notices of intent. Therefore, the notices of intent setting a return date for Relator to file supervisory writs are absolute nullities. *See State v. Price*, 274 So.2d 194, 197 (La. 1973). However, we find that Relator is not entitled to any relief because he is no longer in custody for purposes of post-conviction relief. In district court case #95-105, Relator was convicted of illegally carrying a weapon in June 1995 and was sentenced to 24 days in parish prison. In district court case #10-1601, Relator was convicted of two misdemeanor counts of simple battery in June 2012 and was sentenced to six months in parish prison on each count, to run concurrently. Relator has long since satisfied his sentences in these two district court cases and, therefore, he can no longer seek post-conviction relief. Additionally, we note that neither of these misdemeanor convictions can be used to enhance a subsequent penalty and, thus, Relator faces no collateral consequences from these convictions. Accordingly, we find any motions filed by Relator in these two cases, #95-105 and #10-1601, to be improper. *See La. C.Cr.P. art. 924; State v. Smith*, 96-1798 (La. 10/21/97); 700 So.2d 493, 495-96.

For these reasons, we find Relator is not entitled to relief and, thus, deny his writ application.

Gretna, Louisiana, this 1st day of May, 2015.



JUDGE MARC E. JOHNSON



CHIEF JUDGE SUSAN M. CHEHARDY



JUDGE JUDE G. GRAVOIS