

SUPREME COURT OF LOUISIANA

No. 15-KH-1111

STATE EX REL. WILKES LAIRD

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE THIRTY-THIRD
JUDICIAL DISTRICT COURT, PARISH OF ALLEN**

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. We attach hereto and make a part hereof the District Court's written reasons denying relator's application.

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 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
VS. CR-2007-1530
WILKES LAIRD

* 33RD JUDICIAL DISTRICT COURT
* PARISH OF ALLEN
* STATE OF LOUISIANA
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* DEPUTY CLERK

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**OPINION AND JUDGMENT ON APPLICATION
FOR POST CONVICTION RELIEF**

Before the Court is applicant's, Wilkes Laird's, Application for Post Conviction Relief.

On January 28, 2009, a jury unanimously found Applicant guilty of possession of a firearm by a convicted felon and of attempted manslaughter. Subsequently, Applicant was sentenced, and the convictions and sentences were affirmed by the Louisiana Court of Appeal, Third Circuit. Applicant's writ of certiorari to the Louisiana Supreme Court was denied on November 24, 2010. Thereafter, on May 2, 2011, Applicant filed an application for post conviction relief ("APCR"). Following hearing, the APCR was denied by Order dated July 18, 2011.

On January 19, 2012, Applicant filed a second APCR, which was denied, by Order dated April 13, 2012.

On October 9, 2014, Applicant filed the instant Application, a third APCR. The claims raised in this latest APCR are: 1) "ineffective assistance counsel", 2) "Recusal of trial judge", and 3) "denied right for self prosecution".

After review of the instant Application, the claims made therein, the entire file, and the applicable law and jurisprudence, the Court finds that the Application is untimely and that no exceptions to the time limitation are applicable to this matter. See La. C.Cr.P. art. 930.8.

Based on the foregoing:

IT IS ORDERED that the instant Application for Post Conviction Relief, filed on October 9, 2014, be and is hereby denied.


IT IS FURTHER ORDERED that the Clerk of Court provide a copy of this opinion and judgment to the applicant, Wilkes Laird, and to all counsel of record.



THIRTY-THIRD
JUDICIAL
DISTRICT COURT
STATE OF LOUISIANA
PARISH OF ALLEN
P.O. Box 496
Oberlin, LA 70655

EXHIBIT-B

Thus done and signed, this 20th day of January, 2015, in Oberlin, Louisiana.


JOEL G. DAVIS
DISTRICT JUDGE

BY 
LOUIS JOHNSON
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05/02/2016 "See News Release 023 for any Concurrences and/or Dissents."



THIRTY-THIRD
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PARISH OF ALLEN
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Oberlin, LA 70655