

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-1200**

**STATE EX REL. PRESTON GEORGE DEMOUCHET, JR.**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE SIXTEENTH  
JUDICIAL DISTRICT COURT, PARISH OF ST. MARY**

**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 approximately 68 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.

STATE OF LOUISIANA

16<sup>TH</sup> JUDICIAL DISTRICT COURT

VS. NOS. 95-141810

PARISH OF ST. MARY

PRESTON GEORGE DEMOUCHE, JR.

STATE OF LOUISIANA

DENIAL OF APPLICATION FOR POST-CONVICTION RELIEF

Preston George Demouchet, Jr., in proper person, has filed with the Clerk of Court an "Application for Post-Conviction Relief". The Court received notice of this filing on May 28, 2015. The Court has reviewed the defendant's claims for relief and finds that they are without merit.

A review of the history of this case is quite instructive. Preston George Demouchet, Jr. and Jerry Paul Francis were charged with committing the armed robbery of Mrs. Beverly Chauffe, teller at the Parks branch of St. Martin Bank & Trust by bill of information filed September 27, 1976, said robbery occurring on May 26, 1976. After a Motion for Change of Venue was granted, a jury trial was held in St. Mary Parish on October 26<sup>th</sup> through 29<sup>th</sup>, 1976. The jury returned a verdict of guilty as charged of armed robbery on October 29, 1976. Thereafter, on November 10, 1976 both defendants were sentenced to serve 99 years at hard labor without benefit of probation, parole or suspension of sentence by the Honorable Robert M. Fleming, judge presiding. Defendants appealed their conviction and sentence and the same were affirmed by the Louisiana Supreme Court in State vs. Demouchet and Francis, 353 So.2d 1025 (La. 1977).

Thereafter, Preston George Demouchet, Jr. has filed the following:

	Filed	Denied
1. Writ of Habeas Corpus	5/27/1980	6/4/1980
2. Writ of Habeas Corpus	7/15/1981	7/22/1981
3. Writ of Habeas Corpus	7/20/1982	8/13/1982
4. Application for Post Conviction Relief	5/6/1983	6/3/1983
5. Application for Post Conviction Relief	12/10/1987	12/17/1987

6. Application for Post Conviction Relief	4/28/1989	5/8/1989
7. Application for Post Conviction Relief	10/19/1989	10/26/1989
8. Application for Post Conviction Relief	9/4/1990	9/13/1990
9. Application for Post Conviction Relief	4/25/1991	5/20/1991
10. Motion for a New Trial	8/8/1991	9/16/1991
11. Application for Post Conviction Relief	9/30/1991	10/1/1991
12. Motion to Correct an Illegal Sentence	11/15/1991	12/6/1991
13. Motion to Correct an Illegally Lenient Sentence	3/2/1992	3/10/1992
14. Application for Post Conviction Relief	9/16/1993	9/27/1993
15. Application for Post Conviction Relief	7/12/1994	8/1/1994
16. Application for Post Conviction Relief	10/6/1994	10/15/1994
17. Motion for Post Sentence Hearing to Correct Illegal Sentence	7/18/2002	7/30/2002
18. Request for Transcripts	9/12/2002	9/27/2002
19. Motion to Correct Illegal Sentence and for Evidentiary Hearing	9/24/2002	9/27/2002
20. Application for Post Conviction Relief	12/19/2002	1/21/2003
21. Motion to Correct an Illegal Sentence	1/2/2004	1/6/2004
22. Motion to Correct an Illegally Lenient Sentence	3/15/2004	3/17/2004
23. Application for Writ of Habeas Corpus	3/14/2004	3/21/2004
24. Motion to Correct an Illegal Sentence	6/25/2004	7/2/2004

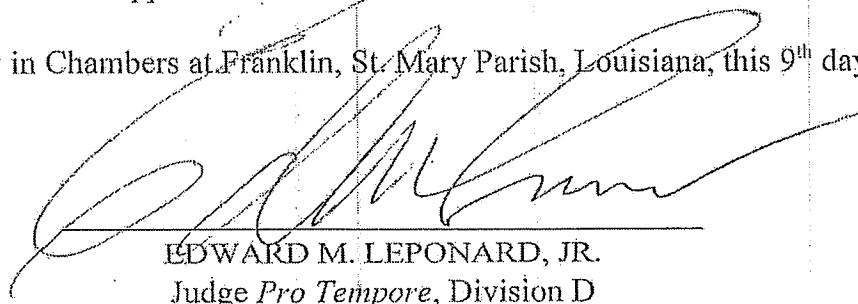
25. Motion to Correct an Illegally Lenient Sentence	7/30/2004	8/3/2004
26. Motion for New Trial	10/27/2004	11/9/2004
27. Motion to Correct an Illegal Sentence	1/18/2005	1/20/2005
28. Motion to Amend/Modify Sentence	1/31/2005	2/2/2005
29. Motion to Correct an Illegally Lenient Sentence	4/1/2005	4/8/2005
30. Motion to Vacate an Illegal Sentence	6/16/2005	6/27/2005
31. Motion to Correct an Illegal Sentence	8/15/2005	8/24/2005
32. Motion for Post Sentence Hearing to Correct an Illegal Sentence	1/9/2006	1/11/2006
33. Motion to Correct an Illegally Lenient Sentence	3/16/2006	3/16/2006
34. Application for Post Conviction Relief	10/26/2006	10/31/2006
35. Motion to Quash Bill of Information, Motion for Discovery, Inspections, Bill of Particulars	5/21/2007	5/23/2007
36. Application for Post Conviction Relief	7/30/2007	8/1/2007
37. Application for Post Conviction Relief	2/8/2008	2/13/2008
38. Writ of Habeas Corpus	2/21/2008	2/21/2008
39. Motion to Correct an Illegal-Invalid Sentence	4/28/2008	4/28/2008
40. Motion for Production of Documents	7/2/2008	7/9/2008
41. Motion to Correct an Illegal Sentence	7/16/2008	7/16/2008

42. Motion for Production of Documents	7/2/2008	7/9/2008
43. Application for Post Conviction Relief	8/11/2008	8/15/2008
44. Motion to Correct an Illegally Lenient Sentence	1/5/2009	1/28/2009
45. Motion to Correct an Illegally Lenient Sentence	3/23/2009	4/8/2009
46. Petition to Annul, Vacate and Set Aside Conviction and Sentences; Nunc-Pro-Tunc	4/15/2009	4/20/2009
47. Application for Post Conviction Relief	7/20/2009	7/28/2009
48. Motion to Correct Illegal Sentence	11/25/2009	11/30/2009
49. Uniform Application for Post Conviction Relief	1/28/2010	2/1/2010
50. Uniform Application for Post Conviction Relief	4/6/2010	4/7/2010
51. Motion to Correct An Illegal Sentence	9/1/2010	9/1/2010
52. Application for Post Conviction Relief	10/21/2010	10/21/2010
53. Writ of Habeas Corpus	3/4/2011	3/9/2011
54. Motion to Correct An Illegal Sentence	8/5/2011	8/12/2011
55. Motion to Correct an Illegally Lenient Sentence	11/28/2011	12/1/2011
56. Application for Post Conviction Relief	1/12/2012	1/13/2012
57. Application for Post Conviction Relief	2/10/2012	2/10/2012
58. Application for Post Conviction Relief	7/6/2012	7/19/2012

59.	Motion to Correct an Illegally Lenient Sentence	9/28/2012	10/1/2012
60.	Motion to Correct an Illegal Excessive Sentence	5/16/2013	5/28/2013
61.	Writ of Mandamus and Prohibition	8/5/2013	8/5/2013
62.	Motion to Correct an Illegally Lenient Sentence	11/4/2013	11/13/2013
63.	Writ of Habeas Corpus	2/5/2014	2/10/2014
64.	Application for Post Conviction Relief-Motion for Appointment of Counsel	7/18/2014	7/23/2014
65.	Application for Writ of Habeas Corpus	10/6/2014	10/7/2014
66.	Application for Writ of Habeas Corpus	1/8/2015	1/12/2015
67.	Motion for Discovery, Inspection, and Bill of Particulars	3/5/2015	3/5/2015
68.	Application for Post Conviction Relief	5/28/2015	6/9/2015

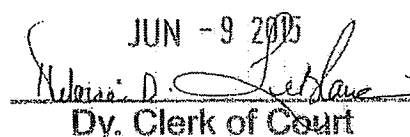
It is clear from the above that Mr. Demouchet's motion is time-barred and repetitive under the provisions of Louisiana Code of Criminal Procedure Articles 930.4 and 930.8. Therefore, defendant's "Application for Post-Conviction Relief" is denied.

Officially in Chambers at Franklin, St. Mary Parish, Louisiana, this 9<sup>th</sup> day of June, 2015.

  
EDWARD M. LEPOARD, JR.  
Judge Pro Tempore, Division D

PLEASE SERVE:  
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Louisiana State Penitentiary  
Angola, Louisiana 70712

RECEIVED AND FILED

JUN -9 2015  
  
Dy. Clerk of Court