

SUPREME COURT OF LOUISIANA

No. 15-KH-1235

STATE EX REL. FREDRICK HARRIS

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

Relator has now fully litigated 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 La.C.Cr.P. art. 930.4 to make the procedural bars against successive filings mandatory. Relator's claims have now been fully litigated in state collateral proceedings in accord with La.C.Cr.P. art. 930.6, and this denial is final. Hereafter, unless relator 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.

4-9-15 BW

FILED

APR 09 2015
B. WASHINGTON
DEPUTY CLERK OF COURT

STATE OF LOUISIANA

NUMBER 227,351 (SECTION 1)

VERSUS

FIRST JUDICIAL DISTRICT COURT

FREDRICK HARRIS

CADDO PARISH, LOUISIANA

RULING

On January 19, 2005, Petitioner was convicted of forcible rape and public bribery. For his forcible rape conviction, Petitioner was sentenced to 11 1/2 years at hard labor, with three years to be served without benefit of probation, parole or suspension of sentence. As to his conviction for public bribery, Petitioner was sentenced to serve one year at hard labor. The sentences were ordered to run concurrent to one another. Petitioner's conviction and sentence was affirmed on appeal and the Louisiana Supreme Court denied writs. *State. v. Harris*, 40,499 (La. App. 2d Cir. 12/14/05), writ denied, 2006-0741 (La. 10/6/06), 938 So.2d 67. Petitioner had two years from October 6, 2006 to file an application for post-conviction relief. Petitioner filed his Petition on October 2, 2014.

Currently before the Court is Petitioner's Application for Post Conviction Relief. For the reasons that follow below, Petitioner's motion is **DENIED**.

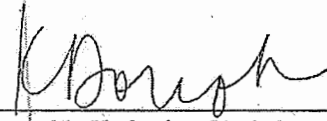
Petitioner's application is untimely. Under Louisiana Code of Criminal Procedure article 930.8, Petitioner has two years from the judgment of conviction and sentence becoming final to file his application for post-conviction relief. More than two years have elapsed between the finality of Petitioner's conviction and the filing of this application. Additionally, Petitioner does not meet the requirements for any of the exceptions to the time limitations set forth in La. C. Cr. Pr. Art 930.8.

Accordingly, this application is **DENIED**.

Petitioner also filed a Writ of Mandamus because the Court had not ruled on his application. The Writ of Mandamus is moot with the filing of this opinion. Accordingly, the Writ of Mandamus filed by Petitioner on March 19, 2015 is **DENIED**.

The Clerk of Court is directed to provide a copy of this Ruling to the Petitioner and the District Attorney.

Signed this 6th day of April, 2015, in Shreveport, Caddo Parish, Louisiana.



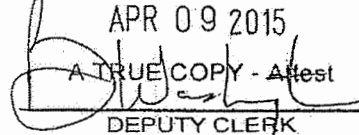
Honorable Katherine Clark Dorroh
District Judge
First Judicial District Court

ENDORSED FILED
B. WASHINGTON, Deputy Clerk

DISTRIBUTION:

Caddo Parish District Attorney's Office
501 Texas Street
Shreveport, LA 71101

Fredrick Harris #494299
DWCC-H2A
670 Bell Hill Road
Homer, LA 71040-2150

APR 09 2015
A TRUE COPY - Attest

DEPUTY CLERK