

03/24/2016 "See News Release 017 for any Concurrences and/or Dissents."

SUPREME COURT OF LOUISIANA

No. 15-KH-2355

STATE EX REL. PETE DOMINGUEZ

v.

STATE OF LOUISIANA

**ON SUPERVISORY WRITS TO THE SEVENTEENTH
JUDICIAL DISTRICT COURT, PARISH OF LAFOURCHE**

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 at least 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.

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STATE OF LOUISIANA
PARISH OF LAFOURCHE
17TH JUDICIAL DISTRICT COURT

NUMBER 478560

DIVISION "E"

STATE OF LOUISIANA

VERSUS

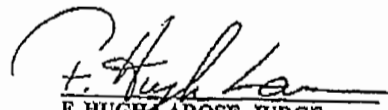
PETE DOMINGUEZ

ORDER

Louisiana Code of Criminal Procedure Article 930.4 states that "[u]nless required in the interest of justice, any claim for relief which was fully litigated in an appeal from the proceedings leading to the judgment of conviction and sentence shall not be considered." The record of the proceedings proves that the claim set forth in the application for post-conviction relief was raised in the appeal as the sole assignment of error by the defendant. As such, the claim for relief was fully litigated in the appeal. For this reason, the application for post-conviction relief filed on June 18, 2015 is dismissed pursuant to Louisiana Code of Criminal Procedure article 928.

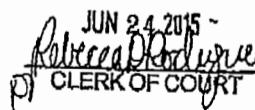
IT IS ORDERED, ADJUDICATED, AND DECREED that the application for post-conviction relief filed on June 18, 2015 is dismissed.

Signed this 23rd day of June, 2015, Thibodaux, Lafourche Parish, Louisiana.


F. HUGH LAROSE, JUDGE
17TH Judicial District Court
Division "E"

PLEASE SERVE ALL PARTIES OF RECORD

FILED

JUN 24 2015 -

CLERK OF COURT