

SUPREME COURT OF LOUISIANA

No. 16-KP-0130

STATE EX REL. OBADIAH FRANCOIS

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

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.

TWENTY-FOURTH JUDICIAL DISTRICT COURT
PARISH OF JEFFERSON
STATE OF LOUISIANA

NO. 14-2677

DIVISION "M"

STATE OF LOUISIANA

VERSUS

OBADIAH FRANCOIS

FILED: 12-4-15


DEPUTY CLERK

ORDER

This matter comes before the court on defendant's APPLICATION FOR POST CONVICTION RELIEF, STAMPED AS FILED NOVEMBER 12, 2015.

On November 10, 2014, the defendant pled guilty to count #2, LSA-R.S. 14:122, relative to public intimidation. The court sentenced him to 5 years and imprisonment at hard labor, to run concurrently with his sentences in case # 12-5376, 14-2664, and 14-2678.

The defendant now files a petition for post-conviction relief, but fails to use the proper form. Louisiana Code of Criminal Procedure Article 926 (D) requires the petitioner of a Post Conviction Relief Application "use the uniform application for post conviction relief approved by the Supreme Court of Louisiana." Subsection (E) of 926 provides, "Inexcusable failure of the petitioner to comply with the provisions of this Article may be a basis for dismissal of his application."

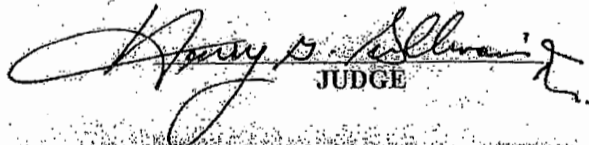
Based on the defendant's failure to follow the mandatory procedure, the petitioner's request for relief from this court is, therefore, denied.

Furthermore, defendant claims that he was incompetent at the time of his plea. The record reflects that on September 10, 2014, the court took up the Competency Hearing, finding the defendant competent to stand trial. The court finds no merit to defendant's allegations.

Accordingly,

IT IS ORDERED BY THE COURT that defendant's application for post-conviction relief be and the same is hereby **DENIED**.

Gretna, Louisiana this 4th day of December, 2015.


JUDGE

PLEASE SERVE:

PETITIONER: Obadiah Francois, 2032 Titan Street, Harvey, LA 70058.

