

05/26/2017 "See News Release 030 for any Concurrences and/or Dissents."

**SUPREME COURT OF LOUISIANA**

**No. 15-KH-2120**

**STATE EX REL. REGINALD LOMBARD**

**v.**

**STATE OF LOUISIANA**

**ON SUPERVISORY WRITS TO THE CRIMINAL  
DISTRICT COURT, PARISH OF ORLEANS**

**PER CURIAM:**

Denied. Relator's application is properly considered an application for post-conviction relief because he seeks to set aside his conviction and sentence. La.C.Cr.P. art. 924. Relator does not demonstrate that his guilty plea is invalid. La.C.Cr.P. art. 930.2. 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.

STATE OF LOUISIANA  
VS.  
REGINALD LOMBARD

41<sup>ST</sup> JUDICIAL DISTRICT COURT  
ORLEANS PARISH  
CASE NO. 511-148 "L"

RULING

Movant filed a Writ of Habeas Corpus with the 20<sup>th</sup> Judicial District Court alleging that in his *Boykin* colloquy he did not "state in the verbatim transcripts that he pleads guilty" to the charge. Because the 20<sup>th</sup> Judicial District Court deemed the pleading to be a matter of post-conviction relief, the pleading was transferred to this Court in accordance with Article 924 of the Louisiana Code of Criminal Procedure.

This Court has reviewed the pleading and the *Boykin* colloquy. The transcript reveals that after the State amended the Bill of Information to read attempted possession with intent to distribute cocaine, which was a reduction of the original charge, this Court again discussed with Movant each constitutional right being waived. See attached transcript pp. 6-13 from April 29, 2013.

The pleading is therefore DENIED.

Signed this 20 day of August, 2015, Parish of Orleans, State of Louisiana

  
\_\_\_\_\_  
JUDGE FRANZ ZIBILICH, Section "L"

**APPENDIX "B"**