

SUPREME COURT OF LOUISIANA

No. 16-KP-0443

STATE OF LOUISIANA

v.

CALVIN A. ROUSSELL, JR.

**ON SUPERVISORY WRITS TO THE THIRTY-SECOND
JUDICIAL DISTRICT COURT, PARISH OF TERREBONNE**

PER CURIAM:

Denied. A district court may dispose of an application for post-conviction relief summarily, even if it states a claim on which relief could be granted, see La.C.Cr.P. art. 928, if the factual and legal issues it presents can be resolved based on the application and other reliable documents submitted or available to the court. La.C.Cr.P. art. 929(A); *State ex rel. Tassin v. Whitley*, 602 So.2d 721, 722–23 (La. 1992). Relator fails to show any factual issues of significance are sharply contested and therefore fails to show the district court abused its discretion when it resolved his claims without an evidentiary hearing. 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	*	32 ND JUDICIAL DISTRICT COURT
VERSUS	*	PARISH OF TERREBONNE
CALVIN ROUSSELL, JR.	*	STATE OF LOUISIANA
DOCKET NO. 573,881	*	DIVISION "A"

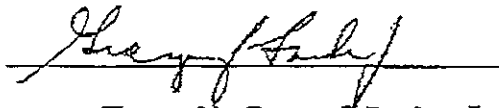
JUDGMENT DENYING POST CONVCITION RELIEF

CONSIDERING the application and answer, and supporting documents, including relevant transcripts, depositions and other reliable documents,

IT IS HEREBY ORDERED that Mr. Roussel is not entitled to relief as all factual and legal issues presented were resolved based on the face of the petition, state's answer and entirety of the record negating the need for any further proceedings.

THUS, Mr. Roussel's petition is DENIED.

SIGNED this 22nd day of October, 2015, Houma, Louisiana.

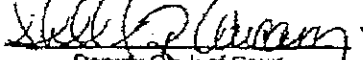

 Honorable George J. Larke, Jr.
 32nd Judicial District Court, Div. "A"

Please Serve:
 Calvin Roussel, Jr.
 DOC # 487845
 E.H.C.C. FOX-6-d
 P.O. Box 174
 St. Gabriel, Louisiana 70776

Marian Hamilton
 Thru Office of District Attorney
 7856 Main Street
 Courthouse Annex Ste. 220
 Houma, LA 70360

FILED

OCT 23 2015


 Deputy Clerk of Court
 Parish of Terrebonne, LA

I HEREBY CERTIFY THAT

DeA
Mario d
 has received a conformed copy of this pleading
 on 10-27-15
Walter J. Curran
 Deputy Clerk of Court
 Parish of Terrebonne
 Houma, Louisiana

SERVICE ACCEPTED - CITATION
 AND OTHER NOTICES WAIVED -
 ALL OTHER RIGHTS RESERVED

Rhonda Crochet
10-27-15
 District Attorney's Office

EXHIBIT
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